



REPUBLIC OF THE PHILIPPINES
Sandiganbayan
Quezon City

SIXTH DIVISION

PEOPLE OF THE PHILIPPINES, **SB-17-CRM-0978**
Plaintiff,

For: Violation of Section 3(e),
R.A. No. 3019, as amended

-versus-

ROSELYN SORIANO MURILLO- *Present:*
MAMON AND PHERHAM FERNANDEZ, SJ, J.
SURIAN SAIDDI *Chairperson*

Accused. **MIRANDA, J. and**
VIVERO, J.

Promulgated:

July 29, 2017 *[Signature]*

X-----X

DECISION

VIVERO, J.

Accused **Roselyn S. Murillo-Mamon and Pherham Surian Saiddi** are charged with violation of Section 3(e) of Republic Act No. 3019, also known as the Anti-Graft and Corrupt Practices Act. The Information reads as follows:

Information

"That during the period from May 2013 to August 2013, or sometime prior or subsequent thereto, in Zamboanga City, Philippines, and within the jurisdiction of this Honorable Court, accused **ROSELYN S. MURILLO-MAMON**, a high-ranking public officer, being Deputy City Prosecutor of Zamboanga City, and the handling prosecutor in Criminal Case No. 26697, a Frustrated

[Signature]

[Signature]

DECISION

People of the Philippines v. Roselyn S. Murillo-Mamon, et al.,
SB-17-CRM-0978

Page 2 of 41

X-----X

Murder case pending before the Regional Trial Court, Branch 14, Zamboanga City, in such capacity and taking advantage of her official position, committing the crime in relation to her office, conspiring and confederating with **IPHERHAM SURIAN SAIDDI**, the defense counsel of Phon Mohammad and Dadoh Mansul in the abovementioned case, acting with evident bad faith, manifest partiality and/or gross inexcusable negligence, did then and there wilfully, unlawfully and criminally offer and give Police Officer III Flavio A. Enriquez, Jr. (Enriquez), the complainant in Criminal Case No. 26697, the amount of **Two Hundred Thousand Pesos (PhP 200,000.00)**, in exchange for his desistance from pursuing the case against Phon Mohammad and Dadoh Mansul and implicating them in the crime, thereby giving Phon Mohammad and Dadoh Mansul unwarranted benefits, advantage, and preference, and subverting the ends of justice.”¹

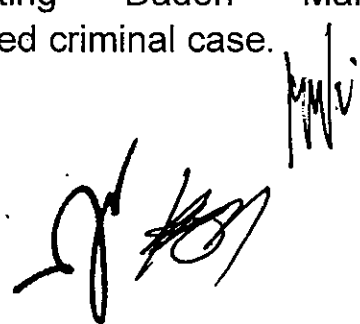
**ALLEGATIONS OF FACTS IN
SUPPORT OF THE INFORMATION**

The present case arose from the criminal complaint filed by Flavio A. Enriquez Jr., against Phon Mohammad, Dadoh Mansul, Margani Samla, Mursadar Sakandal, Jehan Nonie, Muhiddin Ismael, Kadil Ismael, Marsid Sahi, and Edmond Agustin for Frustrated Murder which was docketed as Criminal Case No. 26697, and was raffled before the Regional Trial Court of Zamboanga City, Branch 14, where accused Mamon was the handling prosecutor.

Based on the records forwarded to this court by the Office of the Ombudsman, the foregoing Information was finalized and filed based on the following facts, to wit:

Sometime in May 2013, during the pendency of the aforementioned Criminal Case No. 26697, accused Mamon offered Complainant One Hundred Thousand Pesos (Php 100,000.00) in exchange for not implicating Dadoh Mansul in the abovementioned criminal case.

¹ Records, Volume I, pp. 1-3.

Handwritten signatures and initials are present at the bottom of the page. On the left, there is a large, stylized signature. To its right, there are several smaller initials and signatures, including one that appears to be 'M/i'.

DECISION

People of the Philippines v. Roselyn S. Murillo-Mamon, et al.,
SB-17-CRM-0978

Page 3 of 41

X-----X

On 22 July 2013, at around 2:00 in the afternoon, accused Mamon met with Complainant and assured the latter that he will receive the increased amount of Two Hundred Fifty Thousand Pesos (Php 250,000.00) to Three Hundred Thousand Pesos (Php 300,000.00) provided that he will not implicate Phon Mohammad and Dadoh Mansul. At around 2:45 in the afternoon, accused Saiddi, legal counsel for Mohammad, joined the meeting and asked Complainant how much he would want to receive in exchange for the same request of accused Mamon.

