

[ADMINISTRATIVE ORDER NO. 51, November 25, 2002]

**IMPOSING THE PENALTY OF DISMISSAL FROM THE
GOVERNMENT SERVICE ON ASSISTANT CITY PROSECUTOR
CONSTANCIO C. VELASCO OF THE OFFICE OF THE CITY
PROSECUTOR OF MANILA**

This refers to the administrative case filed by the Department of Justice (DOJ) against Assistant City Prosecutor (ACP) Constancio C. Velasco, Office of the City Prosecutor, Manila, docketed herein as O.P. Case No. 02-J-482 (Administrative Case No. 01-0017-FS in the office a quo), for grave misconduct.

This case arose from a complaint filed by Ma. Lourdes S. Pe Benito, private complainant, before the National Bureau of Investigation – Anti Organized Crime Division (NBI-AOCD) against respondent Velasco for allegedly demanding from her Five Thousand Pesos (P5,000) in consideration of the filing of an Information in court for oral defamation against spouses Eduardo and Clarissa Magbitang relative to a criminal complaint pending preliminary investigation before the office of respondent Velasco.

Records show that private complainant earlier filed before the Office of the City Prosecutor of Manila a criminal complaint for oral defamation against the spouses Eduardo and Clarissa Magbitang. It was assigned to respondent ACP Velasco for preliminary investigation. Sometime in September 2001, complainant went to the office of respondent at the Manila City Hall to file her reply to the "Motion to Dismiss" filed by the spouses Magbitang. During her conversation with respondent, the latter wrote in a piece of paper the amount in figure "P5,000" and showed it to her. Thinking that it was the amount of fine to be imposed against the spouses Magbitang; complainant protested and insisted for the imposition of the penalty of imprisonment. However, respondent explained that the P5,000.00 is the amount that she was supposed to give him in consideration for the filing of a criminal Information in court for oral defamation against the spouses Magbitang. Complainant agreed to give the respondent the amount of P5,000.00 on November 8, 2001, the day when she was to receive her bonus.

On November 8, 2001, private complainant went to the NBI-AOCD and filed her complaint against respondent for demanding the amount of P5,000.00 in consideration for the filing of an Information in court against the spouses Magbitang.

Acting on the complaint, the NBI immediately planned an entrapment operation. The marked money was prepared and the "pay-off" place was arranged at Chowking Restaurant, Quiapo, Manila. Then, at around 12:30 p.m. of the same date, a team of agents from the NBI-AOCD, headed by Senior Agent Primitivo Najera, were dispatched and, together with the private complainant, they proceeded to the "pay-off" place. However, the said restaurant was under renovation. As a consequence, the "pay-off" was transferred to nearby Ma Mon Luk Restaurant, also in Quiapo,