

[ADMINISTRATIVE ORDER NO. 89, October 16, 1993]

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 the 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 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