

# MALACAÑANG

Manila

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 43

SUSPENDING PROSECUTOR II PERPETUO L.B. ALONZO OF QUEZON CITY  
FOR A PERIOD OF ONE (1) MONTH WITHOUT PAY

This refers to the administrative complaint filed against Prosecutor II Perpetuo L.B. Alonzo of Quezon City for the unreasonable delay incurred in the transmittal to the Department of Justice of the records in I.S. No. 89-1300, entitled "Tessie Marcelino versus Shirley Pascual and Lenida Herrera" for Estafa and Violation of BP Blg. 22, and in I.S. No. 89-2901, entitled "Shirley Pascual and Lenida Herrera versus Tessie Marcelino" for Violation of the National Internal Revenue Code; thereby resulting in the long delay in the resolution of the appeal filed therein.

In his Memorandum of April 25, 1991, the Secretary of Justice stated that:

"The records show that in the letter-explanations submitted by the clerical staff thru the City Prosecutor, namely Mesdames Marilou Escolin, Ambrocia Fortuno and Armida Bayquen, to whom the records of the aforesaid cases passed through, they attributed the cause of the delay in the transmittal of the records to respondent prosecutor, stating therein that the matter on the elevation of the records was referred to him and that he was being reminded from time to time about it.

"On the other hand, in his letter-explanation, respondent prosecutor vehemently denied the accusation against him. He alleges, among others, that Escolin was assigned as his secretary and, together with Prosecutor Reas, shared her secretarial services; that she was frequently absent from office especially during periods of peak workload; that she was very inefficient and recreant in her duties; thus prompting respondent prosecutor and Prosecutor Reas to seek for her replacement; that even when Escolin was relieved as respondent prosecutor's secretary, he was not informed of the said directive relative to the elevation of records and it only came to his knowledge at a much later date when

/s/

his new secretary, Armida Bayquen, informed him about it; that by then, he was no longer assigned as trial prosecutor at Branch 84 of the RTC , Q.C.; that, thereupon, he instructed his new secretary to turn over the said records to the newly-assigned prosecutor at Branch 84, but his new secretary informed him that as a matter of routine the records would be returned to the Records Division; that he could not explain how said records could have been mislaid for some time as he regularly followed-up the work of his secretary and that he acted on all matters requiring his attention with diligence and dispatch; that he did not have any intention to delay the elevation of the records to the Department for review; and that finally, the circumstances in this case show that the long delay was due to factors beyond his control;

"Evaluating carefully the comment of respondent prosecutor in light of the explanations of the clerical staff involved, we find his explanation unsatisfactory.

"In his comment, respondent prosecutor attributed the long delay in the elevation of the aforesaid records to the inefficiency of his former secretary, Ms. Escolin. While there may be some truth to his allegation that he found Ms. Escolin to be recreant and inefficient in her duties as secretary, as he in fact sought her replacement, her inefficiency, however, appears to have no direct bearing to his failure to comply with the directive of this Office.

"The records clearly show that on August 9, 1989, Ms. Escolin received, in behalf of respondent prosecutor, the directive requiring the elevation of the records. However, the following day, August 10, 1989, she was relieved as respondent prosecutor's secretary, but, before leaving her assignment, she conducted and

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submitted an inventory of all the cases she received, including the records in question, and, accordingly, turned them over to respondent prosecutor's new secretary, Ms. Bayquen, on the same day. With this turn over, Ms. Escolin was thenceforth relieved of her responsibility to accomplish whatever clerical work was needed to be done in order to comply with the aforesaid directive, said responsibility having been in turn assumed by Ms. Bayquen. Apparently, it is at this point in time that the inaction on the aforesaid directive commenced. It appears that from August 10, 1989, the day Ms. Bayquen received the records from Ms. Escolin, it was only sometime in the month of February 1990 that the said records resurfaced, only to be turned over to the Records Section for safekeeping. Seemingly, for six (6) months, more or less, the records of the aforesaid cases remained unattended to, despite the said directive requiring the elevation thereof to this Office.

"While we cannot totally blame respondent prosecutor for this inaction, considering that his secretary also had the corresponding responsibility to accomplish the clerical work required in the elevation of the records to this Office, we believe, however, that his failure to exercise due diligence in the performance of his duties and functions resulted in a prejudice to the interests of the litigants. We opine that if he were only more vigilant and conscientious in the performance of his duties, this situation would not have arisen. Although we are not unminóful of the volume of work being performed by a prosecutor, it still taxes our mind that six (6) months was allowed to lapse before action was taken on the directive of this Office. This failure, therefore, clearly contravenes the mandate of this Office to expedite the disposition of cases under preliminary investigation in the interest of the public *service.*

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"The fact that respondent prosecutor was reassigned to another RTC Branch has, likewise, no bearing on respondent prosecutor's failure to act on our directive considering that said reassignment became effective only on May 15, 1990. By that time, the records in question had long been inadvertently turned over to the Records Section by Ms. Bayquen.

"In view of the foregoing, we find Prosecutor II Perpetuo L.B. Alonzo liable for Simple Neglect of Duty and hereby recommend his SUSPENSION for one (1) month without pay, with a stern warning that a repetition of the same omission shall be dealt with more severely."

I agree with the Secretary of Justice.

WHEREFORE, Prosecutor II PERPETUO L. B. ALONZO is hereby found guilty of Simple Neglect of Duty and, accordingly, suspended for a period of one (1) month without pay, with a stern warning that a repetition of the same offense shall be dealt with more severely, effective upon his receipt of a copy of this Administrative Order.

DONE in the City of Manila, this 3rd day of March , in the year of Our Lord, nineteen hundred and ninety-three. /r



By the President:



**ANTONIO T. CARPIO**  
Chief Presidential Legal Counsel