

[ADMINISTRATIVE ORDER NO. 72, June 18, 1999]

IMPOSING THE PENALTY OF SUSPENSION FROM SERVICE FOR SIX (6) MONTHS WITHOUT PAY ON BONIFACIO G. BACANI, ASSISTANT CITY PROSECUTOR OF MANILA, DEPARTMENT OF JUSTICE

This refers to the administrative complaint against Assistant City Prosecutor Bonifacio G. Bacani of Manila for misconduct.

Records tend to show that sometime in November, 1994, Judy Emnas, a respondent in an illegal recruitment/estafa complaint, approached respondent prosecutor for assistance in the dismissal of the said complaint which was pending before then investigating prosecutor (now Judge) Ceasar Casanova. Respondent assured Emnas of his assistance for a consideration of P15,000.00 as grease money which Emnas allegedly gave in December, 1994. Emnas learned later that only the illegal recruitment complaint was dismissed, while the three (3) counts of estafa were filed in court. Again, Emnas approached respondent who told her that he would settle or fix the estafa cases but she (Emnas) has to give P12,000.00 for her bailbond, which was later reduced to P7,500.00. Not believing that said amount was for her bailbond as no warrant for her arrest has as yet been issued, Emnas went to the National Bureau of Investigation (NBI) which planned and carried out respondent's entrapment on June 29, 1995 in his office where he was arrested after receiving the marked money bills of P7,500.00. Respondent prosecutor, was formally charged with grave misconduct by the Department of Justice (DOJ) and placed under preventive suspension for one hundred eighty (180) days.

During the formal investigation respondent branded the charge of Emnas as baseless. He claimed that Emnas approached him about her predicament that, while the illegal recruitment case was dismissed, she was nonetheless charged in court with three (3) counts of estafa. Continuing, respondent asked Emnas to prepare P36,000.00 for her bailbond since the recommended bail was P12,000.00 in each information. As Emnas could not produce P36,000.00 for her cash bond, he called up Gil San Juan of Eastern Assurance and Surety Company (EASCO) who informed him that P7,500.00 was needed for the premium of 20% of P36,000.00 plus documentary and notarial expenses. On June 29, 1995, Emnas returned to his office with the amount of P7,500.00. He then sought Tessie Gabriel Co, the "pianzador" who referred EASCO to him and wrote a note to Gil San Juan which reads:

Mr. San Juan
EASCO
Leveriza, Malate, Manila

Bearer is entrusted with P7,500.00 for the bailbond of Judy Emnas in Criminal Cases No. 95-143359, 95-1433360 and 95-143361 for estafa.