On 15 August 2013, at around 2:00 in the afternoon, in a meeting held at the office of accused Mamon, accused Mamon told Complainant to return the following day because she cannot give the money yet.

On 16 August 2013, at around 12:00 in the afternoon, Complainant, discreetly accompanied by NBI agents, met with accused Mamon and Saiddi. Accused Saiddi informed Complainant that Mursadar Sakandal was also willing to offer him money if he will not implicate the latter in the said criminal case. Thereafter, accused Saiddi gave Complainant a brown envelope containing Two Hundred Thousand Pesos (Php 200,000.00) consisting of two (2) bundles in Five Hundred Peso denomination and one (1) bundle in One Thousand Peso denomination.

Upon receiving the money, Complainant left the office of accused Mamon and gave the pre-arranged signal to the NBI agents to indicate that the transaction has been completed.

Thus, the NBI agents headed Atty. Peter Chan Lugas arrested accused Mamon and Saiddi.

**PROCEEDINGS BEFORE
THE SANDIGANBAYAN**

On 15 May 2017, after a review and examination of the Information in this case, including the evidence presented during the



DECISION

People of the Philippines v. Roselyn S. Murillo-Mamon, et al.,
SB-17-CRM-0978

Page 4 of 41

x-----x

preliminary investigation and submitted in support thereof, this Court declared the existence of probable cause. The Court thus ordered the issuance of Warrant of Arrest against accused Mamon.² Insofar as accused Saiddi is concerned, considering that he had earlier posted the required bond in cash which this Court approved in due course, no warrant for his arrest was issued as it was no longer necessary.³

On 17 May 2017, accused Mamon posted a cash bail bond for her provisional liberty.⁴

On 24 May 2017, accused Saiddi filed an Omnibus Motion seeking the outright dismissal of this case by alleging the following: (a) there is no probable cause to hold him liable for violation of Section 3 (e) of R.A. No. 3019; and (b) the facts charged do not constitute the offense since there is no actual injury to the government and/or private party as prosecution of Criminal Case No. 26697 was still pending and the Complainant therein did not desist from prosecuting the same.⁵

On 25 May 2017, accused Mamon filed an Omnibus Motion to Quash Information and Motion for Judicial Determination of Probable Cause⁶. In her Motion to Quash, she raised the following grounds: (a) the facts charged do not constitute an offense; and (b) they were illegally arrested.⁷ In her Motion for Judicial Determination of Probable Cause, she alleged that there is no credible and competent evidence on record to establish that she acted with manifest partiality, evident bad faith or gross inexcusable negligence that would constitute a violation of Section 3 (e) of R.A. No. 3019.⁸

On 8 June 2017, the Prosecution submitted its Comment/Opposition⁹ to the Motion to Quash of accused Saiddi, by arguing as follows: (a) the Court has already determined the existence of probable cause thus, the motion of accused Saiddi is already moot and academic; (b) the Information is in compliance with Section 6 Rule 110 of the Revised Rules of Court; (c) the essential elements of violation of Section 3 (e) of R.A. No. 3019 are present and thus, the facts of the case constitute an offense; and (d) the

² *Ibid* at p. 108.

³ *Ibid*.

⁴ *Ibid* at, p. 115.

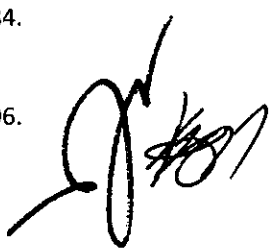
⁵ *Ibid* at pp. 128-142.

⁶ *Ibid* at pp. 158-184.

⁷ *Ibid*.

⁸ *Ibid*.

⁹ *Ibid* at pp. 189-196.



