

[ **ADMINISTRATIVE ORDER NO. 95, November 26, 1993** ]

**IMPOSING THE PENALTY OF DISMISSAL FROM THE SERVICE WITH FORFEITURE OF ALL THE BENEFITS UNDER THE LAW OF RIZAL ASSISTANT PROVINCIAL PROSECUTOR DONATO SOR SUYAT**

This refers to the administrative complaint filed by the National Bureau of Investigation against 2nd Asst. Provincial Prosecutor **DONATO SOR SUYAT** of Rizal for grave misconduct in demanding and receiving P15,000.00 in exchange for a favorable resolution in a robbery case.

The record shows that a criminal complaint for robbery with the use of force upon things was filed by the Cainta police against Randy and Nelson Torres, Marlon Bonson and Bernardo Bautista on May 24, 1993 before the inquest prosecutor, Nestor Gapusan, for robbing the residence of a certain Atty. Reynaldo Bautista at Greenpark Village, Cainta, Rizal. During the inquest, one of the suspects, Bernardo Bautista admitted to have committed the offense alone and exonerated the three (3) other suspects. Despite Bautista's admission, the inquest prosecutor recommended that a preliminary investigation be conducted. Since all the accused signed a waiver of detention, they were detained in the provincial jail pending the termination of the preliminary investigation.

Imelda Torres, mother of suspects Randy and Nelson and also the aunt of suspect Marlon Bonson, narrated that on June 8, 1993, she followed up the case with the Prosecutor's Office of Rizal. She was told that the record of the case was forwarded to Prosecutor Suyat, who was the Reviewing Prosecutor on inquest cases. She was able to talk to Prosecutor Suyat who initially demanded P20,000.00 for the dropping of the case against her two (2) sons and nephew. Prosecutor Suyat explained that if an information is filed against the suspects, she would have to pay a cash bond of P8,000.00 for each of the accused, the total of which is higher than the P20,000.00 demanded. She was able to bargain for P15,000.00 which Prosecutor Suyat demanded to be given in his office the following day on June 9, 1993 at 3:00 in the afternoon. After leaving Prosecutor Suyat's office, she immediately consulted her lawyer, Atty. Mariano Santiago, the former Chief of the Land Transportation Office. Atty. Santiago referred her to the Anti-Organized Crime Division (AOCD) of the NBI for assistance. The Chief of the AOCD, Atty. Artemio Sacaguing, ordered Special Agent Mar Panganiban to form a team for the purpose of entrapping the subject.

On June 9, 1993, at about 3:00 in the afternoon, Imelda Torres further stated that she, together with her daughter Mildred, went to the office of Prosecutor Suyat. The latter told them that the papers were still being typed. They waited until 5:00 in the afternoon on which occasion Prosecutor Suyat gave them the resolution dismissing the robbery case against her two (2) sons and nephew. Prosecutor Suyat told them to come back the following morning for the "release papers" of the accused from detention. Her daughter countered that they would rather give the P15,000.00 also

on the following day but Prosecutor Suyat told them "kailangan ko na yung pera ngayon, kaya ko nga ginawa yung mga papers na iyan at kung hindi ninyo maibibigay ang pera ngayon ay babawiin ko yung mga papeles na yan at bukas na lang ang lahat". She thus handed to Prosecutor Suyat the envelope containing the P15,000.00, all in one-thousand denomination. Thereafter, she and her daughter went out of the office with her (Imelda) bag under her armpit. This was the pre-arranged signal to the NBI agents that she had already given the money to Prosecutor Suyat.

The testimony of Imelda Torres was substantially corroborated by her daughter Mildred.

NBI Agent Mar Panganiban averred that when Imelda Torres came out of the office of Prosecutor Suyat at about 5:00 in the afternoon of June 9, 1993, she told him, "sir, kinuha na". His team then entered the office of Prosecutor Suyat. Prosecutor Suyat was with a male companion who later on turned out to be his son Junior. After introducing themselves as agents of the NBI, Prosecutor Suyat put down the envelope he was holding and kept his hand on his pocket. He asked Prosecutor Suyat to count the money in the envelope but the latter refused. This prompted him to count the money himself and found out that it was only P9,000.00. Prosecutor Suyat refused to comment on where the rest of the money went. Since Prosecutor Suyat's son, Junior, was the only other person inside the room at that time, they decided to search him. They found the folded P6,000.00 from Junior's pocket. At this juncture, Prosecutor Suyat whispered to him (Agent Panganiban), "okey na, huwag na nating isama yan, anyway I admit that it came from me". Prosecutor Suyat was then brought to the NBI and was subjected to forensic chemistry examination. His hands were found positive for fluorescent powder. Prosecutor Suyat opted to remain silent in the NBI office, thus no further questioning was undertaken on him.

Included in the evidence submitted by the NBI were the result of the forensic chemistry examination, photocopies of the marked money, photographs taken during the entrapment operation, joint-affidavit of arresting NBI agents, and booking sheet and arrest, among other things.

For his defense, Prosecutor Suyat denies the accusations against him. He claims that Imelda Torres misinterpreted him as demanding P15,000.00 when he advised her to get ready with the cash bond in case of an unfavorable resolution in the robbery case; that he did not receive the P15,000.00 from Imelda Torres and that he was found positive of fluorescent powder because Agent Panganiban told him to count the money in the envelope; that it is not true that his son was involved as shown by the NBI report which did not mention anything about his son; that there was no sense in demanding money because he had already favorably acted on the resolution in question; and that this administrative complaint was filed by Imelda Torres in retaliation for the detention of her sons and nephew.

After a careful evaluation of the record of the case, the Secretary of Justice finds Prosecutor Suyat liable for grave misconduct and recommends his dismissal from the service with forfeiture of benefits under the law.

I concur with the findings of the Secretary of Justice.

Prosecutor Suyat failed to controvert the positive assertions of Imelda Torres and the NBI agents. The result of the forensic chemistry examination clearly shows that he handled the marked money which only proves that indeed, he extorted and