

THE SECRETARY OF JUSTICE, COMPLAINANT, VS. ANTOLIANO R. PACIS, RESPONDENT.

A.M. No. P-16. January 31, 1977

Ponente: MAKASIAR, J.

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MAKASIAR, J.:

This administrative case is an offshoot of a complaint filed on January 29, 1973 by Mr. Jaime Bernal with the Department of Justice denouncing Mr. Antoliano R. Pacis, then supply officer of the Department of Justice, who was transferred to this Court, as the intermediary of then Assistant City Fiscal Angel P. Purisima of Manila[1], in seeking allegedly to extort P25,000.00 from him (Mr. Bernal) in consideration of a favorable decision in Civil Case No. 83352 entitled "Jaime Bernal vs. NAWASA, et al." [2]

At the outset, it should be clearly understood that while in the course of this decision the evidence of record is discussed with specific reference to then Assistant City Fiscal Angel P. Purisima and his alleged scheme to extort P25,000.00 from Jaime Bernal with respondent as his alleged collector and intermediary, such discussion should not be taken to pass upon or make a finding (explicitly or implicitly) of former Fiscal Purisima's guilt, since he is not a respondent and has not been investigated in this case.

On February 14, 1973, the Department of Justice sent a letter to Antoliano Pacis requiring him to submit a written answer. This letter is quoted in full:

"This Office has found that a prima facie case exists against you for conduct prejudicial to the best interest of the service and/or dishonesty in that around 10:00 a.m., on January 30, 1973, in the Department of Justice Canteen, you introduced and represented yourself to Mr. Jesus Bernal, operator of said canteen, as the person sent by Fiscal Angel Purisima to collect a sum of money being extorted from Mr. Bernal in connection with his pending case in Branch VII, Court of First Instance, Manila, and that you even urged Mr. Bernal to expedite the payment of said money.

"Wherefore, you are hereby required to submit a written answer, in detailed form, to the aforementioned charge(s) within seventy-two (72) hours from receipt hereof. In your answer, please state whether you elect to have a formal investigation of the charge(s) against you or whether you waive your right to such an investigation.

"You are also advised that you are entitled to be assisted by counsel."

In an answer dated February 16, 1973, Pacis denied the accusation and averred that it has no basis. In an affidavit dated February 9, 1973 attached to his answer, Pacis stated the following:

"2. That to set the record straight, I hereby narrate hereunder all I know about this case:

"a) On or about January 22, 1973, Mrs. Lirio came to my office to requisition some supplies. While waiting for the supplies, she sat on the chair beside me and related to me that there is a case pending in the Court of First Instance of Manila under Judge Purisima and that Mrs. Bernal, operator of the DJ canteen, requested her to talk to

Fiscal Purisima about the same;

"b) On or about 3:00 p.m. on January 29, 1973, while I was in my office, Mr. Amado Hilario came in and told me that somebody was waiting outside and wanted to see me. When I looked out of the door, I saw Fiscal Purisima in his car so I approached him. He invited me for snack, but I declined because I had just taken coffee. He later told me that he was looking for somebody whose name he did not mention. When he was turning his car to the left in front of the Department gasoline station, he saw a man coming down the stairs of the ground floor of the Department, whom I later learned to be Mr. Bernal, at the sight of whom, he said, 'Ayan na pala'. Then we parted ways and I went back to the office;

"c) The next day, at about 10:00 in the morning, while I was having snack at the Department canteen and at the precise time that I was paying the chit to Mrs. Bernal, I remember the visit to me of Fiscal Purisima so I asked her in Tagalog, 'I think Fiscal Purisima was looking for your husband yesterday. Were they able to see each other?' She answered in the affirmative;

"d) I did not see the Bernals thereafter nor talk to them about any matter whatsoever."

