

Office of the President
of the Philippines
Malacañang

By the President of the Philippines

ADMINISTRATIVE ORDER NO. 173

IMPOSING THE PENALTY OF DISMISSAL FROM THE SERVICE WITH
FORFEITURE OF ALL THE BENEFITS UNDER THE LAW OF
ASSISTANT CITY PROSECUTOR EDUARDO D. RESURRECCION OF
QUEZON CITY

This refers to the administrative complaint against
Assistant City Prosecutor Eduardo D. Resurreccion of Quezon
City for gross neglect of duty.

The records disclose the following:

In a letter-complaint dated 14 June 1994 of City
Prosecutor Candido V. Rivera of Quezon City, herein
respondent prosecutor, Eduardo D. Resurreccion, was formally
charged and investigated for his failure to resolve eighty-
seven (87) criminal cases assigned to and received by him
for preliminary investigation within the prescribed sixty
(60) days from date of assignment under Department Circular
No. 49 series of 1993 which amended Department Circular No.
35, dated September 17, 1991. His pending and unresolved
cases as of June 14, 1994 dated back as early as March 22,
1993 to April 14, 1994. The same are listed in a document
denominated as "Report of Cases Which Have Remained Pending
Beyond the 60-Day Period From The Date of Receipt By The
Investigating Prosecutor", prepared and submitted to the
Quezon City Prosecutor by Second Assistant City Prosecutor
Ismael P. Casabar who is the Chief of the Prosecution
Division of the Quezon City Prosecutor's Office.

Simultaneous with the issuance of the formal charge in
the instant administrative case, respondent prosecutor was
placed under preventive suspension for ninety (90) days
without pay, pursuant to the provisions of Section 51,
Chapter 7, Subtitle A, Title 1 Book V, of the Administrative
Code.

Despite numerous opportunities accorded him to file his
comment or answer to the administrative charge against

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him, Prosecutor Resurreccion failed to do so. During the formal investigation held on August 23, 1994, he offered no objection as to the existence and authenticity of complainant's pieces of evidence. Consequently, the case was submitted for resolution without controverting evidence from respondent prosecutor.

After due formal investigation, the Secretary of Justice found the following:

"Without doubt, Prosecutor Resurreccion has greatly neglected his duty to resolve the eighty-seven (87) criminal cases assigned to him for preliminary investigation. His failure to act on these cases beyond the prescribed period under Department Circular No. 35, series of 1991, as amended by Department Circular No. 49, series of 1993, betrays his inefficiency and unfitness to discharge the duty of a public prosecutor. The number of his pending cases is highly irregular and bespeaks of the seriousness of his omission which resultantly affects the administration of justice and depreciates the people's confidence in our justice system. To compound the gravity of his administrative negligence, respondent prosecutor has, to this day, failed to turn over the records of his unresolved cases to the City Prosecutor of Quezon City despite respondent prosecutors' prior receipt of the corresponding directive from this Department to do so.

"There being no justification or explanation for his gross neglect of duty and in view of the enormity of his unresolved cases to date, he should be meted the penalty of dismissal from the service pursuant to Memorandum Circular No. 30, series of 1989, of the Civil Service Commission.

"WHEREFORE, finding respondent Eduardo D. Resurreccion guilty of the administrative offense of gross neglect of duty, it is hereby recommended that he be dismissed from the service with forfeiture of all benefits under the law."

In view of the foregoing, and as recommended by the Secretary of Justice, respondent Assistant City Prosecutor

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EDUARDO D. RESURRECCION is hereby dismissed from the service with forfeiture of all the benefits under the law.

Done in the City of Manila this 20th day of December in the year of the Lord, nineteen hundred and ninety four.

SO ORDERED.

Manila, Philippines.

By Order of the President:


TEOFISTO T. GOINGONA, JR.
Executive Secretary

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