

[ADMINISTRATIVE ORDER NO. 88, October 13, 1993]

**IMPOSING THE PENALTY OF DISMISSAL FROM THE SERVICE ON
FOURTH ASSISTANT PROVINCIAL PROSECUTOR MIGUEL C.
REYES OF BULACAN**

This refers to the administrative complaint filed by Carmelita de la Cruz against Prosecutor Miguel C. Reyes of the Office of the Provincial Prosecutor of Bulacan for Grave Misconduct.

Records show that on January 30, 1991, Prosecutor Faustino Chiong, First Assistant Provincial Prosecutor of Bulacan, came upon Carmelita de la Cruz who was crying in the office. Upon inquiry, he learned that she had given Five Thousand Pesos (P5,000.00) to Prosecutor Miguel C. Reyes of the same office on the latter's representation that the murder case against her son will be dismissed. Prosecutor Reyes allegedly told her that he will give part of the amount to Prosecutor Chiong who is handling the prosecution of the case and the other part to a competent defense counsel.

Incensed, Prosecutor Chiong instantly took down the sworn statement of complainant in the presence of four witnesses and forwarded the same to the Department of Justice.

In his answer, respondent claimed that complainant sought his assistance in the dismissal of the criminal case against her son and that he advised her to secure a good defense counsel. Respondent likewise admitted having received the money from complainant as attorney's fees for Atty. Rodolfo P. Liwanag who had accepted the case.

Based on the answer, Prosecutor Reyes was placed under preventive suspension. Respondent was represented by Atty. Rodolfo Liwanag who asked for several postponements because the former went to the United States. Meanwhile, a state prosecutor from the Department of Justice secured from Branch 11 of the Regional Trial Court of Bulacan minutes of the proceedings of the case against complainant's son and found out that accused was represented by a de officio counsel. It was only two days after the irregularity was discovered that Atty. Liwanag entered his appearance as counsel for the accused.

At the hearing of the case, respondent presented an affidavit of retraction of complainant and a note from Atty. Liwanag acknowledging receipt of the P5,000.00. Respondent also claimed that the sworn statements of complainant should not be given weight because she is illiterate and did not know the contents of her affidavit.

The Department of Justice found the defense put up by the respondent to be untenable.