The Secretary of Justice, under Administrative Order No. 32 dated February 14, 1973, assigned this case for investigation, report and recommendation to Atty. Dominador T. de Guzman of the Department of Justice. On May 17, 1973, he submitted his report and recommendation. Pertinent portion of this report reads:

"It appears from the testimony of the complainant Jaime Bernal and his wife, Elvira Bernal, that on January 30, 1973, at about 10:00 a.m., respondent Antoliano Pacis went to the Department of Justice canteen and introduced himself to them as the Supply Officer of the Department of Justice. Respondent told them *inter alia* that he had been named by Ex-Fiscal Purisima to receive the money he was demanding from complainants.

"13. Q - You said that you had an understanding with Fiscal Purisima last Wednesday, what happened?

"A - The following day, Tuesday, about 10:00 in the morning a certain Mr. Pacis of the Department of Justice, the property officer, introduced himself to my wife and told her that he was sent by Fiscal Purisima to inform her that Fiscal Purisima and Judge Purisima were very disappointed with what happened during the previous Friday. As I was approaching my wife, I was introduced to him, Mr. Pacis. He told me that he was the man whom Fiscal Purisima assigned to collect the money the previous Friday and he is also the same fellow who was seen by some of the people who helped me to approach Undersecretary Macaraig, who came inside the car of Fiscal Purisima after we came to see Secretary Macaraig and later disappeared. And that Fiscal Purisima also talked to him about our meeting at the Cultural Center. I left the fellow while he was eating and I went to my office. About an hour later I returned to the canteen. My wife told me that Judge Pichay, the Judicial Superintendent of the Department of Justice would like to talk to me. So I went out to see Judge Pichay but as I came out of the canteen, one of my friends told me that Fiscal Purisima is inside the office of Judge Pichay. So instead of going inside the office of Judge Pichay, I went to the Office of Undersecretary Macaraig and told him about what is happening. The Undersecretary told me that it will be better if I will not see Judge Pichay for it may prejudice our plans. As I was coming out of the office of Sec. Macaraig I saw Augusto Francisco, Jr. coming out of the office of Judge Pichay. He told me that it was Judge Pichay who informed Fiscal Purisima that I had made a complaint against the Fiscal. That afternoon I came here at the NBI and informed Regional Director Nestor Gonzales of what had happened' (Exh. B, Q & Ans. No. 13, Statement of J. Bernal).

"In his explanation, respondent admitted having been present at the D.J. Canteen on January 30, 1973. He, however, alleged that the following was the only remark he made to Mrs. Bernal: 'Fiscal Purisima was looking for your husband yesterday, did they see each other?' He denied ever talking to complainant Mr. J. Bernal.

""(c) The next day, at about 10:00 in the morning, while I was having a snack at the Department Canteen and at the precise time that I was paying the chit to Mrs. Bernal, I remembered the visit to me of Fiscal Purisima so I

asked her in Tagalog: 'I think Fiscal Purisima was looking for your husband yesterday. Were they able to see each other?' She answered in the affirmative' (Exh. 14-A, Statement of A. Pacis).

"The liability of the herein respondent rests principally on the credibility of his testimony as against those of the complaining witnesses.

"The defense suggests that the claims of complainant in the said civil case were grossly exaggerated. This, it is alleged, supports the view that it was complainant who took the initiative in offering the P25,000 bribe to obtain a favorable court decision. On the other hand, complainant insists on the legitimacy of his claim for damages in the civil case and maintains that it was ex-Fiscal Purisima who solicited the bribe.

"The above recitals of the parties, though conflicting, establish the existence of an attempt to subvert justice in the civil case in question. While a determination as to whether it was complainant or Ex-Fiscal Purisima who suggested the giving of a bribe appears to be irrelevant, I find it necessary to inquire into said question if only to place the statements of said parties in their proper perspectives. In this connection, the undersigned believes that if complainant Jaime Bernal, who is also the plaintiff in Civil Case No. 83352 of the CFI, Manila, is as smart and shrewd as pictured by the defense, his offering of such a large bribe is improbable. Certainly, complainant would have realized that whatever advantage he can obtain in the lower court can still be obliterated by an unfavorable appellate judgment. The version of respondent to my mind, would have deserved credence if the advantage allegedly sought by complainant with the bribe he allegedly proffered were a compromise agreement that would be the object of the decision in the civil case. This is so because elevating the case on appeal in such an event would be precluded.

