

MALACAÑANG
Manila

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BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 61

IMPOSING THE PENALTY OF DISMISSAL FROM THE SERVICE ON
3RD ASSISTANT PROVINCIAL PROSECUTOR MANUEL M. MADDELA
OF BULACAN

This refers to the administrative complaint filed by the Provincial Prosecutor of Bulacan against 3rd Assistant Provincial Prosecutor Manuel M. Maddela for neglect in the performance of duty.

The charge against respondent stemmed from the official communication of two municipal judges of Bulacan, namely, Hon. Romeo A. Quilantang and Hon. Philbert I. Iturralde, stating that respondent was absent in no less than 13 instances from his court duty at the Municipal Trial Court of Obando, and for 6 settings from his court duty at the Municipal Trial Court of Doña Remedios Trinidad which eventually led to the dismissal of a criminal case.

Since respondent did not elect a formal investigation of the complaint, the same was resolved based on the complaint filed and answer/comment submitted, including the evidence presented.

Respondent admitted having incurred said absences. However, he advanced various reasons therefor, such as failure to receive court notices for the scheduled trial dates, conflict of schedules, death threats on his life, flooded and damaged roads, sickness, and attendance to other personal activities.

The Secretary of Justice found respondent guilty of gross neglect of duty and recommended that he be dismissed from the service. The explanation given by the Secretary pertinently reads:

"No less than two Municipal Trial Court Judges certify that respondent was remiss in his duties as prosecutor. Precisely, it was the judges who brought to the attention of the Provincial Prosecutor, the frequent absences of the respondent.

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"Records also show that this is not the first time the Provincial Prosecutor filed an administrative complaint against the herein respondent. In fact, Prosecutor Liberato Reyes lodged, on June 8, 1990, an administrative complaint against Prosecutor Maddela, charging him with various offenses ranging from habitual absences, failure to attend preliminary investigation, delay in disposition of cases, engaging in non-prosecutorial jobs, insubordination, dismissing cases filed in court without the knowledge of the provincial prosecutor, and non-payment of just debts. Only the timely withdrawal of the complaint by the provincial prosecutor saved the respondent from being penalized. However, such actuations on the part of the respondent prosecutor do not speak well of his attitude towards his job, as well as his position as a government official."

At the outset, it must be stressed that the findings of the Secretary of Justice is only recommendatory in nature (Cuyegkeng vs. Cruz, 108 Phil. 1147), since the President has administrative disciplinary authority over respondent, who is a presidential appointee.

This brings to the fore the core issue of whether respondent should be held administratively liable for gross neglect of duty.

I concur with the findings of the Secretary of Justice.

The frequent absences of respondent constitute serious neglect of duty and conduct prejudicial to the best interest of the service. Such conduct is not only deplorable, it is likewise condemnable for it violates the norm of public accountability.


WHEREFORE, premises considered, respondent
3rd Assistant Provincial Prosecutor Manuel M. /y

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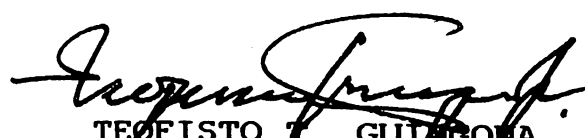
Maddela of Bulacan is hereby dismissed from the service effective immediately.

Done in the City of Manila, this 10th day of July in the year of Our Lord, nineteen hundred and ninety-three.



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By the President:



TEOFISTO T. GUIGONA, JR.
Executive Secretary