

[OP ADMINISTRATIVE ORDER NO. 23, September 29, 1998]

IMPOSING THE PENALTY OF SUSPENSION FOR ONE (1) YEAR WITHOUT PAY ON ASSISTANT PROVINCIAL PROSECUTOR CRISPULO TRUYA, PROVINCIAL PROSECUTION OFFICE OF CEBU

This refers to the administrative complaint filed by Jesus Gelig Sr. against Prosecutor Crispulo Truya, 4th Assistant Provincial Prosecutor of Cebu, for gross negligence and inefficiency in the performance of duty.

From the records, it appears that on August 26, 1991, complainant was arrested by virtue of a warrant issued by the Municipal Circuit Trial Court of Daabantayan-Medellin Cebu on charges of direct assault with attempted homicide. The court conducted the preliminary investigation and found probable cause to hold complainant for the offense charged.

Thereafter, complainant was brought to the Cebu Provincial Detention and Rehabilitation Center where he was detained since October 3, 1991, until he was ordered released by the Regional Trial Court of Cebu on February 14, 1996, for having practically served the imposable penalty of the offense charged.

Complainant alleged that the delay in the resolution of his case is traceable to respondent's gross neglect in not filing immediately the information in court after his case was elevated to the Provincial Prosecution Office.

Respondent in his defense narrates that as far back as February 5, 1992, he had made his first draft of the information for direct assault with attempted homicide against complainant herein, followed by a June 2, 1992 draft and followed by his last draft dated June 10, 1992. The last draft, respondent claimed, bears a big check mark on the upper left hand corner indicating that it was ready to be finalized.

Meanwhile, respondent prosecutor, on May 16, 1994, was suspended for one (1) year for gross misconduct pursuant to Administrative Order No. 128 issued by this Office.

To exculpate himself, respondent submitted a photocopy of the subscribed affidavit of desistance signed by complainant dated April 5, 1996. Respondent certified the affidavit to be a true copy of the original on file.

Records show that complainant's case was assigned to respondent on October 7, 1991. After the requisite preliminary investigation, respondent recommended on September 30, 1995, the filing of an information in Court. On October 23, 1995, the information was approved for filing in court but it was actually filed in court only on February 1, 1996. On February 14, 1996, the Regional Trial Court dismissed the case and ordered the release of complainant.