"Another circumstance which suggests the veracity of the allegations of the complaining witnesses is the absence of any motive on their part to perjure themselves. We cannot subscribe to the contention of the defense that respondent was implicated in the extortion plot, which they describe as part of an 'illegitimate scheme for revenge' simply because he works in the Department of Justice and is a townmate of Ex-Fiscal Purisima. Moreover, I find it preposterous to assume that complainant would impute derogatory remarks to one whom they did not know or meet before the incident at bar.

"Q. According to you, there have been no incident between you and Mr. Bernal and there was no occasion that you have seen Mrs. Bernal and Fiscal Purisima in conversation at all. Can you think of other reasons why these people want to put you down and make false assertions against you?

"A. Well, there is one that I could think of. They know that we are townmates with Fiscal Purisima. If I may be allowed to add this - on one occasion Sergeant Morales of the Operation Warrant of Arrest, one Saturday, according to him, they were together with Mr. Bernal the night before. Then upon the prodding of Bernal, Sergeant Morales asked me if I could testify against Fiscal Purisima and the Judge. I politely objected to it because I know nothing about it' (TSN, pp. 346-347, Hearing of March 5, 1973, testimony of A. Pacis on Cross Examination).

"On the contrary, I find it more logical to conclude that respondent became enmeshed in the unholy design because of his personal relation with Ex-Fiscal Purisima who prodded him into action, as the Fiscal's growing impatience in reaping the harvest of his nefarious scheme appear to have been aggravated by the seeming reticence of the complainant in coming across with the bribe money" (pp. 7-11, rec.).

The investigator's recommendation is that respondent Pacis be found guilty of conduct prejudicial to the best interest of the service, and that he be required to resign pursuant to Letter of Instruction No. 14-A.

On May 23, 1973, the Department of Justice forwarded the said report and recommendation to this COURT.

There is no clear and convincing evidence that respondent Pacis introduced and represented himself to complainant Jesus Bernal, operator of the Department of Justice canteen, "as the person sent by Fiscal Angel

Purisima to collect a sum of money being extorted from Mr. Bernal in connection with his pending case in Branch VII, Court of First Instance, Manila" or that respondent Pacis "even urged Mr. Bernal to expedite the payment of said money."

The testimony of Mr. and Mrs. Bernal on this point cannot be accorded full faith and credit; because their testimony pictures respondent Pacis, then Supply Officer of the Department of Justice and now of this COURT, to be either stupid or lacking in caution.

The Bernal spouses declared that respondent Pacis approached Mrs. Bernal inside the Department of Justice canteen at about 10:00 o'clock in the morning and told her that he was sent by then Assistant Fiscal Purisima to collect from them P25,000.00; and that the canteen then was crowded with officials and employees of the Department of Justice who were having their usual merienda and some were passing them while they (Bernal spouses and respondent) were conversing as the aforesaid officials and employees were paying for their snacks or leaving the cashier after paying their chits. Mrs. Bernal was then by the cash register.

It is unthinkable that respondent, who is a responsible supply officer and should therefore be credited with some degree of intelligence, would be so imprudent or so stupid as to publicly advise the spouses that he was the agent of former Assistant Fiscal Purisima to collect the amount of P25,000.00, which the ex-Assistant Fiscal was extorting from them in connection with a civil case in the Manila Court of First Instance branch presided by the brother of said former Assistant Fiscal.

Moreover, from their own evidence (Exhs. B and C), as well as from their testimony, their allegation is that the former Assistant Fiscal appears to be his own collector and employed no intermediary or agent to do the collection for him, except in the last instance when he allegedly instructed respondent to show up and introduce himself to the Bernals as the "bag-man".

