

MALACAÑANG  
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 233

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 an 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.

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Prosecutor Cerezo and his witnesses did not appear during the investigation but his answer, counter-affidavit and supplemental counter-affidavit were submitted by his counsel who waived the cross-examination of the prosecution witnesses. Prosecutor Cerezo denied demanding P20,000.00 in consideration for the release of accused Isip and Liego. He told their relatives who sought his help that since the case was already filed in court, what they could do was file a motion for preliminary investigation and reduction of bail. He admitted assisting them in the preparation of said motion, the accused having the right to preliminary investigation since only an inquest was performed and also to ask for reduction of their bail. After Roberto Isip and Editha Liego had signed the prepared motion to which he also affixed his signature for his conformity, he was arrested. He denied that the money was handed to him but it was merely placed on his table.

Perlita Maliwat, witness for Prosecutor Cerezo and member of his staff, executed an affidavit corroborating Prosecutor Cerezo's allegations. She admitted having prepared the motion for preliminary investigation and reduction of bail patterned after a standard format as instructed by Prosecutor Cerezo. After said motion was signed by Editha Liego and Roberto Isip and by Prosecutor Cerezo for his conformity, the person seated in front of the Prosecutor placed an envelope from a folded newspaper on top of the table. Thereafter, three (3) persons barged inside the room and one of them picked up the envelope and told the Prosecutor, "You are under arrest".

Prosecutor Cerezo also set up the defense that he was framed-up by Pol. Insp. Dominguez and Tarlac Mayor Manalang as he had filed against the latter a civil case in behalf of the Tarlac Market Vendors Cooperative on April 20, 1995. He submitted the affidavit of one Rolando Gonzales who claimed to have overheard one Minong Trinidad during a fiesta celebration comment that his entrapment and arrest were planned by Mayor Manalang.

The Department of Justice gave credence to the testimony of Pol. Insp Dominguez who is presumed to have regularly performed his duty as a law enforcer there being no convincing proof to the contrary, as well as those of Editha Liego, Wil Fernando and Roberto Isip in the absence of clear evidence of improper motive on their part. It discredited the weak and unsubstantiated defenses of the Prosecutor. It found that the preparation of the motion for preliminary investigation and reduction of bail by Prosecutor Cerezo was clearly a procedural scheme or design to effect the release of the two (2) accused from detention, at least provisionally, in consideration of P10,000.00 each. The surrounding circumstances would show the manifestly anomalous and irregular acts of Prosecutor Cerezo. Records reveal that he filed the separate informations for violations of the Dangerous Drugs Act against Julio Sicat, Edgar Isip and Rosendo Liego, recommending bail of P60,000.00 each and subsequently prepared their motions either for reinvestigation or preliminary investigation and reduction of bail from P60,000.00 to P10,000.00, signing his conformity thereto which, from all indications are intended for him to exact P10,000.00 from each accused in consideration for their release. In the case of Julio Sicat, Prosecutor

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Cerezo signed the information stating that there was preliminary investigation conducted, yet the motion for reinvestigation which he prepared invoked the ground of lack of preliminary investigation. As a consequence thereof, the Court issued an order recalling the warrant of arrest against Sicat citing the conformity of Prosecutor Cerezo and pursuant thereto, the latter immediately issued the release order for Sicat.

The Department of Justice concluded that there appears a pattern of action, a form of modus operandi practiced by Prosecutor Cerezo to release accused persons in drug cases for monetary consideration after he himself had charged them in court. This he did by way of motions for reinvestigations, reduction of bail, etc. he prepared for the accused.

Based on the evidence on record, the Department of Justice found a clear case of grave misconduct committed by Prosecutor Cerezo and recommended his dismissal from the service with forfeiture of all benefits.

I concur in the findings and recommendation of the Secretary of Justice.

Prosecutor Cerezo clearly violated the Anti-Graft and Corrupt Practices Act and further committed acts detrimental to the successful and expeditious prosecution of drug offenses. His actuations betrayed his brazen disregard of a prosecutor's important task in the prosecution of drug offenses considering the menace of drugs and their pernicious effects to the public and society. For such grave misconduct he should be meted the penalty of dismissal from the service.

**WHEREFORE**, premises considered, Provincial Prosecutor Juan D. Cerezo of Tarlac is hereby dismissed from the service for grave misconduct with forfeiture of all benefits under the law. His dismissal shall take effect after fifteen (15) days following his receipt of a copy of this Order.

DONE in the City of Manila, this 13<sup>th</sup> day of December, in the year of Our Lord, Nineteen Hundred and Ninety-Five.



By the President:



RUBEN D. TORRES  
Executive Secretary