



MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 68

SUSPENDING MR. ANTONIO G. ISIP FROM OFFICE AS ASSISTANT FISCAL
OF MANILA.

This is an administrative case against Mr. Antonio G. Isip, assistant fiscal of Manila, who is charged with (1) prejudicial negligence, (2) discourtesy, (3) lack of interest in the performance of official duty and (4) partiality. After going over the record, I am satisfied that the last charge has not been sufficiently established.

Regarding the first charge, it appears that on January 18, 1954, at 2 P.M., Adriano D. Merida and his wife, Carmen Candaza, the accused in I.S. No. 336, for grave slander, filed by Ester Landicho, appeared before Fiscal Isip in obedience to a subpoena issued by the latter, dated January 11, 1954, requiring their appearance that afternoon. After the couple had waited for more than half an hour and the complainant had not shown up, the respondent fiscal told them to go home, assuring them that he would drop the case for non-appearance of the complainant. However, at 11 A.M. the following day, January 19, 1954, Carmen Candaza was arrested by virtue of a warrant of arrest issued in Criminal Case No. 25272, for grave slander filed against her by the respondent fiscal before the Court of First Instance of Manila on January 13, 1954, which was the very case he promised to drop the previous day. Unable to file a bond, Carmen Candaza was detained in jail where she stayed up to the morning of January 21, 1954, with her six-month-old child who was ill.

The above facts are not disputed by the respondent. In fact he admits having promised to drop the case against Carmen Candaza in the erroneous belief that it had not yet been filed in court. He explains, however, that a mistake was made by his stenographer, Mariano Andrada, as the one he (respondent) intended to summon was the complainant for the latter to sign the complaint, and that he was confused because he did not make a record of the status of the case, attributing his oversight to pressure of work.

Respondent's explanation is not satisfactory. He could not have intended to summon the complainant to sign her complaint because she already signed and swore to it on January 11, 1954, which enabled him to file the complaint on January 13, 1954. Had he been attentive to his work, he could have discovered the alleged mistake of his stenographer because it is hard to believe

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that he did not know that the complainant signed and swore to her complaint on January 11, 1954, the very day the subpoena to Carmen Candaza was also prepared.

While no malicious motive on the part of the respondent has been shown, I am convinced that he was negligent in the performance of his duty, resulting in the detention of Carmen Candaza in jail which she had not in the least anticipated in view of his previous assurances that the case would be dropped.

As to the second and third charges, which are interrelated, Dr. Vicente Siojo alleges that he was the complainant in a case for trespass against one Romeo Marfil which was assigned to Fiscal Isip; that on two occasions he approached the fiscal for the purpose of acquainting him with the facts of the case but respondent paid no attention to him; and that during the trial of the case in Branch III of the Municipal Court of Manila the respondent was so indifferent to the prosecution of the case that Judge Francisco Geronimo asked him: "Why didn't you confer with your witness before entering the trial?" The judge even told the complainant that he should have hired a private prosecutor.

Denying the charge of indifference to duty, the respondent explains that the case was dismissed because the complainant admitted at the trial that he had given permission to the accused to go to his (complainant's) house; that he really met Dr. Siojo in the yard of the court, but apparently the doctor wanted indirectly to be given some pointers as to what he would say in court, so he tried his best in a diplomatic way to avoid the doctor; and that this was probably the reason why Dr. Siojo complained against him.

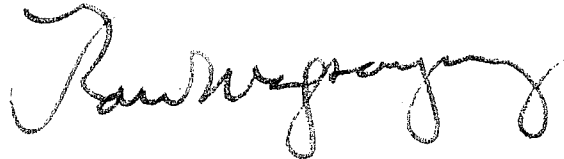
The explanation of the respondent is partly an admission of the charges of indifference and discourtesy. How can he ever handle his cases efficiently if he avoids meeting even the complainants? And how could he say that Dr. Siojo wanted indirectly to be coached in his testimony when the doctor had not yet informed him what he wanted? Moreover, the respondent, beyond making a general denial of the charge of indifference to public duty, has not squarely denied or explained the alleged uncomplimentary remarks of the trial judge.

It may be well for the respondent to know that there is more than the legal aspect involved in a criminal case. The office of a fiscal is a public office and the incumbent thereof is a public servant. The public, especially the aggrieved parties and their witnesses, has a right to expect attention from that


office and the incumbent thereof. In this respect, the respondent has been wanting.

In view of the foregoing, I find the respondent guilty of prejudicial negligence and discourtesy. Upon the recommendation of the Secretary of Justice, he is hereby suspended from office for a period of one month without pay, effective upon receipt of notice hereof. He is further severely reprimanded and admonished to be more careful in the discharge of his duties as repetition of similar acts in the future will be dealt with more severely.

Done in the City of Manila, this 14th day of October, in the year of Our Lord, nineteen hundred and fifty-four, and of the Independence of the Philippines, the ninth.



By the President:



FRED RUIZ CASTRO
Executive Secretary