

SECOND DIVISION

[A.M. NO. P-05-2069, October 13, 2005]

P/CAPT. ROMEO M. DE GUZMAN, COMPLAINANT, VS. MARIPI A. APOLONIO, COURT STENOGRAPHER, MTCC-BRANCH 2, SANTIAGO CITY, RESPONDENT.

RESOLUTION

TINGA, J.:

In a *Complaint*^[1] dated 25 July 2003, P/Capt. Romeo M. de Guzman (De Guzman), Chief of Criminal Investigation and Detection Group (CIDG) of Santiago City, Isabela, alleges that a *Criminal Complaint*^[2] for violation of Republic Act No. 3019^[3] (R.A. 3019) had been filed against Maripi A. Apolonio (Maripi). In view of this, De Guzman prays that Maripi be placed under preventive suspension.

The *Criminal Complaint* states in part:

That on or about 11:00 o'clock in the morning of July 17, 2003, at Santiago City, Philippines and within the preliminary jurisdiction of this Honorable Office, said accused being a public official or employee did then and there wilfully, unlawfully and feloniously [sic] demanded a cash amount of One Hundred Twenty Thousand Pesos (Php 120,000.00) however, it was reduced to Sixty Thousand Pesos (Php 60,000.00) which she (respondent) directly accepted/received from the complainant, ESPERANZA SAMONTE-SALANGA the supposed amount in a form of a boodle money with four (4) pieces of genuine marked money bearing serial numbers LN927865, CW459149, GZ675765 & DJ082560 during the entrapment operation conducted by the CIDG Santiago City who made the apprehension of the respondent, MARIFE [sic] APOLONIO to the damage and prejudice of herein complainant in the aforementioned [sic] amount.

Contrary to law.^[4]

However, the First Assistant City Prosecutor (the prosecutor), found no sufficient evidence to warrant the indictment of Maripi for violation of R.A. 3019. In a *Resolution*^[5] dated 3 September 2003, he downgraded the charge to estafa. Hence, an *Information*^[6] for estafa was thereafter filed against Maripi.

The CIDG filed an *Appeal*^[7] of the prosecutor's *Resolution* with the Regional Prosecution Office of Tuguegarao City. Said appeal which was forwarded to the Department of Justice (DOJ), is still pending disposition before it.^[8]

In her *Comment*^[9] dated 17 October 2003, Maripi vehemently denies the charges

against her. She claims that the money she allegedly received during the entrapment operation from her niece Esperanza Samonte-Salanga (Esperanza) was for the payment of the premium for the surety bond of the latter's brother, Jomel Samonte (Jomel). Jomel had been detained by the Philippine National Police (PNP) on drug charges. Maripi avers that Esperanza did not know of the plan to raise money for Jomel's surety bond and mistakenly believed that the money was to be used for extortion.

Earlier, Lucia Samonte (Lucia), Esperanza's mother and Maripi's sister-in-law, allegedly approached Maripi for advice on what the former can do to secure the release of Jomel. Maripi initially approached the PNP investigator to ascertain the nature of the charges against her nephew Jomel. Subsequently, she and Lucia went to the Office of the City Prosecutor to inquire about the possibility of posting bail for Jomel. Prosecutor Lucky M. Damasena said that he would recommend P120,000.00 bail bond for each case or a total of P360,000.00. Maripi then recommended that Lucia raise the money needed for the premium of the surety bond.

Thereafter, Maripi and Lucia agreed to meet on a certain day to go to the Office of the City Prosecutor and talk to an insurance agent who will issue the surety bond. On the appointed day, Esperanza came to know about the money because Lucia had asked her to deliver it to respondent. Thinking that the money would be used for extortion, Esperanza went to the CIDG of Santiago City and an entrapment operation was arranged for the arrest of respondent.

Forming part of the records of the instant case are: (1) an unsigned letter dated 20 July 2003, of a "Concerned Citizen of Santiago City" providing the Court a copy of the newspaper account of the entrapment operation conducted against respondent; [10] (2) an unverified letter-complaint dated 21 July 2003, of Jun Samonte together with "Concerned Citizens" Conching Saggala, Endong Samonte, Maritess Corpuz and Nanette Medina relative to the incident subject of De Guzman's complaint against respondent, expressing their fear of a whitewash considering respondent's association with the prosecutors and the judge handling the criminal case against her; [11] and (3) a letter dated 31 July 2003, of Jun Samonte informing the Court of the alleged involvement of the Office of the City Prosecutor of Santiago City in the pay-off/fiasco and expressing his fears that respondent will not be criminally charged due to the prosecutors' involvement in the incident. [12]

It is likewise worth noting that: (1) In *Judge Albano-Madrid v. Maripi Apolonio et al.*, [13] respondent Maripi was found guilty of gambling during office hours and was suspended from office for one month and one day without pay with a stern warning that a repetition of the same or similar act of misconduct will be dealt with more severely; (2) OCA IPI No. 03-1722 entitled *Paul Duque v. Maripi Apolonio et al.*, has been referred for Investigation, Report and Recommendation to Executive Judge Fe Madrid per Resolution dated 11 October 2004 of the Second Division of the Court; and (3) A.M. No. P-05-1958 (formerly OCA IPI No. P-04-1771/OCA IPI No. 03-1618-P) entitled *Atty. Pacifico Capuchino v. Maripi Apolonio, et al.*, for "Grave Misconduct and Violation of R.A. 4200 "Anti-Wiretapping Law, "" is pending resolution before the Court.

The Office of the Court Administrator (OCA) in its report [14] dated 29 July 2005, held that the information at hand is sufficient to hold respondent liable for gross