

**MALACAÑANG**  
**Manila**

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 24

**IMPOSING THE PENALTY OF FORCED RESIGNATION ON 2<sup>ND</sup> ASSISTANT  
CITY PROSECUTOR ALBERTINO P. MATA, JR. OF MANDAUE CITY**

This has reference to the administrative complaint filed against 2<sup>nd</sup> Assistant City Prosecutor Albertino P. Mata, Jr., of the City Prosecution Office of Mandaue City, for misconduct, conduct prejudicial to the best interest of the service, habitual tardiness, unauthorized absences from office and refusal to perform official duties.

Records show that City Prosecutor Ferdinand Peque of Mandaue City repeatedly issued several memoranda (dated June 28, 1994, June 29, 1994, September 16, 1994, October 19, 1994, February 22, 1995 and April 29, 1995) directing Prosecutor Mata to attend to the cases assigned to him because the cases under preliminary investigation, which by then were increasing, had remained unresolved beyond the reglementary period of sixty (60) days, while those cases pending trial had either been postponed or provisionally dismissed due to his (Mata's) absences. Relative to the cases pending trial, Regional State Prosecutor (RSP) Hernando Masangkay of Region VII and City Prosecutor Peque were furnished copies of various orders from the court where Prosecutor Mata was the trial prosecutor, all indicating that the latter had not been attending to the cases, thus resulting either to their postponement or provisional dismissal.

Thereupon, in view of the failure of Prosecutor Mata to comply with the aforementioned directives, City Prosecutor Peque formally lodged a complaint against the former with the Office of the Regional State Prosecutor of Region VII. RSP Masangkay then directed State Prosecutor (SP) Primo C. Miro to conduct a formal investigation on the said complaint against Prosecutor Mata who, despite the opportunity given him, failed to submit any controverting evidence. Based solely on complainant's allegations, SP Miro resolved the case and recommended the dismissal from the service of Prosecutor Mata to which RSP Masangkay concurred. Subsequently, Prosecutor Mata sought a reinvestigation of the case which was followed by a letter of resignation dated October 11, 1995. However, considering that said resignation letter could not be acted upon due to the pendency of the instant administrative case, the request for reinvestigation was favorably considered.



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In his comment/answer, respondent prosecutor admits having been remiss in the discharge of his duties. According to him, he is experiencing the so-called "mid-life crisis", adding that he has been feeling empty and uncertain ever since he realized that he was getting older and that his children had all grown-up. In the same comment/answer, he appeals for compassion, promising to make amends by attending to his cases.

In his supplemental answer, respondent prosecutor avers that he has taken step to address his failure. He explained that his lapses in his official duties may be treated as "sins of omissions" since there is no showing that his tardiness and absences in court were done willfully and maliciously.

Pending termination of the reinvestigation, City Prosecutor Peque issued another memorandum, again directing respondent prosecutor not only to attend to his cases pending in court, but also to resolve those under preliminary investigation which had been pending beyond sixty (60) days and increasing in number from thirteen (13) in January, 1996, to fifty-two (52) in March, 1996. Also, in the month of May, 1996, the court again issued orders indicating that respondent prosecutor had not been attending to the cases assigned to him.

After reinvestigation, SP Miro found respondent prosecutor liable for the offenses charged and recommended the latter's dismissal from the service, which recommendation was concurred in by RSP Masangkay. Although the Secretary of Justice found substantial evidence to hold respondent prosecutor administratively liable of the offenses charged, he merely recommended that respondent prosecutor be meted the penalty of forced resignation instead of dismissal from the service.

I concur with the findings and recommendation of the Secretary of Justice.

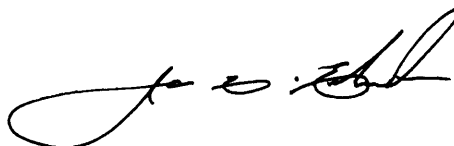
Indeed, respondent has been remiss in the discharge of his duties. His commission of the acts complained of greatly undermines the people's confidence in the prosecution service and ultimately in the administration of justice. However, the imposition of the penalty of dismissal against respondent would be harsh. The records show that respondent has been in the faithful government service for the last eighteen (18) years. Although respondent, in 1990, was admonished in disciplinary proceedings to be more circumspect, diligent and dedicated in the discharge of his official duties and responsibilities, it cannot be denied that he actually mended his ways and rectified his past failures. It was not until three (3) year later that he began to be remiss in the performance of his duties. Taking into account the foregoing circumstances and in the absence of any evidence showing that the commission of the acts complained of were willfully and maliciously done by the respondent not to mention his having tendered his resignation, albeit during the pendency of the instant administrative case, I agree that he deserves some measure of leniency and compassion in meting out the penalty.

WHEREFORE, premises considered, 2<sup>nd</sup> Assistant City Prosecutor Albertino P. Mata, Jr., of the City of Prosecution Office of Mandaue City is hereby found



administratively liable of the offenses charged. Consequently, he is hereby meted the penalty of forced resignation, effective fifteen (15) days after his receipt of a copy of this Order as provided under Book VII, Sec. 15 of the Administrative Code of 1987.

Done in the City of Manila, this 29<sup>th</sup> day of SEPTEMBER in the year of Our Lord, nineteen hundred and ninety eight.



By the President:



**RONALDO B. ZAMORA**  
Executive Secretary



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