

MALACAÑANG
Manila

BY THE PRESIDENT OF THE PHILIPPINES
ADMINISTRATIVE ORDER NO. 116

IMPOSING THE PENALTY OF DISMISSAL FROM THE
SERVICE WITH FORFEITURE OF ALL THE BENEFITS
UNDER THE LAW OF STATE PROSECUTOR AMELITO S.G.
PERFECTO, DETAILED IN VALENZUELA, A SUB-STATION
OF THE KALOOKAN PROSECUTOR'S OFFICE

This refers to the administrative complaint filed motu proprio by the Department of Justice against State Prosecutor Amelito S.G. Perfecto, detailed in Valenzuela, a sub-station of the Kalookan Prosecutor's Office, for grave misconduct.

The record shows that on October 11, 1993, EMILIA LANSANGAN vda. de ANGELES filed a complaint with the Presidential Anti-Crime Commission (PACC) against Prosecutor Perfecto and a certain SPO1 ILDEFONSO ORIG, JR. of the Valenzuela Police for demanding from her the amount of P15,000.00 for the immediate release of her son, Edgardo Angeles, who has a pending case in the Regional Trial Court, Branch 75, Valenzuela, Bulacan for attempted homicide, illegal possession of firearms, and illegal discharge of firearm. Her son was then detained at the Valenzuela Police Headquarters.

On October 12, 1993, Angeles' complaint was referred to the Office of Director Epimaco Velasco of the National Bureau of Investigation for appropriate action.

The investigation report transmitted by Director Velasco to this office revealed that Perfecto and Orig, Jr. had, on several occasions, demanded money from Angeles in exchange for the release of Edgardo. The first time was on June 21, 1993 at about 11:00 o'clock in the morning while they were at the canteen of the RTC compound in Valenzuela. The two first demanded the amount of P40,000.00 but after haggling with Angeles on subsequent dates, the amount was reduced ultimately to P15,000.00.

Angeles claims that Prosecutor Perfecto instructed her to deliver the money to his office as soon as the same is raised; that he made this demand everytime she would attend the scheduled hearings of the cases against her son;

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and that on September 29, 1993, Angeles sent her daughter, Juanita, to deliver the amount of P5,000.00 to Prosecutor Perfecto who refused to accept the money as it was not the amount agreed upon.


On October 20, 1993, Jesus D. Jamasali, Ernesto Adobo and Vicente Lorenzo, agents of the Anti-Organized Crime Division (AOCD) of the NBI, were discreetly deployed at around 8:00 o'clock in the morning at the vicinity of the RTC compound in Valenzuela, Bulacan following the plan previously set up to entrap Prosecutor Perfecto. Angeles was instructed to bring the marked money in the amount of P15,000.00 and to hand over the money to Prosecutor Perfecto and SPO1 Orig upon demand, at which point, the agents who posted themselves nearby, would pounce on the two.

At about 9:30 o'clock in the morning of the same date, SPO1 Orig arrived and he proceeded to the second floor where Branch 75 of the RTC is located. Prosecutor Perfecto, who also passed by, upon seeing Angeles, uttered the following words, "Ayos na ba yan?" and continued to go on his way. A few minutes later, Prosecutor Perfecto returned and approached Angeles and demanded the money from the latter by saying, "magkano yan, bilisan mo". At this instance, Angeles gave the money to Prosecutor Perfecto. Immediately thereafter, the AOCD agents pounced on Prosecutor Perfecto who was in the act of counting the marked money. He and SPO1 Orig were then arrested and brought to the NBI for investigation. Prosecutor Perfecto's hands were examined and found to be positive for fluorescent powder in his right hand.

