

MALACAÑANG

Manila

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 25

DISMISSING FROM THE SERVICE FIRST ASSISTANT PROVINCIAL
PROSECUTOR DIOSDADO S. IBAÑEZ OF THE PROVINCIAL
PROSECUTION OFFICE OF TARLAC

This refers to the administrative complaint filed by Mrs. Norma L. Baldoz against First Assistant Provincial Prosecutor Diosdado S. Ibañez of the Provincial Prosecution Office of Tarlac, for Extortion, Dishonesty and Gross Misconduct.

The relevant antecedent facts are stated in the Memorandum for the President, dated November 4, 1992, of the Secretary of Justice, to wit:

"Complainant alleges that she is the widow of PNP Senior Inspector Macario Baldoz, whose killing was the subject of a preliminary investigation, docketed as Criminal Case No. 4719 entitled 'People vs. Caesario Millo, et. al.', before the Municipal Circuit Trial Court (MCTC) of Gerona, Tarlac. The court found a prima facie case for double murder against the accused. The case was elevated to the Office of the Provincial Prosecutor of Tarlac for action. Respondent prosecutor was assigned to review the resolution of the MCTC. It was during his review of the case that respondent prosecutor demanded ₱10,000.00 in consideration of his affirmance of the resolution of the MCTC. Complainant was only able to pay over ₱1,000.00 to respondent prosecutor. Consequently, in a resolution dated 6 March 1992, respondent prosecutor found prima facie cases for double homicide only against two (2) of the respondents while dismissing the case against the other respondents for insufficient evidence

"In a 1st Indorsement dated 28 April 1992, the Office of the Regional State Prosecutor, Region III, was

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"In view of the foregoing, the Office of the Regional State Prosecutor found respondent prosecutor liable for the offense of 'receiving for personal use of a fee, gift or other valuable thing in the course of official duties or in connection therewith when such fee, gift or other valuable thing is given by any person in the hope or expectation of receiving a favor or better treatment than that accorded to other persons' and, pursuant to R.A. 6713 (the 'Code of Conduct'), P.D. 807, as amended (the 'Civil Service Law') and Civil Service Commission Resolution No. 89-506 dated 20 July 1989, recommends the dismissal or forced retirement of respondent prosecutor from the service."

The Secretary of Justice, in the aforesaid memorandum, concurred in the recommendation of the Regional State Prosecutor for respondent's dismissal from the service. We quote the pertinent findings and conclusions of the Secretary of Justice.

"The issue of whether or not respondent prosecutor demanded from complainant, or was merely given, the amount of ₱1,000.00, in consideration for an action which he might take in the course of dispensing his functions as a public prosecutor, is insignificant. The undisputed fact is that he received ₱1,000.00 from the complainant under circumstances which would not have been made possible had not respondent prosecutor been in his position as such and tasked with the review of the resolution from the MCTC. Respondent prosecutor misused his office to his personal aggrandizement.

"Respondent prosecutor's admission of receiving and later returning the amount because he could not legally /

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sustain the findings of the MCTC, is positive proof of gross misconduct in office. He could have, if his intentions were upright and above suspicion, immediately returned the money left by complainant. Instead, the said amount is allegedly lodged with the wife of his cohort, Antonio Leño.

"WHEREFORE, considering the foregoing, it is respectfully recommended that First Assistant Provincial Prosecutor DIOSDADO S. IBÁÑEZ of Tarlac be DISMISSED from the service with forfeiture of all salaries and benefits which may be due him."

After circumspect review, I am in complete accord with the above findings and recommendation of the Secretary of Justice. The evidence unerringly suggest that respondent received the amount in question in consideration of the favor which complainant was seeking from him. Such being the case, his continuance in office will definitely tarnish the good name of the prosecution service, to say nothing of the fact that it will imperil the dispensation of fair and impartial justice. Needless to stress, a public office is a position of trust and public service demands of every government office or employee, no matter how lowly his position may be, the highest degree of responsibility, integrity and honesty.

WHEREFORE, and as recommended by the Secretary of Justice, respondent First Assistant Provincial Prosecutor Diosdado S. Ibañez of Tarlac, is hereby DISMISSED from the service, with forfeiture of all salaries and benefits which may be due him, effective upon receipt of a copy hereof.

Done in the City of Manila, Philippines, this 28th day of December, in the year of Our Lord nineteen hundred and ninety-two.



By the President



EDELMIRO A. AMANTE, SR.
Executive Secretary