

Title:

Tad-y v. People

Facts:

On July 26, 1995, Rubin Tad-y, a structural analyst at the Office of the City Engineer (OCE) in Bacolod City, and Nestor Velez, a building inspector, were charged with direct bribery under Article 210 of the Revised Penal Code. The main accusation was that Tad-y received ₱4,000 in marked bills from Julio Encabo, a representative of building owner Mildred Wong, through an entrapment operation by the Philippine National Police (PNP).

The case began when Encabo reported Tad-y to the PNP for demanding a bribe to sign a certificate of final inspection necessary for a building permit. The PNP set up an entrapment, and Encabo handed over a white envelope with the money to Tad-y at Andre's Bakeshop. Tad-y, after checking the envelope, handed it to Velez, who pocketed it. Both were immediately arrested by undercover officers.

At trial in the Municipal Trial Court in Cities (MTCC), Bacolod City, Tad-y argued that he did not demand or receive the bribe consciously and that Encabo had a grudge against him. However, the court gave precedence to Encabo's testimonies, convicted Tad-y of the crime, and sentenced him to imprisonment and a fine. The conviction was upheld by both the Regional Trial Court (RTC) and the Court of Appeals (CA).

Issues:

1. Whether the evidence presented by the prosecution was sufficient to prove beyond reasonable doubt that Tad-y was guilty of direct bribery.
2. Whether the actions that Tad-y allegedly agreed to perform were connected with his official duties.

Court's Decision:

The Supreme Court acquitted Rubin Tad-y of direct bribery, noting the following:

1. **Insufficiency of Evidence:** The Court found significant inconsistencies and doubts regarding the credibility of Encabo's testimonies and evidence. Encabo gave conflicting accounts over time about the alleged demand for a bribe. Additionally, key evidence (the actual certificate signed by Tad-y and the envelope's content) was not convincingly established.
2. **Connection to Official Duties:** The certificate signed by Tad-y was a certificate of final

inspection, not a certificate of occupancy, which the building official, not Tad-y, had the authority to sign under Section 309 of the National Building Code (P.D. No. 1096). This misalignment raised doubts about the prosecution's claim connecting Tad-y's actions to his official duties.

3. Questionable Entrapment Operation: The behavior of both Tad-y and Velez, alongside their prompt and cooperative actions during the entrapment operation, suggested no clear intent to accept or keep the bribe. The forced fingerprinting by police officers further tainted the operation's legitimacy.

#### Doctrine:

1. **Standard of Proof Beyond Reasonable Doubt**: Prosecution must present substantial and credible evidence to fully establish guilt. Conflicting, evasive testimonies weaken the prosecution's case significantly.
2. **Connection to Official Duties for Bribery Charges**: For an act to constitute direct bribery, it must be firmly linked to the official's duties, with clear evidence of both the demand and the intent to execute influenced by the bribe.

#### Class Notes:

- **Elements of Direct Bribery (Article 210 RPC)**:

1. Offender is a public officer.
2. Accepts an offer or receives a gift or present by himself or through another.
3. Receives it with a view of committing an act connected with the performance of his official duty.
4. The act agreed or performed must be linked with the official duty.

- **National Building Code (P.D. No. 1096), Section 309**: Only the Building Official can issue a certificate of occupancy. This is crucial in distinguishing the roles and responsibilities within public office functions.

#### Historical Background:

This case exemplifies the larger context of corruption within government offices in the Philippines during the 1990s. Anti-corruption measures and entrapment operations were often employed to address such issues. Entrapment cases, however, require strict standards of proof due to the potential for abuse and the complexity involved in distinguishing between legitimate enforcement and wrongful prosecution. The Tad-y case reaffirms the judiciary's role in ensuring due process and protecting individuals from insufficiently

substantiated charges.