Felicisima M. Francisco, forensic chemist of the NBI, testified that at around 11:00 o'clock in the morning of October 20, 1993, Agent Adobo submitted to the Forensic Chemistry Division of the NBI for laboratory examinations, the person of Prosecutor Perfecto, twenty-eight (28) pieces of five hundred peso bills, a piece of one (1) thousand peso bill and a printed handkerchief; that the ultra-violet examinations made: a) on the palmar aspect of the right hand of Prosecutor Perfecto showed positive for yellow fluorescent specks; b) on the 28 pieces of P500.00 peso bills and one (1) P1,000.00 bill showed the markings

"P-93-147 10-18-93 GJL" and the presence of yellow fluorescent specks and smudges on both sides; and c) on the piece of printed handkerchief showed the markings "10-19-93 LFB/EMAR FCD, NBI" and also the presence of yellow fluorescent specks and smudges on both sides.

Respondent denies the charge and avers that Angeles, prior to October 20, 1993, came to his Office requesting that her son be allowed to post bail in a reduced amount; that taking pity on her due to her tight financial situation and advanced age, he interposed no objection to the motion for the reduction of bail filed by the counsel of Angeles' son; that there being no objection, the presiding judge of Branch 75, Hon. Jaime F. Bautista, issued an order dated September 6, 1993 reducing the recommended bail from the total amount of P204,500.00 to P43,500.00 for the provisional liberty of Angeles' son; that believing the overtures of Angeles that her son was innocent, he suggested to Angeles that she should talk to and convince the police officer concerned (Orig) so that the latter would desist from further prosecuting the case of attempted homicide; that at around 9:00 o'clock in the morning of October 20, 1993, Angeles' grandson approached him and asked him if he could see his grandmother who was then at the RTC canteen; that he told the grandson to ask his grandmother to go upstairs as the criminal cases against her son were then scheduled for trial; that Angeles' grandson pleaded for him to come down as his grandmother was suffering from a swollen foot; that he acceded to the request and went to see Angeles inside the aforesaid canteen; that while inside, he was called by Angeles and was handed something wrapped in a big scarf; that thinking that it was an affidavit of desistance executed by Orig since the defense had been postponing the cross-examination of Orig as they (Orig and Angeles) were settling the civil aspect of the attempted homicide case and since Orig was then present, he took hold of the scarf and spread the same to see what was inside; that to his surprise, he saw paper money bills inside and it occurred to him that the money was intended to satisfy the civil aspect of the criminal cases against Angeles' son or that the same was intended for the cash bond which Angeles' son would post for his provisional liberty; that before he was able to inquire from Angeles about the money, agents of the NEI arrested him.



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The recommendation of the Secretary of Justice to dismiss respondent Amelito S.G. Perfecto from the service with forfeiture of all benefits under the law is based on the findings of the incredulity of respondent's allegations that what was handed to him by complainant Angeles which was wrapped in a big scarf was only an affidavit of desistance and not money. He also found respondent Perfecto's acts as far from being legitimate attempts at settlement but was indeed acts of extortion in that if the money was really intended for Orig as settlement of the case of attempted homicide, respondent, who was already inside the courtroom, should not have gone back to the canteen to receive the money himself from Angeles. Moreover, respondent Perfecto failed to controvert the NBI's evidence which found positive for fluorescent powder in his right hand. There can therefore be no question that the amount of P15,000.00 given by Angeles to respondent Perfecto was in consideration of the promised release of Angeles' son from detention.

I concur with the findings of the Secretary of Justice. The dubious character of the acts charged as well as the motivation which induced respondent Perfecto to commit them were clearly demonstrated. It is a patent manifestation of how respondent Perfecto used his Office to serve his nefarious ends. This is manifestly a disgraceful misconduct meriting administrative sanction.

WHEREFORE, premises considered, respondent Amelito S.G. Perfecto, State Prosecutor detailed in Valenzuela, a sub-station of the Kalookan Prosecutor's Office is hereby found liable for grave misconduct. Consequently thereto, his dismissal from the service with forfeiture of all benefits under the law is hereby imposed.

Done in the City of Manila this ^{17th} day of February in the year of our Lord, nineteen hundred and ninety four.

By the President:


 TEOFISTO T. GUINGONA, JR.
 Executive Secretary