DECISION

People of the Philippines v. Roselyn S. Murillo-Mamon, et al.,
SB-17-CRM-0978

Page 5 of 41

x-----x

allegations raised by accused should be properly threshed out in a full blown trial.¹⁰

On 21 June 2017, accused Saiddi filed an Ex-Parte Motion to Admit Attached Reply.¹¹ In his aforesaid Reply¹², accused Saiddi prays for the dismissal of the instant case for lack of probable cause and on the ground that, the facts charged in the Information do not constitute the offense. In support thereof, accused Saiddi raised the following: (a) actual injury, an essential element of the offense charged, is lacking; (b) the records of the case and evidence adduced do not prove that accused Mamon and Saiddi acted in evident bad faith, manifest partiality, or gross inexcusable negligence; and (c) there is no evidence that accused Mamon and Saiddi conspired with one another to intimidate, force, and/or coerce PO3 Enriquez to desist in prosecuting the case.¹³

On 23 June 2017, the Prosecution submitted its Comment/Opposition¹⁴ to the Omnibus Motion to Quash Information and Motion for Judicial Determination of Probable Cause of accused Mamon. The Prosecution argued that: (a) the Information is sufficient and in compliance with Section 6 of Rule 110 of the Revised Rules of Court; (b) the facts of the case constitute an offense as the essential elements of the alleged violation of Section 3(e) of R.A. No. 3019 are present; (d) the allegations raised by accused Mamon are matters of defense; and (e) the allegation of illegal arrest is not a ground for the quashal of the Information.¹⁵

In a Resolution¹⁶ dated 30 October 2017, the Court denied the separate Motions filed by accused Mamon and Saiddi. The Court ruled that: (a) the Information is complete and sufficient as all the required facts are stated therein; (b) illegal arrest is not a ground for quashal of the Information; and (c) the motion for judicial determination of probable cause is already moot since the Court had already determined probable cause for the issuance of the warrant of arrest.¹⁷

On 7 November 2017, accused Mamon filed a Motion for Reconsideration from the abovementioned Resolution. She argued

¹⁰ *Ibid.*

¹¹ *Ibid* at pp. 245-247.

¹² *Ibid* at pp. 248-253.

¹³ *Ibid.*

¹⁴ *Ibid* at pp. 256-264.

¹⁵ *Ibid.*

¹⁶ *Ibid* at pp. 325-329.

¹⁷ *Ibid.*

DECISION

People of the Philippines v. Roselyn S. Murillo-Mamon, et al.,
SB-17-CRM-0978

Page 6 of 41

X-----X

that: (a) the facts charged do not constitute an offense since the Information did not state that Complainant desisted from pursuing the case; (b) accused Mamon did not waive her right to question the legality of her arrest citing Section 26, Rule 114 of the New Revised Rules on Criminal Procedure; (c) the Court did not state the factual basis of the entrapment operation; (d) presumption of regularity in the performance of official duty is inapplicable to Complainant and the NBI agents; and (e) accused Mamon noted that the motion filed was an omnibus motion which included the motion to quash the information on the ground that the facts do not constitute an offense, and not a motion for judicial determination of probable cause¹⁸.

On 9 November 2017, accused Saiddi filed his Pre-Trial Brief.¹⁹

On 16 November 2017, the Prosecution submitted its Comment/Opposition to the Motion for Reconsideration of accused Mamon and prayed for the denial of the said motion on the ground that accused Mamon merely reiterated her arguments in her Omnibus Motion.²⁰

In a Resolution dated 1 December 2017, the Court denied the Motion for Reconsideration of accused Mamon considering that the issues and arguments raised therein are mere rehash and a repetition of the same issues and arguments in her earlier Omnibus Motion.²¹

On 17 November 2017, accused Saiddi filed an Omnibus Motion to the Order dated 30 October 2017 and to Suppress Evidence²² based on the following: (a) there is on record a manifestation in open court during the Pre-trial hearing on 18 March 2013 before the Regional Trial Court, Quezon City, Branch 98, that the parties intended to amicably settle the civil aspect of the case; (b) the testimonies of Complainant in the said case negates the existence of conspiracy in the alleged violation of Section 3 (e) of R.A. No. 3019; (c) Complainant testified that they conducted an entrapment operation against accused Mamon and thus, belies his testimony in the instant case that accused Saiddi participated in the conspiracy to bribe him to desist from pursuing the criminal case; and

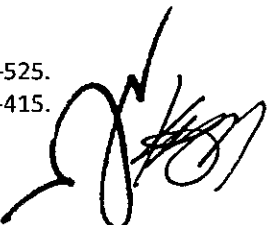
¹⁸ *Ibid* at pp. 355-362.

¹⁹ *Ibid* at pp. 348-351.

²⁰ *Ibid* at pp. 512-514.

²¹ Records, Volume I, pp. 522-525.

²² Records, Volume I, pp. 400-415.



