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After saying this Torres again hit me in the head, pulled a gun and got hold of my hair and asked me to open my mouth. x x x To his plea Torres shouted at my face and said, 'DI KO SI FISCAL TORRES KARON SI JUDAS KO'.

During all this time I have noticed that Torres and Agong are drunk.

8. As Torres insisted, I opened my mouth and he immediately inserted the barrel of his gun. As he did this suddenly, it hit my lower false teeth which I am still using now and it broke.
x x x

After this I was made to stand up, the gun was already placed by Torres in the table. I opened my eyes while still crying and I saw Virgie hand to Torres money. Later Torres asked Agong if Esteban has already arrived. Torres said 'Ni abot na ba si Teban kay ato na ning ipada ning salbahis sa Tagonol'. I later learned that they were refering to Esteban the CAFGU member and that Tagonol is a known salvaging dumpsite.

xxx

xxx

xxx

11. While we were already inside the house Agong was still outside shouting repeatedly, 'Mangingilad !Salbahis!'. After locking the front door, I sat as I felt my knees were trembling. Later I learned that my daughter got out of the house and called my mother in our house at Tres de Abril V. Aranas St.. My mother subsequently arrived and brought me to the Cebu City medical Hospital where I was examined by Dr. Joseph G. Dacalos and Dr. Jordan J. Pudpud.

Enclosed herewith are photocopies of the medical certificates marked as Annexes # A, B, C which evidences the injury suffered by the affiant, and is made an integral part of this sworn statement.

After receiving medical treatment in Cebu City Medical Hospital, my mother prevailed upon me, notwithstanding my desire to rest, to have



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the case entered in the police blotter. In the Police Station of Taboan I narrated what I was able to recall at that time.

Enclosed herewith as Annex # D is a photocopy of the entry of the Police Blotter in the Taboan Police Station, which is made an integral part of this sworn Statement;

xxx xxx xxx"

Based on the above affidavit, Cebu City Prosecutor Jufelinito R. Pareja instituted with the Department of Justice (DOJ) an administrative complaint, dated April 19, 1991, docketed as ADM. CASE No. 91-0038, against Assistant City Prosecutor Torres.

In a 1st Indorsement of May 10, 1991, then DOJ Undersecretary Bello directed respondent to file his answer/comment on the complaint and in a memorandum, dated July 10, 1991, DOJ Secretary Drilon preventively suspended respondent for ninety (90) days pending the final investigation of the case. As directed, respondent submitted his answer, attaching therewith several affidavits.

A formal investigation was conducted by the DOJ on October 16, 17, and 18, 1991. Thereafter, the DOJ submitted a memorandum report, dated November 29, 1991, the highlights of which are reproduced hereunder, thus:

" xxx xxx xxx

"The complainant presented during the formal investigation of the case her sworn complaint against respondent prosecutor and machine copies of the Police Blotter of the Taboan Police Station including the medical certificate issued by the physicians of the Cebu City General Hospital who treated her immediately after she was manhandled by Prosecutor Romulo T. Torres.

"The respondent, on his part, presented the spouses Feliciano and Virginia Mandipol, Fortunato Abarca and Melvin Ocampo who all testified that Natividad Aglipa is a known swindler and when she arrived at the Mandipol residence she was apparently drunk. These witnesses testified she was only admonished by Prosecutor Romulo T.



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Torres and Rolando Dacayana to stop her unscrupulous means of earning a living. The witnesses claimed that no mauling incident ever transpired, nor was there any heated argument.

" xxx xxx xxx

"During the hearing, the witnesses for respondent claimed that Natividad C. Aglipa filed charges against Prosecutor Romulo T. Torres because she got embarrassed when the prosecutor admonished her and she wanted to get even with the prosecutor.

"It was observed, however, by the Department of Justice that complainant and respondent have known each other long before the incident and there is no existing animosity between them which would prompt the complainant to file a baseless complaint.

"After a careful perusal of the pleadings submitted by the parties concerned, and hearing their testimonies during the formal investigation, including the witnesses, the Department of Justice finds the defense put up by the respondent devoid of merit.

"As a general rule, the number of witnesses presented cannot overcome the testimony of a more credible witness. The witnesses presented by the respondent were dove-tailing as to the events that transpired prior, during and after the mauling incident. These witnesses claimed that there was no heated argument that transpired that fateful night, however, the respondent prosecutor admitted in his counter-affidavit that a heated argument transpired when he confronted and admonished the complainant as to her malicious ways of swindling other people. If there was such a heated argument, and if complainant really shouted at the top of her voice, the other witnesses would not have missed noticing the incident.

" xxx xxx xxx



"The medical certificates presented, including the records gathered by the undersigned from the hospital where complainant sought medical assistance, would show that complainant suffered injuries on the night she was unlawfully manhandled. The injuries sustained by complainant were seen and examined by licensed physicians and could not possibly have been maliciously self-inflicted.

" xxx xxx xxx

"The counter-affidavit submitted by respondent Prosecutor Romulo T. Torres overturned the credibility of the same witnesses he presented. The counter affidavit submitted overshadowed the testimonies of the witnesses that no heated argument transpired between the complainant and the respondent.

"Although respondent was able to present witnesses for his defense, still, the injury sustained by the victim Natividad C. Aglipa speaks for itself, that is: that she was mauled on December 21, 1990. The complainant's testimony is more convincing and credible than the defense witnesses. In passing, firearms are being issued by the City Government of Cebu City to the City Prosecutor for self-defense and protection."

In all, the DOJ found that Torres unlawfully manhandled and physically harmed complainant Aglipa with the use of a firearm subjecting complainant to pain, humiliation, and extreme fear. Accordingly, that department recommended the dismissal of respondent from the service with forfeiture of all benefits.

After a circumspect study of the records, I found the indisputable fact that, after respondent confronted Aglipa in the house of Spouses Mandipol in the night of December 21, 1990, Aglipa sustained injuries that could not have been self-inflicted; that complainant was not impelled by vindictive motivations in filing the herein complaint; and that the herein complaint is supported by evidence sufficient to establish the guilt of respondent.

The affidavit of complainant, as substantiated by medical certificates (Annexes "A", "B", "C") and the Police Blotter (Annex "D"), is more credible, as correctly found by the DOJ, than the inconsistent affidavits and conflicting testimonies of respondent's witnesses.



BOOK 1341

ADM. ORDER
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Inflicting bodily harm on a helpless woman under humiliating circumstances is by itself odious. It becomes contemptible if a public official tasked with prosecution of crimes commit the offense. Such an officer does not deserve to remain in the public service.

WHEREFORE, premises considered, Assistant City Prosecutor Romulo T. Torres is hereby found guilty of grave misconduct. Accordingly, and as recommended by the Department of Justice, he is hereby DISMISSED from the service with the forfeiture of all benefits, effective fifteen (15) days after his receipt of a copy of this Order pursuant to Book VII, Chapter 3, Section 15, of the 1987 Administrative Code.

DONE in the City of Manila, this *21ST* day of *January* [✓] in the year of Our Lord, nineteen hundred and ninety-three



By the President:



ANTONIO T. CARPIO
Chief Presidential Legal Counsel