

MALACAÑANG  
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 139

SUSPENDING ASSISTANT CITY FISCAL NORMA B. SIAO OF ILIGAN CITY FOR ONE MONTH AND ONE DAY.

This is an administrative case against Assistant City Fiscal Norma B. Siao of Iligan City for neglect of duty, grave misconduct, discourtesy in the course of official duties, inefficiency and incompetence in the performance of officials functions, and conduct prejudicial to the best interest of the service.

The case was the offshoot of a sworn complaint-affidavit dated October 23, 1987, filed by herein complainant Jose L. Salinas against City Fiscal Ulysses V. Lagcao and Assistant City Fiscal Norma B. Siao of Iligan City, in connection with the charges/counter-charges filed by and between complainant and his spouse Virginia Salinas.

Records show that, on March 2, 1987, Virginia Salinas filed a criminal complaint for attempted parricide (I.S. No. 87-238) against her husband, Jose Salinas, before Iligan City Fiscal Ulysses Lagcao. After due investigation, on March 5, 1987, an information for attempted parricide was filed in court by Fiscal Lagcao.

On April 24, 1987, complainant filed a counter-charge for the same felony against his wife, which case was assigned to Fiscal Norma B. Siao. On October 15, 1987, or more than seven (7) months from the commission of the crime, Fiscal Siao recommended the filing of an information for slight physical injuries only, which was approved by the City Fiscal. However, in an order of October 19, 1987, the Municipal Trial Court of Iligan City dismissed the case for having already prescribed. Inquest Fiscal Norma B. Siao moved to reconsider said order, but the same was denied by the court in its subsequent order of November 24, 1987.

Likewise, in a resolution, dated August 21, 1987, Fiscal Siao recommended the dismissal of I.S. No. 87-743 filed by complainant against his wife for uttering statements derogatory to his person, on the ground that the evidence on hand was insufficient to establish a prima facie case. Moreover, I.S. No. 87-713, also filed by complainant against his wife for theft and false reporting was similarly recommended to be dismissed by Fiscal Siao.

Resolving the complaint of Salinas against Fiscal Siao, the Secretary of Justice, after appropriate proceedings, found respondent fiscal guilty of inefficiency. For insufficiency of evidence, however, the other charges against respondent were ordered dismissed. As observed by the Justice Secretary:

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"While there is basically nothing irregular when Fiscal Siao granted postponements on valid grounds or exerted efforts to reconcile the parties as the circumstances may warrant, such should not be made as an excuse for her inability to act with dispatch in the resolution and disposition of her assigned cases. Precisely, Ministry Circular No. 1 dated January 7, 1985, enjoins her as investigating fiscal to terminate her investigation within a period of sixty (60) days from the date of filing of the complaint, and any extension of said period, granted by the head office, for meritorious reasons, should not exceed thirty (30) days. Sad to note, Fiscal Siao's failure to observe said circular resulted in the dismissal of the case. Whether or not the dismissal was correct is not for us to decide. As far as we are concerned, she has failed to perform her duty with the highest degree of responsibility and efficiency. In fact, Fiscal Siao's Individual Accomplishment Report for 1987 shows that while she has been assigned a total of two hundred thirty three (233) cases in said year, for preliminary investigation, she was able to comply with the sixty (60) day deadline only in around 43% of the cases. Accordingly, we find her guilty of inefficiency which is a less grave offense. Her heavy workload may be considered as a mitigating circumstance. For insufficiency of evidence, the other charges against her are ordered dismissed. (Underscoring supplied.)

"In view of the foregoing, and applying the rule on the manner of imposing penalties under CSC MC No.8, June 26, 1970, it is respectfully recommended that Assistant City Fiscal Norma B. Siao of Iligan City be suspended from the service for a period of one month and one day."

After a careful review, this Office concurs in the findings and recommendation of the Secretary of Justice. Evidently, Fiscal Siao had fallen far short of what is expected of her in the discharge of her duties as public prosecutor. Being enjoined under Ministry (now Department) of Justice Circular No. 1 dated January 7, 1985, to terminate her preliminary investigation within a period of sixty (60) days, respondent, in disregard of said circular, resolved the complaint for attempted parricide filed by Salinas against his wife only after six (6) months from the date of filing thereof, thereby resulting in the

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dismissal by the court of the information for slight physical injuries on ground of prescription. Needless to stress, respondent had been remiss in the discharge of her duties, which requires the exercise of the highest degree of responsibility.

WHEREFORE, and as recommended by the Secretary of Justice, Fiscal Norma B. Siao of Iligan City is hereby suspended from the service for a period of one (1) month and one (1) day with forfeiture of pay and allowances, effective upon receipt of a copy hereof.

Done in the City of Manila, this 20th day of September, in the year of Our Lord, nineteen hundred and eighty-nine.

*Corazon S. Aquino*

By the President:

*Catalino Macaraig, Jr.*  
**CATALINO MACARAIG, JR.**  
Executive Secretary