DECISION

People of the Philippines v. Roselyn S. Murillo-Mamon, et al.,
SB-17-CRM-0978

Page 7 of 41

x-----x

(d) the operation conducted by Complainant and the NBI agents is not a case of entrapment but inducement.²³

On 27 November 2017, accused Mamon filed his Pre-trial Brief²⁴ and thereafter her amended Pre-Trial Brief on 23 January 2018²⁵, while the Prosecution filed its Pre-trial Brief²⁶ on 15 January 2018.

On 25 January 2018, the Court resolved the Omnibus Motion of accused Saiddi on the ground that the issues and arguments raised are mere rehash and a repetition of the same issues and arguments raised in his Omnibus Motion dated 30 October 2017.

The Court's Pre-Trial Order dated 16 April 2018²⁷, shows the admitted and stipulated facts as follows:

1. The identities of the accused as persons charged in the Information;
2. At the time material to the allegations in the Information, accused Roselyn S. Murillo-Mamon was a high ranking public officer being then the Deputy City Prosecutor of the Office of the City Prosecutor, Zamboanga City;
3. Accused Saiddi is the collaborating counsel of one (1) PO3 Pon Mohammad in Criminal Case Nos. 26664 to 26665 filed before Branch 14, Regional Trial Court – Zamboanga City;
4. Accused Mamon was the handling prosecutor in Criminal Case Nos. 26664 to 26665 filed before Branch 14, Regional Trial Court – Zamboanga City;
5. PO3 Enriquez met with accused Mamon at the DOJ Office, Zamboanga City Prosecutor's Office on July 22, 2013;
6. PO3 Enriquez met with the accused Mamon at the latter's office on August 15, 2013; and

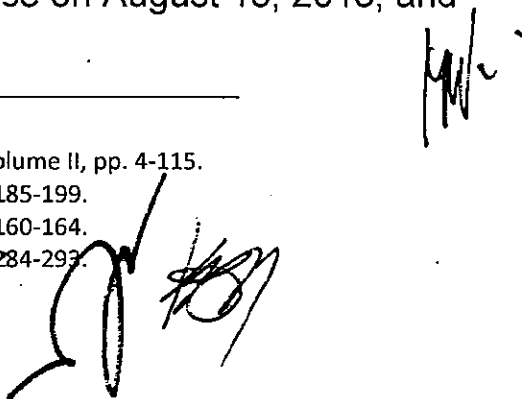
²³ *Ibid.*

²⁴ Records, Volume II, pp. 4-115.

²⁵ *Ibid* at pp. 185-199.

²⁶ *Ibid* at pp. 160-164.

²⁷ *Ibid* at pp. 284-293.



DECISION

People of the Philippines v. Roselyn S. Murillo-Mamon, et al.,
SB-17-CRM-0978

Page 8 of 41

x-----x

7. PO3 Enriquez met with both accused at Mamon's office on 16 August 2013.

EVIDENCE FOR THE PROSECUTION

ATTY. PETER CHAN LUGAY, Acting Regional Director of the National Bureau Investigation-Western Mindanao Regional Office.

Atty. Lugay affirmed and confirmed the contents of the Joint Affidavit of Arrest dated 16 August 2013. He testified that he was the Team Leader of the entrapment operation conducted on 16 August 2013, together with AGT. Arnold G. Diaz, SI Nolan P. Gadia, and SA Manuel M. Fayre, Jr. He testified that upon receipt of a letter on 2 August 2013 from PSSUPT. Winnie C. Quidato of the Presidential Anti-Organized Crime Commission (PAOCC), regarding the alleged malfeasance of Deputy Prosecutor Roselyn S. Murillo-Mamon, and after reviewing the videotape containing the negotiation between the latter and Flavio Enriquez, Jr., they were convinced that accused Mamon pressured, coerced, intimidated, and corrupted complainant to alter his testimony by not implicating Phon Mohammad and Dadoh Mansul in exchange for Two Hundred Thousand Pesos to Three Hundred Thousand Pesos (Php 200,000.00 to Php 300,000.00).²⁸ Atty. Lugay testified that, on 16 August 2013, they accompanied PO3 Enriquez to the Zamboanga City Hall of Justice, where the latter met accused Mamon in her office; that after around forty minutes from the time he entered the said office, PO3 Enriquez gave them a pre-arranged signal to confirm that he received the money.²⁹ Thereupon, they rushed towards the office of accused Mamon and there found her and accused Saiddi.³⁰ Atty. Lugay continued to narrate that, upon inquiry as to who gave the money to PO3 Enriquez, accused Mamon categorically pointed to accused Saiddi as the one who handed the money composed of two (2) bundles in Five Hundred Peso denomination and one (1) bundle in One Thousand Peso denomination.³¹ Thereafter, they arrested accused Mamon and Saiddi.³²



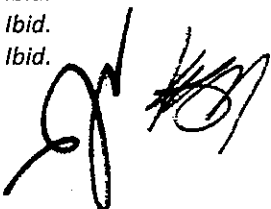
²⁸ *Ibid* at pp. 253-279.

