

FIRST DIVISION

[G.R. No. 127625, May 31, 2000]

PO1 VIRGILIO FLORA CARA, PETITIONER, VS. COURT OF APPEALS (FOURTH DIVISION), THE HONORABLE RAFAEL M. ALUNAN III, IN HIS CAPACITY AS THE SECRETARY OF THE DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT, NATIONAL POLICE COMMISSION (REGIONAL APPELLATE BOARD) PEOPLE'S LAW ENFORCEMENT BOARD, DISTRICT III, QUEZON CITY, AND TEODORO B. CHUA, RESPONDENTS.

D E C I S I O N

PARDO, J.:

The case before the Court is an appeal *via* certiorari from a decision of the Court of Appeals dismissing the petition for certiorari and mandamus instituted by petitioner seeking to set aside his dismissal from the police service and his reinstatement to the Philippine National Police with all the rights and privileges allowed by law.^[1]

The facts are as follows:

On March 7, 1993, at around 6:30 in the morning, petitioner Cara and his companion, Abraham Rosagaran, went to a bakery store located at the intersection of Anonas Street and Kamias Road, Quezon City. He parked his owner type jeep in front of the bakery.

While buying bread, petitioner noticed that a blue Nissan Bluebird car with plate No. PN-113, owned and driven by respondent Chua, sideswiped the jeep.

Despite hitting the jeep, respondent Chua continued driving on his way and stopped only when petitioner Cara and his companion gave chase and signaled him to pull over.

Momentarily, respondent Chua alighted from his car; petitioner's companion Rosagaran approached him. An argument ensued and respondent Chua hit Rosagaran on the face with his fist.

Petitioner introduced himself as a police officer (Police Officer 1) and invited respondent Chua to the police station. In quick response, respondent Chua immediately pummeled petitioner Cara on the face. He fell to the ground.

Still dazed, petitioner saw respondent Chua and Rosagaran engage in a fist fight. Soon, policemen from the Anonas Sub-station arrived at the scene and pacified the protagonists.

On April 14, 1993, the People's Law Enforcement Board, (PLEB) Quezon City,