

[ADMINISTRATIVE ORDER NO. 30, January 21, 1993]

**DISMISSING ASSISTANT CITY PROSECUTOR ROMULO T. TORRES
WITH FORFEITURE OF ALL BENEFITS**

This refers to the administrative complaint, dated April 19, 1991, against Assistant City Prosecutor Romulo T. Torres of the Office of the City Prosecutor of Cebu for grave misconduct.

Antecedent facts show that Natividad C. Aglipa executed an affidavit, dated February 11, 1991, the pertinent portion of which is quoted hereunder for easy reference, to wit:

"xxx xxx xxx

5. On December 21, 1990 after attending the Christmas Party of the City Hall employees I went home at around six o'clock. When I alighted at the corner of F. Jaca, x x x I was met by Rolando Dacayana also known and hereinafter referred to as Agong x x x Agong told me that I was invited to Virgie's house which is around five hundred meters from where I was staying;

6. Upon arriving at Virgie's house, I saw Virgie her husband Ciano and Fiscal Torres. I was about to greet them when from behind Agong-pushed me forward and said 'Di ara ang mangingilad'. I already started to utter words asking Agong why I was called 'mangingilad' when Agong went in front of me and slapped me in the face. x x x

7. Later on when I was already standing leaning on one of the chairs and still crying, Fiscal Torres boxed me while Agong hit me in the head. Torres hit me in the stomach x x x

Subsequently, I was made to sit down and say the rosary. Torres said "PAG AMPO DINHA SUNOD PAKAN-ON KA NAMO PAG AYO KAY KARON RA ANG IMONG KATAPUSAN, UNYA DADON KA NAMO SA TAGONOL".

After saying this Torres again hit me in the head, pulled a gun and got hold of my hair and asked me to open my mouth. x x x To his plea Torres shouted at my face and said, 'DI KO SI FISCAL TORRES KARON SI JUDAS KO'.

During all this time I have noticed that Torres and Agong are drunk.

8. As Torres insisted, I opened my mouth and he immediately inserted the barrel of his gun. As he did this suddenly, it hit my lower false teeth which I am still using now and it broke. x x x

After this I was made to stand up, the gun was already placed by Torres in the table. I opened my eyes while still crying and I saw Virgie hand to Torres money. Later Torres asked Agong if Esteban has already arrived. Torres said 'Ni abot na ba si Teban kay ato na ning ipada ning salbahis sa Tagonol'. I later learned that they were referring to Esteban the CAFGU member and that Tagonol is a known salvaging dumpsite.

xxx xxx xxx

11. While we were already inside the house Agong was still outside shouting repeatedly, 'Mangingilad! Salbahis!'. After locking the front door, I sat as I felt my knees were trembling. Later I learned that my daughter got out of the house and called my mother in our house at Tres de Abril V. Aranas St. My mother subsequently arrived and brought me to the Cebu City Medical Hospital where I was examined by Dr. Joseph G. Dacalos and Dr. Jordan J. Pudpud.

Enclosed herewith are photocopies of the medical certificates marked as Annexes # A, B, C which evidences the injury suffered by the affiant, and is made an integral part of this sworn statement.

After receiving medical treatment in Cebu City Medical Hospital, my mother prevailed upon me, notwithstanding my desire to rest, to have the case entered in the police blotter. In the Police Station of Taboan I narrated what I was able to recall at that time.

Enclosed herewith as Annex # D is a photocopy of the entry of the Police Blotter in the Taboan Police Station, which is made an integral part of this sworn Statement;

xxx xxx xxx"

Based on the above affidavit, Cebu City Prosecutor Jufelinito R. Pareja instituted with the Department of Justice (DOJ) an administrative complaint, dated April 19, 1991, docketed as ADM. CASE No. 91-0038, against Assistant City Prosecutor Torres.

In a 1st Indorsement of May 10, 1991, then DOJ Undersecretary Bello directed respondent to file his answer/comment on the complaint and in a memorandum, dated July 10, 1991, DOJ Secretary Drilon preventively suspended respondent for ninety (90) days pending the final investigation of the case. As directed, respondent submitted his answer, attaching therewith several affidavits.

A formal investigation was conducted by the DOJ on October 16, 17, and 18, 1991. Thereafter, the DOJ submitted a memorandum report, dated November 29, 1991, the highlights of which are reproduced hereunder, thus:

"xxx xxx xxx

"The complainant presented during the formal investigation of the case her sworn complaint against respondent prosecutor and machine copies of the Police Blotter of the Taboan Police Station including the medical certificate issued by the physicians of the Cebu City General Hospital who treated her immediately after she was manhandled by Prosecutor Romulo T. Torres.