²⁹ *Ibid.*

³⁰ *Ibid.*

³¹ *Ibid.*

³² *Ibid.*



DECISION

People of the Philippines v. Roselyn S. Murillo-Mamon, et al.,
SB-17-CRM-J978

Page 9 of 41

X-----X

On cross-examination, Atty. Lugay affirmed that it was PSSUPT Quidato who revealed the information against accused Mamon who offered money to PO3 Enriquez.³³ He confirmed that accused Mamon exerted pressure on the aforementioned private complainant and regularly reprimanded the latter to accept the money to modify his testimony and refrain from testifying in the Frustrated Murder.³⁴ He further confirmed that PSSUPT Quidato submitted the Intelligence Report dated 30 July 2013 and an unauthenticated video recording of the meeting of PO3 Enriquez and accused Mamon³⁵ which prompted them to investigate and to pursue a possible entrapment operation.³⁶ Thereafter, they went to Zamboanga to further validate their initial investigation that they conducted in Manila.³⁷ He testified that, before the entrapment operation on 16 August 2013, PO3 Enriquez did not categorically agree not to exculpate Phon Mohammad and Dadoh Mansul in exchange for money.³⁸

Atty. Lugay narrated that on the day of the entrapment operation, 16 August 2013, PO3 Enriquez went to the office of accused Mamon per her instruction, while they waited two (2) doors away from the said office, and that when PO3 Enriquez left the office, he took off his cap which was the pre-arranged signal to them that he already received the money from accused Mamon and thus they proceeded with the arrest.³⁹ Thereafter, the money was turned over to him as a standard operating procedure and was photocopied by Special Investigator Gadia right after the arrest, which photocopies he failed to sign.⁴⁰ He then submitted it as attachment and then presented it during inquest proceedings before the Regional State Prosecutor Medalla in Zamboanga. He testified that he offered to turn over the aforesaid money to Regional State Prosecutor Medalla but the latter refused. Thus, he affirmed that from August 16 until the time he turned it over to the custody of this Court, the money was in his custody.⁴¹

Atty. Lugay affirmed that, during their initial investigation, he did not read the Complaint-Affidavit of PO3 Enriquez, complainant in the Frustrated Murder case and neither was he aware of the status of the

³³ TSN dated 3 May 2018, pp. 11-22.

³⁴ *Ibid* at pp. 24-26.

³⁵ *Ibid* at pp. 27-47.

³⁶ *Ibid* at pp. 38-49.

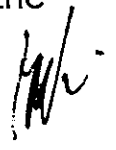
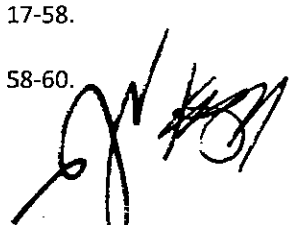
³⁷ *Ibid* at pp. 9-10.

³⁸ TSN dated 21 June 2018, pp. 17-26.

³⁹ *Ibid* at pp. 17-58.

⁴⁰ *Ibid*.

⁴¹ *Ibid* at pp. 58-60.



DECISION

People of the Philippines v. Roselyn S. Murillo-Mamon, et al.,
SB-17-CRM-0978

Page 10 of 41

X-----X

same.⁴² He further affirmed that he did not personally witness PO3 Enriquez receive the money.⁴³

On re-direct examination, Atty. Lugay confirmed that he was present at the time PO3 Enriquez affixed his signature in his Sworn Statement and Supplemental Sworn Statement and that he did not check the Complaint-Affidavit of complainant because the latter affirmed and confirmed the existence of the pending case.⁴⁴ He further affirmed that when the photocopies of the money, amounting to Two Hundred Thousand Pesos (Php 200,000.00), was presented before this Court, he was present together with the representative of the Court, accused Mamon, and counsel for accused Saiddi, Atty. Rigoroso.⁴⁵

