

[ADMINISTRATIVE ORDER NO. 233, December 13, 1995]

**IMPOSING THE PENALTY OF DISMISSAL FROM THE SERVICE OF
PROVINCIAL PROSECUTOR JUAN D. CEREZO OF TARLAC**

This refers to the administrative complaint for grave misconduct against Tarlac Provincial Prosecutor Juan D. Cerezo who was entrapped on April 21, 1995 receiving P20,000.00 which he demanded in exchange for the release of two (2) accused facing drug charges.

On August 10, 1995, the Department of Justice formally charged Prosecutor Cerezo with grave misconduct on the basis of the affidavit of arrest of Police Inspector Joselito Dominguez, Supervising Officer of the Tarlac Provincial Anti-Narcotics Office, 3NRFU, PNP NARCOM, and the sworn statements of Editha Liego, Wil Fernando and Roberto Isip, who are relatives of accused Rosendo Liego and Edgar Isip.

Police Insp. Dominguez testified that on April 12, 1995, his team arrested Rosendo Liego and Edgar Isip for drugs. The two (2) were detained at the Tarlac Provincial Jail and charged by Prosecutor Cerezo in separate informations for illegal possession and sale of marijuana, respectively. He later came to know that their relatives approached for assistance Prosecutor Cerezo who assured them that the accused could be released provided they pay him P10,000.00 for each accused as he would prepare a motion for reinvestigation to be filed in court. Having known the case of Julio Sicat who was then under detention for illegal possession of "shabu" and from whom Prosecutor Cerezo also demanded P10,000.00, he planned to set entrapment on said prosecutor. Sicat had confided to him that he would soon be released in consideration of P10,000.00 demanded by Prosecutor Cerezo who would prepare his motion for reinvestigation. He succeeded in convincing the three (3) relatives of accused Liego and Isip to cooperate in the plan of entrapment.

Editha Liego, Wil Fernando and Roberto Isip affirmed the allegations in their sworn statements. At around 10:00 a.m. of April 21, 1995, they proceeded to the Office of the Prosecutor Cerezo supposedly to bring the P20,000.00 and sign the motion for reinvestigation. What was prepared instead was an Urgent Motion for Preliminary Investigation and Reduction of Bail which Roberto Isip and Editha Liego were made to sign. When Prosecutor Cerezo asked for the money, Wil Fernando placed the two (2) air mail envelopes containing the money inserted in a newspaper as previously instructed by Prosecutor Cerezo on top of the table but he pulled out the newspaper leaving the envelopes on the table. After confirming secretly from Wil Fernando that the money had already been given, Roberto Isip stepped out and gave the signal to Pol. Insp. Dominguez who, together with his men, rushed inside the room and arrested Prosecutor Cerezo whose hands were later found positive for the presence of ultra-violet powder.

Prosecutor Cerezo and his witnesses did not appear during the investigation but his