

MALACAÑANG  
Manila

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO.89

IMPOSING THE PENALTY OF DISMISSAL FROM THE SERVICE WITH FORFEITURE OF ALL THE BENEFITS UNDER THE LAW OF MANILA ASSISTANT PROSECUTOR JOSE M. RODRIGO

This refers to the administrative complaint filed motu proprio by the Department of Justice against Manila Assistant City Prosecutor Jose M. Rodrigo for grave misconduct and disgraceful and immoral conduct.

It appears from the police report, dated February 24, 1993, that Leny Malonzo and Thelma Bisa personally went to the office of the Mayor's Action Group for Investigation and Complaints (MAGIC), Office of the Mayor, Manila, on February 17, 1993, and narrated their complaint to Inspector Romulo R. Castillo, Officer In-Charge of MAGIC, that Prosecutor Jose Rodrigo y. Mejia was asking money from them in exchange for the release of Malonzo's husband and Bisa's brother who have been charged with robbery and illegal possession of firearm and whose cases were being handled by Prosecutor Rodrigo; that, after taking the sworn statements of Malonzo and Bisa on February 24, 1993, Inspector Castillo directed SPO2 Edgar A. Reyes, SPO1 Lamberto Gan, and SPO3 Richard Lumbad to set an entrapment against respondent prosecutor; that, in the morning of February 24, 1993, Inspector Castillo went to the National Bureau of Investigation, together with SPO1 Gan, to have the marked money in the amount of P15,000.00 treated with fluorescent powder; that, after the hearing in court on said date and following the instructions of respondent to Malonzo for her to wait outside Room 323, City Hall, the latter followed the former up to his car and boarded the same; that the operatives positioned themselves around the two and, acting on the pre-arranged signal given by Malonzo, surrounded the car and arrested respondent; and that said operatives brought respondent to the NBI for examination, which confirmed the presence of fluorescent powder on respondent.

The joint affidavit of apprehension of Inspector Castillo and the members of the entrapment team substantially affirms the statements in the police report with the additional information that, on February 17, 1993, Malonzo also reported that respondent was sexually interested in Bisa.

In her sworn statements, Leny Malonzo alleges that she and Bisa sought the assistance of PO3 David Tuazon of the WPDC for

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the release of her husband and Bisa's brother; that PO3 Tuazon advised them to seek the help of respondent; that they were always assured by respondent everytime they approached him regarding the release of her husband and Bisa's brother; that she observed that respondent was somewhat attracted to Bisa and, because of this, she left it to Bisa to negotiate with respondent for the early release of her husband and Bisa's brother; that, on February 22, 1993, Bisa told her that respondent would agree to the dismissal of the aforementioned cases on February 24, 1993, the scheduled hearing date, in exchange for her body; that, since Bisa did not agree to this agreement, respondent insisted that they give him ₱20,000.00; that, on February 23, 1993, she went to the office of respondent to request that said amount be reduced, as she cannot afford the same; that respondent reduced the amount to ₱15,000.00 and instructed her not to tell anybody and for her to meet him at a designated place; that, on February 24, 1993, respondent asked her to wait for him after the hearing; hence she waited outside his office at the Manila City Hall, carrying with her the marked money; that, when respondent emerged from his office, she followed him and helped him carry his things; that upon reaching the parking lot at the City Court, respondent asked her if she had the money and, when she showed him the money, he touched it as if to be sure that what she was carrying was really money; that when they were both inside the car, respondent got from her the envelope containing the money, placed it inside his right pocket and drove the car towards the gate of the parking lot where several persons surrounded their car.

Thelma Bisa corroborates the foregoing allegations and adds that respondent promised to help her financially with her studies; that he offered to provide her with a "rest house" where she can bring her friends but that she cannot have any boyfriend; that if she agreed to his offer, the case of his brother would surely be dismissed; that respondent told her that this arrangement should not be known to his family, even if his wife who is a retired lawyer is presently in the States; and that, on January 27, 1993, respondent reiterated that her brother's case would be dismissed in exchange for her body, but she did not accept said offer.

