

[OP ADMINISTRATIVE ORDER NO. 21, September 29, 1998]

IMPOSING THE PENALTY OF SUSPENSION FOR ONE (1) YEAR WITHOUT PAY ON ASSISTANT PROVINCIAL PROSECUTOR ROGELIO P. CLOSA OF NUEVA ECIJA

This is an administrative complaint filed by Atty. Felicisimo N. Buazon against Assistant Provincial Prosecutor Rogelio P. Closa of Nueva Ecija for Grave Misconduct and Conduct Unbecoming of a Public Official.

It appears that complainant is the counsel of the accused in Criminal Case No. 3707, entitled "People vs. Felicidad Reyes" before Branch 87, Regional Trial Court, Gapan, Nueva Ecija.

Complainant alleges that on December 5, 1996, after learning that private complainant was represented by only one witness, Reynaldo Diego, he moved for the dismissal of said case, precipitating a heated argument between him and respondent prosecutor. While the presiding judge was going over the records of the case, respondent whispered "*Buntalan na lang tayo*" to complainant and the latter replied "*Bahala ka*". Respondent then tried to attack complainant from behind but complainant was able to ward off his fist blows. The court threatened to hold them in contempt should they persist in their actuations.

During the second call of the case, complainant reiterated his motion to dismiss the criminal case, which made respondent angry. After the hearing, when complainant was about to leave the courtroom, respondent challenged complainant to a fistfight. Outside the courtroom, respondent waited. Upon complainant's exit, respondent attacked and assaulted him with fist blows. To prevent complainant from parrying the blows of respondent, a driver-bodyguard of respondent held the hands of complainant. Respondents then hit the face and lower left breast of complainant in the presence of onlookers who tried to pacify the parties. After the mauling incident, complainant went to the Gapan Police Station to report the incident where respondent followed him and challenged him to a fight.

Complainant then submitted himself to a medical examination before Dr. Paquito Alarilla and then to Dr. Manalo P. Hernal. Jr. Dr. Hernal's physical examination showed the following lesions, to wit: a) hematoma and abrasions on left zygomatic area; and (b) hematoma and abrasion on the left inframammary area. Dr. Hernal prepared a medical certificate containing the said findings and stating that the injuries within heal within four (4) weeks time, barring unforeseen complications. On the other hand, Dr. Alarilla, who was presented by respondent, found the following observations, to wit: hematoma left face, no other physical findings noted, three to five days healing without varying complication.

During the formal investigation conducted by the Office of the Regional State