Under oath, Mr. Bernal declared in Exhibits B and C, and upon cross-examination on March 5, 1973 (tsn, pp. 39-40), that the pick-up date by that "somebody from the Department of Justice" was "Friday, 26 January 1973" and not on January 30. He testified also on cross-examination that on the afternoon of January 29, 1973, "the final instruction" of the then Assistant City Fiscal on the delivery of the "extortion" money was that Mr. Bernal himself should deliver the payola to him (fiscal) in his office at the Manila City Hall, on January 31, 1973, and not on January 30, 1973 (tsn, p. 52). Yet, Mr. Bernal admitted that on January 26, 1973 when that "somebody" would introduce himself to pick up the money, the person who showed up was the then Assistant City Fiscal himself at the Department of Justice canteen (tsn, pp. 50, 55, 56-57, 58, 117). And Mrs. Bernal testified that it was the former Assistant City Fiscal who showed up on that date at the department canteen looking for her husband. She told him that her husband was out of town which angered the fiscal (tsn, p. 55). And Mr. Bernal admitted this, plus the fact that the former Assistant City Fiscal "even told my wife, I think Friday, 'if your husband will not arrive on Wednesday, you can forget everything'" (tsn, p. 50). Exhibit C also confirmed the fact that it was the then Assistant City Fiscal again who showed up at the department canteen on January 29, 1973. He was also angry, he scolded the employees therein and even pointed his finger at Mrs. Bernal's face.

From the start, no such intermediary came into the picture between Mr. Bernal and the then Assistant Fiscal. Mr. Bernal admitted that it was Assistant City Fiscal Leocadio P. Magat, Jr. of Manila, who introduced him to the former Assistant Fiscal on January 3, 1973 (tsn, pp. 31, 35); that he saw the former Assistant Fiscal sometime before January 26, 1973 when the latter went to the Department of Justice canteen (tsn, p. 37); that prior to January 26, the former Assistant Fiscal went to the Department of Justice canteen "every now and then"; and that "[t]here was one time when he told me (Mr. Bernal) to go to the Swiss Inn Restaurant one lunch time. And then the rest mostly in the canteen and also in his office. He told me 'you go to my office, I will talk to you.' And then

one time he told me to go to the Cultural Center" (tsn, p. 38), and they did meet there on the afternoon of January 29, 1973. Mr. Bernal also declared that he used to visit the then Assistant Fiscal in his office at the City Hall before January 26, 1973 (tsn, p. 38).

Mr. Bernal's testimony is quite revealing. His contacts with the former Assistant Fiscal from January 3, 1973, were close, direct and personal. No intermediary was spoken of. And, more significantly, nowhere did respondent Pacis' name or shadow come into the scene.

Mr. Bernal declared that he and the former Assistant Fiscal agreed that the money will be collected through an intermediary on January 26, 1973. But this' is easier said than believed; it is too loose for comfort. For there were vital questions left unanswered: who is the supposed collector or intermediary? Where, how and at what time should the unnamed collector or intermediary collect the money? Indeed, on that day of January 26, 1973, it was the former Assistant Fiscal who showed up at the Department of Justice canteen looking for Mr. Bernal. And, on January 28th, no "intermediary" showed up at the canteen (tsn, p. 57).

From all indications, if Bernal is to be believed, the then Assistant Fiscal seemed to be his own collector and appeared to have all the ways, means and opportunities to collect the P25,000.00 from the complainant and his wife. Since January 3, 1973, the former Fiscal appeared to be in all places. He saw Mr. Bernal many times at his (Fiscal's) office; "every now and then" he showed up at the Department of Justice canteen, at the "Swiss Inn Restaurant", at the "Cultural Center", in "Pasay City", and even in the "clinic" of the former Fiscal's sister.

WE have read and reread the report and WE found that the investigator of the Department of Justice completely avoided discussing why Mr. Bernal did not implicate respondent Pacis in his first sworn statement before the National Bureau of Investigation on January 29, 1973, when on that date, as the complainant claimed, he had already seen respondent Pacis and the then Assistant Fiscal together in the latter's Mercedes Benz car within the Department of Justice compound. Even after Mr. Bernal executed his second sworn statement on February 1, 1973, the National Bureau of Investigation stood firm in its report to the Department of Justice that it is "not in a position to recommend that Mr. Pacis likewise be charged administratively."

