

[OP ADMINISTRATIVE ORDER NO. 406, June 25, 1998]

IMPOSING THE PENALTY OF DISMISSAL FROM THE SERVICE WITH FORFEITURE OF ALL BENEFITS UNDER THE LAW OF MANILA ASSISTANT PROSECUTOR GREGORIO V. MARQUEZ

This refers to the administrative complaint filed by the Department of Justice against City Prosecutor Gregorio V. Marquez of Manila for grave misconduct.

In a letter dated August 24, 1994 addressed to President Fidel V. Ramos, Department of Justice Secretary Franklin M. Drilon reported the following findings:

"Records disclose that agents and special investigators of the Special Operations Group of the National Bureau of Investigation (SOG-NBI) apprehended Prosecutor Gregorio V. Marquez on July 27, 1993 after he allegedly received a white envelope containing marked money from one Dr. Gloria M. Bumanlag inside the Kentucky Fried Chicken (KFC) Restaurant at Taft Avenue, Manila. His arrest was the culmination of an entrapment operation planned and executed by the NBI in response to the complaint lodged by Dr. Bumanlag for extortion.

"In her statements given to the NBI on July 26, and 27, 1993, Dr. Bumanlag, a dentist by profession, avers that she is the private complainant in a criminal complaint against spouses Ronilo L. Nagano and Lilia Nabong for estafa through falsification of public document and/or carnapping before the Office of the City Prosecutor of Manila, docketed therein as I.S. No. 93D-12199. The case was assigned to Prosecutor Marquez for preliminary investigation. In July, 1993, Prosecutor Marquez repeatedly called her up at her dental clinic in Valenzuela and demanded from her the amount of P 5,000.00 in exchange for the prompt and favorable resolution of the complaint. Once, she tried to give him P 1,000.00, through her lawyer, but he refused saying it was too small. She even told him that she could only raise P 2,500.00 to which offer Prosecutor Marquez curtly replied that she should, in fact, give him P 10,000.00 as there were two (2) cases involved. Due to respondent's insistence, she pretended to agree with his demand on July 23, 1993 for her to meet with him at Jollibee, Taft Avenue, on July 27, 1993, between 11 and 11:30 a.m., so she could then and there deliver the amount. She, however, suggested that they meet instead at the KFC alongside Jollibee. Prior to this meeting, she reported the matter to the NBI which subsequently planned the entrapment. When she arrived at the KFC at about 11:35 a.m. of July 27, 1993, after she was given the marked money placed in a white mailing envelope by Atty. Orlando Dizon, Chief of the SOG-NBI, Prosecutor Marquez approached him to reduce the amount. When the latter refused, she handed to him

the white envelope containing the marked money which consisted of twenty (20) FIFTY PESO bills and twenty (20) TEN PESO bills. After Prosecutor Marquez accepted the envelope with his right hand and placed it on top of a newspaper in front of him, she then gave a signal to the NBI agents by tying her hair and respondent was consequently arrested.

"NBI agents Lauro C. Reyes, Rafael Z. Ragos, Allan Lino and Gary Menes jointly corroborated the statement of Bumanlag. They further allege that the forty (40) pieces of peso bills placed in the envelope were previously submitted to the NBI's Forensic Chemistry Division for proper marking and application of fluorescent powder.

"A portion of the certification dated July 27, 1993 of Forensic Chemist III Aida R. Vilorio-Magsipoc and Forensic Chemist IV Idabel Bernabe-Pagulayan of the NBI Forensic Chemistry Division relative to the ultra-violet examinations conducted on the person of Prosecutor Marquez reveals that the dorsal and palmar aspects of his left and right hands showed the presence of yellow fluorescent specks and smudges and that the front side of his white T-shirt showed the presence of yellow fluorescent smudges.

"For his part, Prosecutor Marquez admits having conducted the preliminary investigation of I.S. No. 93D-12199 but denies having demanded any amount from Dr. Gloria Bumanlag. He reveals that he submitted the case for resolution on June 30, 1993 before he went on a leave of absence from July 1, 1993 to July 30, 1993 as he was then suffering from chronic recurrent bronchial asthma. When he visited his office sometime in July, 1993, Dr. Bumanlag saw him and inquired about her case. He advised her to file a motion to re-raffle or re-assign the case to another investigating prosecutor as he was then on leave and could not physically discharge his duties and functions due to the seriousness of his illness. Dr. Bumanlag got mad and accused him of receiving money from her opponent. Prosecutor Marquez further avers that he was at the KFC restaurant before noon of July 27, 1993 since he was supposed to have a lunch date then with his colleague, Prosecutor Eufrocino Sulla. They intended to proceed to the nearby Philippine General Hospital (PGH), where Prosecutor Sulla's wife works as a nurse, so that the latter could introduce him (Prosecutor Marquez) to an asthma specialist at the said hospital. To ensure that Prosecutor Sulla would come to their rendezvous, he even instructed his secretary on July 26, 1993 to remind Prosecutor Sulla about it. On July 27, 1993, he went to the KFC and saw Dr. Bumanlag occupying a table inside the same restaurant. When he joined her upon her invitation, she apologized regarding the incident that transpired at the City Hall and reiterated her request not to re-raffle her case to another prosecutor. After he refused, she brought out an envelope and placed it on top of the newspaper and said: "Sige na, Fiscal, tulungan mo na ako para hindi na mare-raffle pa yong kaso ko. Para sa iyo yan, P 5,000.00 ang laman niyan, bilangng mo." He declined her offer and, when he stood up and was about to leave, two men, who introduced themselves as NBI agents, suddenly grabbed him. His protestations proved futile as one of the agents asked him to sit down while the other was searching his person. When he refused to open the