

EN BANC

[A.M. No. P-02-1662, July 28, 2004]

**PNP SUPT. DARLITO A. GONZALO, DINALUPIHAN, BATAAN,
COMPLAINANT, VS. VIRGILIO P. MEJIA, CLERK OF COURT,
MUNICIPAL CIRCUIT TRIAL COURT, DINALUPIHAN-HERMOSA,
BATAAN, RESPONDENT.**

DECISION

PER CURIAM:

In his letter-complaint dated June 19, 2000, P/Supt. Darlito A. Gonzalo, Chief of Police of Dinalupihan, Bataan, charged Virgilio P. Mejia, Clerk of Court, Municipal Circuit Trial Court (MCTC), Dinalupihan-Hermosa, Bataan, herein respondent, with bribery and usurpation of judicial functions.^[1]

Complainant alleged that Norberto P. Brigeles, Crisanto P. Brigeles, Eugenio dela Cruz and Narciso B. Harpon were all detained at the Dinalupihan Municipal Police Station for the charge of direct assault upon a person in authority. The case was pending before the MCTC, Dinalupihan-Hermosa, Bataan. On June 2, 2000, their relatives approached Paulino Vitug, Liaison Officer of the Office of the Mayor of Dinalupihan, asking his help for the release of the detainees. That same day, Paulino talked to respondent Clerk of Court. The latter promised to help, but for a monetary consideration. Paulino told respondent that the detainees are poor but that he will try to raise money. That same day, respondent, taking advantage of the absence of then Presiding Judge Reynaldo B. Bellosillo, prepared a handwritten letter addressed to complainant Chief of Police Gonzalo, which reads:

"MCTC, Dinalupihan, Bataan

June 2, 2000

To: Col. D.A.
Gonzalo
Chief of Police
Dinalupihan
Police Station

Request your office to release the following persons who are detained, to wit:

1. NORBERTO P. BRIGELES
2. CRISANTO P. BRIGELES
3. EUGENIO DELA CRUZ

4. NARCISO B. HARPON

Considering that the complainant, Renato Montemayor, has filed his *Pag-uurong ng Reklamo*, you are hereby directed to release the aforementioned accused without any responsibility on your part.

(Signed) VIRGILIO P. MEJIA
Clerk of Court"[2]

and another typewritten letter, also addressed to complainant, stating:

"Republic of the Philippines
SUPREME COURT
Third Judicial Region
Municipal Circuit Trial Court
Dinalupihan-Hermosa
Dinalupihan, Bataan

To: Col. Darlito
Agdagdag Gonzalo
Chief of Police
Dinalupihan Police
Station
Dinalupihan,
Bataan

In view of the loss of interest of the principal complainant, RENATO S. MONTEMAYOR, to file the case of Direct Assault of an Agent in Authority, based on his '*PAG-UURONG NANG REKLAMO*,' you are hereby directed to release the following detained persons, to wit:

1. NORBERTO P. BRIGELES
2. CRISANTO P. BRIGELES
3. EUGENIO DELA CRUZ
4. NARCISO B. HARPON

This Order is directed to you without any responsibility on your part.

June 2, 2000, Dinalupihan, Bataan.

(Signed) VIRGILIO P. MEJIA
Clerk of Court"[3]

Respondent personally handed these letters to complainant at the latter's office. That same day, the detainees were released.

On June 7, 2000, Paulino informed complainant that he had raised one thousand (P1,000.00) pesos. Immediately, complainant organized a team of policemen to entrap respondent and had the money, consisting of ten P100.00 bills, marked. At noontime of the same day, after having lunch with respondent at the canteen located behind the Dinalupihan Municipal building, Paulino gave him the money.

Immediately, policemen Vedasto Malit, Ricardo Guevarra and Ernesto Silva arrested the respondent. Confiscated from him were marked money consisting of ₱100.00 bills with serial numbers BU534735, HG999434, EX764858, WN596061, FZ891290, CY583491, GD463840, JA771363, YT836633, and ZB697380, in the total amount of ₱1,000.00.^[4] Consequently, the police officers filed with the Office of the Provincial Prosecutor, a complaint for robbery/extortion against respondent, docketed as I.S. No. 00-658.

On June 7, 2002, then Acting Court Administrator Jose P. Perez directed respondent to comment on the instant letter-complaint.

In his comment,^[5] respondent stated that he could not be held administratively liable for bribery. He explained that earlier, the Office of the Provincial Prosecutor of Bataan dismissed the criminal complaint in I.S. No. 00-658 for insufficiency of evidence, as shown by a copy of the Resolution dated August 22, 2000 issued by Prosecutor Oscar M. Lasam.^[6] (In the same Resolution, however, Prosecutor Lasam recommended that respondent be prosecuted for *estafa* under Article 315, paragraph 2[a] of the Revised Penal Code for falsely pretending to possess power in ordering the release of the accused).

Respondent denied having usurped judicial functions, claiming that his handwritten and typewritten notes, both dated June 2, 2000, directing complainant to release the four accused "were forcibly made and prepared at complainant's instigation." The typewritten note "was prepared by complainant himself or ordered one of his men to type it." Then complainant went personally to his (respondent's) office at the MCTC and forced him to sign it at once despite his request to study it first. Thereafter, complainant left but "came back after several minutes and forced him to write in his own handwriting the same typewritten note." According to complainant, this is required in order that the accused may be released and that "the bribe money (for the boys) in the amount of ₱5,000.00 was already in the hands of Paulino Q. Vitug."

Respondent ended his comment by claiming that complainant's charges are all fabricated and that the entrapment conducted against him was "orchestrated by complainant for he was interested in the bribe money."^[7]

On November 20, 2002, we issued a Resolution directing that: (a) the complaint be re-docketed as a regular administrative matter; (b) the case be referred to Executive Judge Jose Ener S. Fernando, Regional Trial Court, Dinalupihan, Bataan for investigation, report and recommendation; and (c) pending the investigation of the complaint, respondent be placed under preventive suspension effective from notice until further orders from the Court.^[8]

After conducting an investigation, Executive Judge Fernando submitted his Final Report and Recommendation dated March 24, 2003. He found that respondent voluntarily wrote and typed the two letters in question and that he demanded and received money from Paulino Vitug in exchange for the release of the four detainees. Accordingly, the Investigating Judge recommended that respondent be dismissed from the service.

On June 20, 2003, the Court Administrator submitted his Evaluation Report adopting