The, department investigator pointed out that there was "absence of any motive" on the part of the complaining witness and his wife "to perjure themselves"; and that "it (is) preposterous to assume that complainant would impute derogatory remarks to one whom they did not know or meet before the incident at bar." Apart from the fact, which cannot be discounted, that at heart, the husband and wife who teamed together seek to establish their serious complaint of "extortion" at all costs to obtain a favorable outcome, there is a good motive why they would implicate the respondent. The evidence on record is firm and unrebutted that, as respondent Pacis declared, Sgt. Morales of the Department Operation Warrant of Arrest, requested respondent Pacis, upon complainant's own prodding, to testify against the former Assistant Fiscal. But he begged to be excused, for he "knows nothing about it."

The investigator found "it more logical that respondent became enmeshed in the unholy design because of his personal relation with Ex-Fiscal Purisima who prodded him into action x x x." due to the ex-Fiscal's "growing impatience aggravated by the seeming reluctance of the complainant in coming across with the bribe money." But the report miserably failed to exert and amplify as well as cement with positive and unequivocal assurances and details what appeared to be a casual and loose reference to respondent Pacis' supposed complicity in the extortion scheme, or what special power and influence respondent had over the complainant Bernal as would break down his "seeming reticence" and make him come across with the supposed pay-off. While the report speaks of "personal relation", the only link that was pointed out is that respondent is a "townmate" of the former Assistant City Fiscal. But this alone is too tenuous to prove closeness of personal relationship or association

between them when conspiracy implies con-cert of design. The evidence proves nothing whatsoever of any previous or even coetaneous understanding or common cause or negotiations to weld respondent Pacis with then Assistant City Fiscal Purisima. At any event, it would be dangerous to hold that "unholy design" was proved simply because respondent Pacis was seen with the former Assistant City Fiscal in the latter's car on January 29, 1973, at 3:30 p.m. at the Department of Justice compound.

WHEREFORE, THIS ADMINISTRATIVE COMPLAINT AGAINST RESPONDENT ANTOLIANO R. PACIS IS HEREBY DISMISSED.

Muñoz Palma, Concepcion, Jr., and Martin, JJ., concur.

Teehankee, (Chairman), J., concurs and files a brief concurring opinion.

[1] His resignation was accepted by the President.

[2] Upon receipt of this complaint, Undersecretary of Justice Macaraig called upon the Regional Director, HORO, NBI for a conference in his office. Mr. Bernal, upon advice of the Undersecretary, went to the NBI and executed a sworn statement dated January 29, 1973 (Exh. A, pp. 54-56, rec.) narrating the following incidents:

Sometime in 1971, Jaime Bernal filed a civil suit against the NAWASA, now the Metropolitan Waterworks and Sewerage System, for collection of the sum of P223,000 representing the latter's obligation for janitorial services rendered by Bernal's men. The case was assigned in the Court of First Instance Branch of Manila presided by Judge Amante Purisima. On December 21 or 22, 1972, the case was submitted for decision.

Sometime in the first week of January, 1973, while Jaime Bernal was waiting for Assistant Fiscal Villaluz of Manila in connection with the hearing of a certain estafa case filed by said Jaime Bernal against one of his employees, Assistant Fiscal Angel Purisima, brother of Judge Amante, arrived.

Fiscal Magat introduced Bernal to Fiscal Purisima, who commented that he used to see him in the sala of his brother, Judge Amante Purisima. Bernal replied that he has a pending case there. Fiscal Purisima then inquired whether Bernal needed any help and the latter answered that he needed all the help he could get. Bernal, upon being asked by the Fiscal where they could see each other, designated the canteen in the Department of Justice being operated by his wife.

Several days later, Fiscal Purisima arrived at the canteen and informed Bernal that his case "is not very good". He was surprised and told the Fiscal that the NAWASA failed to dispute his claim. However, Fiscal Purisima proposed that he could help Bernal if the latter could give him a sub-stantial amount from the amount to be awarded to Bernal. Bernal replied that he would pay if he could afford and after the decision shall have become final. Fiscal Purisima promised to return as soon as the decision has been prepared.