Demelen Renton dela Cruz certifies that the ultraviolet light examinations made on the left and right hands of respondent, his pants and the five (5) pieces of five hundred peso bills and one hundred (100) pieces of one hundred peso bills showed; 1) the presence of yellow fluorescent powder on the dorsal and palmar aspects; 2) the presence of yellow fluorescent specks on the left, right and back pocket of the pants of respondent; and 3) the presence of yellow fluorescent powder and fluorescent markings "P93-21, NBI/FCD/DRC, 2/24/93".

Respondent denied both charges and elected to have a formal investigation of the case.

During the formal investigation, respondent avers that the testimonies of Malonzo and Bisa are fraught with inconsistencies and improbabilities; and that Malonzo's statements contradicted

Bisa's allegations. He claims that Bisa and Malonzo went to MAGIC only on February 24, 1993, to set him up, not to entrap him because he refused to cooperate with them and other persons interested in the dismissal of the aforementioned cases; that, at the hearing on February 24, 1993, Bisa invited him for a merienda at the Dunkin Donut but he declined; that, on his way down from his office, he was approached by Malonzo who offered to help him carry some of his things; that, as they walked at the third floor corridor going to the stairs, he noticed that Malonzo was walking a bit behind him and, at times, he felt the left middle part of his body being bumped slightly; that Malonzo asked if she could ride with him up to the PGH because her son was still sick; that, while they were almost at the gate of the parking lot, he stopped his car because the bamboo bar was still down; and that suddenly Capt. Jaylo knocked on the car window and, when he opened it, Capt. Jaylo introduced himself and invited him to his office at MAGIC for alleged extortion. He further alleges that, when he got out of the car, he turned towards his back and saw Malonzo already out of the car and Lt. Castillo got from her an envelope. From the office of MAGIC, he was brought to the NBI with two guards. He requested Lt. Castillo to state, if asked the truth, that he never got from him (respondent) any envelope containing money bills as the same was taken from Malonzo. Lt. Castillo allegedly said "yes, because that is the truth". He was then subject to an examination. When Malonzo was asked during the inquest, whether she gave the money to the respondent, she answered that she did but the same was returned to her. Bisa, for her part, said that respondent never asked her for sexual intercourse but merely touched her shoulders and winked.

The recommendation of the Secretary of Justice to dismiss respondent Jose Rodrigo from the service with forfeiture of all benefits under the law is anchored on the findings that said respondent failed to overcome the allegations of Leny Malonzo and Thelma Bisa that, in exchange for the dismissal of the cases of Malonzo's husband and Bisa's brother, said respondent asked for Bisa's body and, when Bisa refused, he extorted money from them. Despite respondent's denial, the result of the forensic examination clearly shows that respondent handled the marked money, which drives home the conclusion that he extorted money from Malonzo and Bisa. Likewise, respondent's actuations towards Bisa is a disgraceful conduct, which is extremely unbecoming of a public prosecutor.

I concur with the findings of the Secretary of Justice.

The bare denial of respondent prosecutor and his claim that he was set-up by Leny Malonzo and Thelma Bisa are unacceptable.

WHEREFORE, premises considered, respondent Jose M. Rodrigo, Assistant City Prosecutor of Manila, is hereby found liable for Grave Misconduct and Disgraceful and Immoral Conduct.

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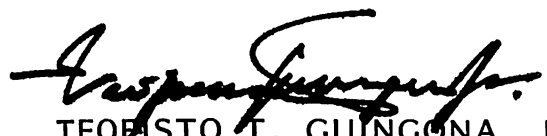
Consequently, his dismissal from the service with forfeiture of all benefits under the law is hereby imposed, effective fifteen (15) days after his receipt of a copy of this Order pursuant to Book VII, Section 15, of the Administrative Code of 1987.

Done in the City of Manila this <sup>16<sup>th</sup></sup> day of October, in the year of Our Lord, nineteen hundred and ninety three.



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By the President:



TEODORO T. GUINGONA, JR.  
Executive Secretary

