## MALACAÑANG MANILA

## ADMINISTRATIVE ORDER NO. 128

IMPOSING THE FINE OF SUSPENSION OF PROSECUTOR CRISPULO R. TRUYA FOR ONE YEAR WITHOUT PAY AND THE FORFEITURE OF HIS SALARIES/BENEFITS DURING SAID PERIOD.

This refers to the administrative complaint filed motu propio by the Department of Justice against Assistant Provincial Prosecutor Crispulo Truya of Cebu for grave misconduct.

Records disclose that sometime during week of 1993, September an informal investigation was conducted by Cebu Provincial Prosecutor Oliveros E. Kintanar on the report that Prosecutor Truya extorted from Marilyn Benting the amount of \$\mathbb{P}300.00 to be used as grease money Provincial Prosecutor Kintanar, and another \$200.00 to be given to Prosecutor Truya's clerk ostensibly to expedite the release of Mrs. Benting's son detention. When confronted, Prosecutor Truya reportedly admitted the accusation, and consequence thereof, he was reassigned to prosecute in Branch 29, Toledo City and the Bantayan and the Municipality of Islands Camotes Islands. was likewise directed to desist from handling reinvestigation of any case and for travel limited reimbursement was to those when attending to cases in the incurred Municipal Trial Courts.

exculpation, Prosecutor Truya denied the claim that he admitted before Provincial Prosecutor Kintanar and in the presence of other people accusation of Mrs. Benjamin. He proffers the view occasion during which these the people confrontation between him witnessed Prosecutor Kintanar was in connection with his late submission of his performance report and not complaint of Mrs. Benting whom he called perjurer a "double dealing" woman of dubious Prosecutor Truya further maintains that character. his acceptance of the penalty imposed by Provincial Kintanar cannot be deemed Prosecutor as admission of guilt but should be construed gesture of obedience to a superior's order to peace and avoid insubordination.



The recommendation of the Secretary of Justice in imposing the penalty of one year and the forfeiture of all salaries/benefits is based on his findings which reads:

"Respondent's act of extortion is the kind of gross and flaunting misconduct, no matter how nominal the amount involved, that so quickly and surely corrodes the respect for law without which government cannot continue and that tears apart the very bonds of our polity. The prosecutor should be the last person to be perceived as a corrupt bureaucrat out to make money at every turn.

All told, respondent prosecutor's mere denials cannot prevail over the positive assertion of Mrs. Benting and Prosecutor Kintanar as corroborated from different vantage points, by the testimonies of Prosecutor Mamerta Paradiang, Candelaria Gadrinab, Rosario Trocio, Lydio Tanato and Ben Ocampo.

On this point, respondent has failed to show any ill-motive on the part of Mrs. Benting and Prosecutor Kintanar to falsely accuse him. the contrary, Mrs. Benting bears no towards respondent animosity prosecutor as evidenced by the fact that she even pleaded for his The same is true with forgiveness. Provincial Prosecutor Kintanar who has shown understanding and magnanimity, judging by the light punitive action inflicted upon respondent prosecutor for the serious offense he committed.

Anent the affidavit of desistance filed by Mrs. Benting, she must realize that this administrative proceeding was commenced against respondent prosecutor motu propio by

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the Department. Mrs. Benting is but a witness against respondent prosecutor and her subsequent stand for or against him is not material to his chastisement".

I concur with the findings of the Secretary of Justice which I find to be in accord with law and the evidence.

WHEREFORE, premises considered, Prosecutor Crispulo R. Truya is hereby found liable for gross misconduct. Accordingly, the penalty of suspension for one year and the forfeiture of his salaries and benefits during his period of suspension is hereby imposed.

Done in the City of Manila, this 22 day of May in the year of Our Lord, Nineteen Hundred and Ninety Four.

By the President:

TEOFISTO T. GUINGONA, JR.

Executive Secretary