

## EN BANC

[ A.M. No. 2019-04-SC, June 02, 2020 ]

**RE: INCIDENT REPORT OF THE SECURITY DIVISION, OFFICE OF ADMINISTRATIVE SERVICES, ON THE ALLEGED ILLEGAL DISCHARGE OF A FIREARM AT THE MAINTENANCE DIVISION, OFFICE OF ADMINISTRATIVE SERVICES.**

### RESOLUTION

**PER CURIAM:**

Before this Court is a Memorandum-Letter dated August 5, 2019, by Deputy Clerk of Court and Chief Administrative Officer Atty. Maria Carina M. Cunanan (*Atty. Cunanan*) to Atty. Edgar O. Aricheta, Clerk of Court *En Banc*, relative to an illegal discharge of a firearm which occurred on December 25, 2019 within the premises of the Supreme Court.

Based on the Incident Report submitted by the Security Division, Office of Administrative Services (OAS) dated January 3, 2019, on December 27, 2018 at around 3:52 in the afternoon, Engr. Antonio Bayot, Jr. (*Engr. Bayot*), SC Supervising Judicial Staff Officer, Maintenance Division, OAS, called the Security Office to inform about an incident that happened in their office. Overall Shift-In-Charge Gil F. Pastorfide immediately responded and went to the place of incident where they saw a damaged computer desktop monitor with Property Number JDF-2010-1673-29A, on top of the working table of Mr. Dale Derick O. Josue. Upon inspection of the monitor, they discovered that it has multiple holes caused by fired bullets from a .22 caliber firearm based on the slugs recovered. They also noticed that the bullets came from the wooden partition wall dividing the office staff workstation and the locker area of the maintenance personnel. Upon further inspection of the area, it appeared that the gun was deliberately fired inside the maintenance office's locker based on the horizontal trajectory of the bullet. It also appeared that the illegal discharge of firearm occurred during the period when no other people were inside the office except the on-duty maintenance personnel.

Thus, Atty. Cunanan directed maintenance personnel to appear for investigation, and clarificatory questioning. Among those invited were Engr. Antonio Bayot, Jr., Nestor L. Cuaderes, Joseph D. Goloso, Teotimo E. Racho, Jr. (*Racho*), Nicomedes V. Natanauan, Jr. (*Natanauan*), Paulino M. Giducos, Jr. (*Giducos*) and respondent Gerardo H. Alumbro (*Alumbro*).

In the course of the investigation, they were asked who among the maintenance personnel own and possess firearm. It was confirmed *vis-a-vis* the information provided by their Chief of Division Engr. Bernardito R. Bundoc that Messrs. Giducos, Natanauan, and Racho personally own firearms. These three (3) employees, including Alumbro, even applied for a License to Own and Possess Firearms (*LTOPF*) during the caravan conducted by the Philippine National Police in the Supreme Court

Compound.

Further investigation also revealed unconfirmed information pointing to Alumbro's alleged involvement in the incident. Engr. Bayot testified that he overheard from some maintenance staff the name of Alumbro as the person most likely responsible for the illegal discharge of firearm. He also confirmed that Alumbro was the on-duty electrician in the Court on December 25, 2018 between 6:00 a.m. to 2:00 p.m.

Giducos, on the other hand, testified that he was the on-duty personnel on December 24, 2018. However, he had another information pertaining to Alumbro's possible involvement in the incident. He said that Ms. Annabelle M. Desamero informed him that she saw Alumbro took his lunch inside the maintenance working area on December 26, 2018, and was seen within the Court compound even when it was not his schedule of duty.

For his part, Alumbro vehemently denied any involvement in the incident of illegal discharge of firearm. Though he confirmed that he was the on-duty electrician on December 25, 2018 from 6:00 a.m. to 2:00 p.m., he alleged that he went home after work. When asked if he owns any firearm, he said that he does not own one, but admitted that he applied for a LTOPF since he was planning to buy a gun for himself.

Alumbro also stated that he just stayed at home the whole day of December 26, 2018 as it was his birthday and denied going to the Supreme Court on the said date. He said that he took his birthday leave on December 27, 2018 and reported back to the office only on the following day, December 28, 2018. Following his statement, a request to the security officers was made to verify the truthfulness of his allegations. Alumbro, on the other hand, was warned of the possible consequence to him if he was found not telling the truth.

On February 14, 2019, Alumbro was directed to appear again for the continuation of the investigation to answer some clarificatory questions. On this occasion, Alumbro changed his earlier statement and testimony by voluntarily confessing and admitting his responsibility relative to the unlawful bringing and illegal discharge of firearm at the Maintenance Division 's Office. When asked why he previously had to lie and gave false information, Alumbro humbly asked for forgiveness and said that he does not want innocent employees to get involved in the incident.

The pertinent portion of Alumbro's statement are as follows:

*Q: xxx Ito ay pagpapatuloy lamang dahil meron kaming napag alaman na mayroon kang testimonyang gustong ibigay o pag-amin na gagawin?*

*A: Opo.*

***Q: Maaari mo nang sabihin sa amin ngayon kung ano ito, Mr. Alumbro?***

***A. Inaamin ko po na ako ang may gawa ng pangyayari.***

***Q. Inaamin mo na ikaw ang may gawa ng pagpapaputok ng baril?***

***A. Opo.***

***Q. Ang testimonya na ibinigay mo sa amin noong January 17,***

**2019 ay binabago mo?**

**A. Opo.**

**Q. Na ang mga nakapaloob sa testimonyang iyon ay pawang mga kasinungalingan at ito ay binabago at itinatama mo ngayon?**

**A. Opo.**

**Q. Inuulit ko, ikaw ba ang nagpapaputok ng baril doon sa Maintenance Division's office?**

**A. Opo, Sir.**

**Q. Kailan mo ginawa ang pagpapaputok ng baril?**

**A. December 25 po.**

**Q. December 25, 2018 kung saan ay ikaw ang naka-duty noon? Ikaw ang duty electrician?**

**A. Opo.**

**Q. Anong klaseng baril ang ginamit mo?**

**A. .22 caliber po. Sir.**

**Q. Saan mo ito pinaputok?**

**A. Doon sa dingding.**

*Q. Ang ibig mo bang sabihin 'yung dingding na yun ay inireport ng Security Division na tinamaan ng bala at tumagos doon sa kabila, sa computer ni Mr. Josue?*

*A. Yes, sir.*

*Q. Handa ka bang harapin ang mga consequences sa ginawa mong ito?*

*A. Opo, Sir.*

*Q. xxx Bakit mo naman nagawang magpapaputok ng baril sa loob ng Maintenance Office at bakit mo nagawang magdala ng baril dito sa loob ng Supreme Court?*

*A. Pinabenta kasi sa akin 'yun, sir, gusto ko lang kumita ng konting halaga. (Emphasis supplied)*

*xxx*

*Q. Kailan mo dinala dito ang baril?*

*A. Umaga.*

*Q. Umaga ng December 25?*

*A. Opo.*

*Q. Bakit mo naman ito pinaputok doon?*

*A. Kasi ang sabi ay baka palyado po kaya naisip kong paputukin.*

*Q. Anong oras mo ito pinaputok?*

*A. Umaga. Bago mag-tanghali.*