

[OP ADMINISTRATIVE ORDER NO. 24, September 29, 1998]

IMPOSING THE PENALTY OF FORCED RESIGNATION ON 2ND ASSISTANT CITY PROSECUTOR ALBERTINO P. MATA, JR. OF MANDAUE CITY

This has reference to the administrative complaint filed against 2nd Assistant City Prosecutor Albertino P. Mata, Jr., of the City Prosecution Office of Mandaue City, for misconduct, conduct prejudicial to the best interest of the service, habitual tardiness, unauthorized absences from office and refusal to perform official duties.

Records show that City Prosecutor Ferdinand Peque of Mandaue City repeatedly issued several memoranda (dated June 28, 1994, June 29, 1994, September 16, 1994, October 19, 1994, February 22, 1995 and April 29, 1995) directing Prosecutor Mata to attend to the cases assigned to him because the cases under preliminary investigation, which by then were increasing, had remained unresolved beyond the reglementary period of sixty (60) days, while those cases pending trial had either been postponed or provisionally dismissed due to his (Mata's) absences. Relative to the cases pending trial, Regional State Prosecutor (RSP) Hernando Masangkay of Region VII and City Prosecutor Peque were furnished copies of various orders from the court where Prosecutor Mata was the trial prosecutor, all indicating that the latter had not been attending to the cases, thus resulting either to their postponement or provisional dismissal.

Thereupon, in view of the failure of Prosecutor Mata to comply with the aforementioned directives, City Prosecutor Peque formally lodged a complaint against the former with the Office of the Regional State Prosecutor of Region VII. RSP Masangkay then directed State Prosecutor (SP) Primo C. Miro to conduct a formal investigation on the said complaint against Prosecutor Mata who, despite the opportunity given him, failed to submit any controverting evidence. Based solely on complainant's allegations, SP Miro resolved the case and recommended the dismissal from the service of Prosecutor Mata to which RSP Masangkay concurred. Subsequently, Prosecutor Mata sought a reinvestigation of the case which was followed by a letter of resignation dated October 11, 1995. However, considering that said resignation letter could not be acted upon due to the pendency of the instant administrative case, the request for reinvestigation was favorably considered.

In his comment/answer, respondent prosecutor admits having been remiss in the discharge of his duties. According to him, he is experiencing the so-called "mid-life crisis", adding that he has been feeling empty and uncertain ever since he realized that he was getting older and that his children had all grown-up. In the same comment/answer, he appeals for compassion, promising to make amends by attending to his cases.