Subsequently, Fiscal Purisima returned to the canteen and on January 23 or 24, 1973 (Tuesday or Wednesday), instructed Bernal to be ready with the amount of P25,000 by Friday (January 26, 1973). Bernal said he has to go to the province to raise the money and added that he must see the decision first. He went to the province but failed to raise the necessary amount.

On Friday (January 26), Fiscal Purisima went to the canteen and talked to Mrs. Bernal, instructing her to prepare the money by Sunday (January 28), otherwise she should forget the whole thing. The Fiscal further instructed her to call him at 1:00 p.m. on Sunday at the house of Judge Purisima; and gave her the telephone number.

Bernal was not able to call up Fiscal Purisima at 1:00 p.m. that day because he "tried to raise the money". He called up at 4:00 p.m. and a woman answered, saying that the Fiscal was not there any-more; but left instruction

to call him up at his office on Monday morning (January 29). But before Bernal could make the call, Fiscal Purisima went to the canteen and instructed one of the employees to inform Mrs. Bernal to see him at his office. However, before Mrs. Bernal could leave, Fiscal Purisima returned to the canteen and told her to be ready with the money by Wednesday (January 31). Before lunch that day, the Fiscal went to the canteen and told Mrs. Bernal that the decision will be withheld only until Wednesday (January 31).

Jaime Bernal consulted his friends who accompanied him to the office of Undersecretary of Justice Catalino Macaraig in the afternoon of that day, Monday (January 29). The Undersecretary advised him to go to the NBI.

After giving his sworn statement to the NBI, Bernal was advised to fulfill his engagement with Fiscal Purisima at the Cultural Center.

Two NBI agents and a photographer were immediately dispatched to the Cultural Center and they saw Fiscal Purisima and Bernal talking to each other. Then the Fiscal left, followed by Bernal in his own car. The NBI agents followed but lost them at Libertad, Pasay City.

On February 1 (Thursday), Bernal returned to the NBI and in his executed second sworn statement dated February 1, 1973 (Exh. B, pp. 56-59, rec.), narrated that from the Cultural Center, they proceeded to the clinic of Fiscal Purisima's sister somewhere in Pasay City, and in a doctor's room, Fiscal Purisima let Bernal read a carbon copy of the decision (bearing initials) in the civil case aforementioned, and instructed him "to be on time the coming Wednesday when he will give the instructions on how to deliver the money."

Bernal also stated in his sworn statement that at around 10:00 a.m. on January 30 (Tuesday), the day following his meeting with Fiscal Purisima at the Cultural Center, respondent went to the canteen, and introduced himself to Mrs. Bernal and told her that he was sent by Fiscal Purisima to inform her that he and his brother Judge Amante Purisima, "were disappointed with what happened during the previous Friday" as the pay-off did not materialize. When Bernal approached his wife, she introduced him to respondent. Respondent told Bernal that he was the man whom Fiscal Purisima assigned to collect the money the previous Friday. According to Bernal, respondent was also the same fellow who was inside the car of Fiscal Purisima and later disappeared. This incident was seen by Bernal's friends after they came from the office of Undersecretary Catalino Macaraig in the afternoon of January 29. Respondent also told Bernal that Fiscal Purisima informed him (respondent) about their meeting at the Cultural Center. Thereafter, Bernal left respondent while he was eating.

On February 9, 1973, Jaime Bernal executed a third sworn statement before the Operation Center, Dept. of Justice (Exh. "C" pp. 60-63, rec.) as supplement to his sworn statements dated January 29 and February 1 taken before the NBI.

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CONCURRING OPINION

TEEHANKEE, J.:

I wish only to stress that the sworn statements and testimony of the complainant Jaime Bernal and such other evidence as he may have presented at the investigation of his complaint against respondent Antoliano R. Pacis which cast aspersions against former Assistant City Fiscal Angel P. Purisima of Manila and which are extensively

discussed in the decision can in no way be taken against the former fiscal since they were all made ex-parte against him. Elementary due process demands this for the former fiscal has neither been heard nor charged nor given the opportunity to confront his detractor.

