

February 24, 1984, and First Tracer dated December 5, 1984, of which no compliance thereto has been made. Compliance herewith is hereby enjoined under pain of administrative sanction."

Then again, in a letter of June 17, 1987, Fiscal Narajos was directed by the Chief State Prosecutor to conduct an investigation of the criminal complaint for multiple murder and frustrated murder against Mr. Tano, et al., to inform his (Chief Prosecutor's) office if the case has been forwarded to his Office by the Municipal Circuit Court of Makilala-Talunan, and to submit his comment and report within five (5) days from receipt thereof.

Despite receipt of the letter of June 17, 1987, Fiscal Narajos did not submit any report regarding the case involving Mr. Tano. Hence, on September 1, 1987, he (Fiscal Narajos) was directed to show cause why no administrative complaint should be filed against him for gross insubordination for his failure to comply with the directives contained in the letter dated June 17, 1987.

In his answer, dated September 21, 1987, Fiscal Narajos explained, among others, that:

"We have been exerting efforts to find whether we received the case from Talunan, unfortunately we have not received it, however, we verified about the case and per order of the Judge, the case had been archived or sent to the file because the accused are at large and not having been arrested. We are attaching a copy of the archive of the court and the alias warrant of arrest issued by the Municipal Judge of Talunan. The case is quite strong because all the accused have been identified as the perpetrators. We cannot investigate the case because the accused are at large and in order to show their good faith, they must first surrender to the authorities, for it might create a dangerous

precedence for the accused to be asking for an investigation without surrendering to the government
x x x.

"I do not mean to delay the administration of justice but our records had been misplaced since we have been transferring offices for more than five times. This case was formerly assigned to former Fiscal Francis Palmones and I had presumed that he had already answered the communications regarding this matter."

In his memorandum mentioned at the outset, the Secretary of Justice, said:

"x x x It was only after our letter of September 1, 1987, that he (Fiscal Narajos) finally furnished this Department with the much needed information. His inaction to our directives show his open defiance to lawful orders which should not be countenanced.

"Although Fiscal Narajos' explanation that he had been transferring offices for more than five (5) times and that the case was previously assigned to Fiscal Francis Palmones maybe taken as mitigating, however, we find no justifiable reason why he could not immediately comply with a simple request/directive from this department."

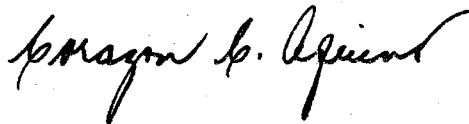
The foregoing explains the Justice Secretary's recommendation that Fiscal Narajos be meted the penalty of suspension from the service for one (1) month without pay, with an admonition that matters referred to him by the Justice Department be acted upon immediately to avoid delay in the dispensation of justice.

After a careful review of the case, I agree in the observations and recommendation of the Secretary of Justice, supported as they are by the evidence on record.


WHEREFORE, and upon the recommendation of the Secretary of Justice, Provincial Fiscal Aquiles P. Narajos of Kidapawan, Cotabato, is hereby suspended from office

for one (1) month without pay, effective upon receipt of a copy hereof, and admonished to attend expeditiously to all matters referred to him by the Department of Justice to avoid delay in the administration of justice.

Done in the City of Manila, Philippines, this 18th day of January in the year of Our Lord, nineteen hundred and eighty-nine.



By the President:



CATALINO MACARAIG, JR.
Executive Secretary