The Court has disbelieved the Bernals' grave charge and testimony against respondent's accusing him of being a party to the alleged extortion scheme of the former fiscal as they would picture respondent "to be either stupid or lacking in caution." (See page 11).

It may only be noted that applying the same yardstick, the Bernals' ex-parte testimony against the former fiscal would have to be disbelieved per se even without hearing the latter's side. In Bernal's sworn statement, the fiscal allegedly promised to help obtain a favorable decision in Bernal's case against NWSA provided Bernal paid the fiscal the sum of P25,000.00. Bernal replied that "he would pay if he could afford and after the decision shall have become final." Yet Bernal forgetting his own condition of finality of the decision allegedly "went to the province but failed to raise the necessary amount." (See p. 3, decision). To use the investigator's own observation (although made in another context) "Certainly, complainant (Bernal) would have realized that whatever advantage he can obtain in the lower court can still be obliterated by an unfavorable appellate judgment" and such claim of complainant as to the alleged extortion and the demand for immediate payment thereof notwithstanding that complainant had imposed as condition for payment if he could afford and after the decision shall have become final "would have deserved credence" if the advantage offered by the ex-fiscal "were a compromise agreement that would be the object of the decision in the civil case" which would preclude elevating the case on appeal. (See page 9, decision).

Indeed, the record discloses many more reasons for disbelieving the Bernals' allegations as to the very existence of the alleged extortion scheme, among which may be briefly mentioned the following:

- The statement of February 14, 1973 (Exhibit 13) and testimony of Eulalio D. Pichay, then Judicial Superintendent of the Department of Justice that Bernal sought his help with the Judge (the brother of former Fiscal Purisima) in his collection case of P230,000.00 against the Nawasa to which he replied that "I could not just talk to a Judge regarding a case pending in his Sala" and that Bernal made the same "improper, immoral, contemptuous" overture to Undersecretary of Justice Macaraig, which the latter also rejected outright and that "All that they (Bernal and his companion Augusto Francisco, Jr.) wanted was the decision of P230,000.00 from the Judge;"

This is supported by the affidavit of Assistant Fiscal of Manila Leocadio P. Magat, Jr. (Exhibit 9) that he introduced Bernal to the former fiscal at Bernal's request if "(he) knew somebody close to Judge Purisima" as Bernal wanted to "wind up his affairs including, among others, the early termination of a pending civil case before Judge Purisima of the Court of First Instance of Manila" and by the certificate of City Fiscal of Manila Jose L. Gamboa that the former fiscal informed him on January 31, 1973 that "he had made an agreement with the police authorities to entrap in his office a person who was trying to bribe his brother, Judge Amante P. Purisima, through him and he asked my permission to use his office for the purpose which I granted."

- The patent lack of merit of complainant Bernal's case against the Nawasa which appears to have been aptly described as a "get-rich-quick scheme" where Bernal manifestly bloated his claim against the Nawasa for 2 weeks unpaid janitorial services (and 7-day job training) for 29 employees from the actual amount of some P15,000.00 (which he was actually paid as per their stipulation of facts P73,000.00 (which he falsely claimed to have actually paid/them) plus some P157,000.00 for moral and exemplary damages and attorneys' fees; and

- The very decision of February 12, 1973 handed down in the case, where pursuant to the very stipulation of facts of the parties since Bernal's actual claims had been previously paid and discharged, the only issue submitted to the

court for resolution was whether or not Bernal was entitled to collect damages and attorney's fees, and such issue was convincingly resolved in the negative against Bernal.

Very grave imputations and charges against the integrity of former Assistant Fiscal Angel P. Purisima and of his brother incumbent Judge Amante P. Purisima of the Court of First Instance of Manila have been made ex-parte by complainant Bernal in the course of the investigation of his complaint against respondent. Let copies hereof and of the decision be furnished them by the Clerk of Court for whatever action they may deem appropriate in the premises in order to ferret out the truth.

Muñoz Palma, J., concurs.

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