Atty. Lugay narrated to the Court that, before they proceeded to the office of accused Mamon, they met PO3 Enriquez at the Garden Orchid Hotel and made sure he did not have Two Hundred Thousand Pesos (Php 200,000.00) with him.⁴⁶ He narrated that PO3 Enriquez Jr., rode in a separate vehicle, accompanied by one of their officers, and he was dropped a few blocks away from the office of accused Mamon. From there, private complainant was under surveillance by their people while he entered the room of accused Mamon.⁴⁷ From the time PO3 Enriquez left the hotel until he entered the office of accused Mamon, Atty. Lugay affirmed that he was not in his sight, not until the latter left the office of accused Mamon and saw the pre-arranged signal.⁴⁸ Thereafter, when they went inside the office and saw accused, he asked PO3 Enriquez to produce the money and the latter immediately turned it over to him.⁴⁹

ATTY. RUSTICO Q. VIGILIA, Regional Director of the National Bureau Investigation-Region IV-A CALABARZON.

Atty. Vigilia testified that he signed the following documents: (a) the transmittal letter dated 16 August 2013; and (b) the jurat portion of the (i) Sworn Statement of Flavio Enriquez, Jr. dated 14 August 2013; (ii) Supplemental Sworn Statement of Flavio Enriquez, Jr. dated 16 August 2013; and (iii) Joint Affidavit of Arrest of SA Peter

⁴² TSN, dated 28 June 2018, pp. 7-34.

⁴³ *Ibid.*

⁴⁴ TSN, dated 12 July 2018, pp.18-20.

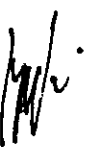
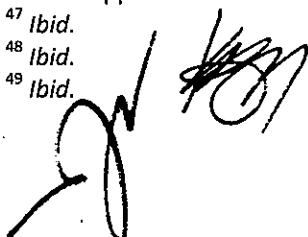
⁴⁵ *Ibid* at p. 20

⁴⁶ *Ibid* at pp. 21-26.

⁴⁷ *Ibid.*

⁴⁸ *Ibid.*

⁴⁹ *Ibid.*



DECISION

People of the Philippines v. Roselyn S. Murillo-Mamon, et al.,
SB-17-CRM-0978

Page 11 of 41

x-----x

Chan Lugay, AGT. Arnold G. Diaz, SI Nolan P. Gadia, and SA Manuel M. Fayre, Jr.⁵⁰

On cross examination, Atty. Vigilia affirmed that they only assisted the investigating team of Atty. Lugay, whose authority to conduct the entrapment operation came from the Deputy Director of the Regional Operations; that he signed the transmittal letter being the highest official of the NBI where the entrapment operation was to be conducted; that he only subscribed the Sworn Statement and Supplemental Sworn Statement of PO3 Enriquez and the Joint Affidavit of Arrest of SA Peter Chan Lugay, AGT. Arnold G. Diaz, SI Nolan P. Gadia, and SA Manuel M. Fayre, Jr.⁵¹ He admitted that he does not have personal knowledge of the Frustrated Murder case and the entrapment operation conducted on 16 August 2013.⁵²

On re-direct examination, Atty. Vigilia confirmed that it was Atty. Lugay who was in the best position to decide whether or not an entrapment operation should be conducted.⁵³ He further confirmed that before he signed the affidavits presented to him, he asked all the affiants therein whether they voluntarily executed their respective affidavits, whether the statements therein were true of their own knowledge, and if the signatures appearing thereon were their signatures.⁵⁴

On re-cross examination, Atty. Vigilia reiterated that he did not have operational control during the entrapment operation.⁵⁵

MANUEL M. FAYRE, the Investigation Agent at Western Mindanao Regional Office (WEMRO), Zamboanga City when the entrapment operation against accused was conducted.

Manuel M. Fayre affirmed and confirmed the contents of the Joint Affidavit of Arrest dated 16 August 2013. He testified that on 16 August 2013, they positioned themselves outside the office of accused Mamon to secure the perimeter to ensure that the bodyguards of the latter will not hinder the entrapment operation.⁵⁶

⁵⁰ Records, Volume II, pp. 313-334.

⁵¹ TSN, dated 22 May 2018, pp. 8-33.

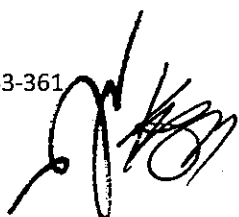
⁵² *Ibid.*

⁵³ *Ibid* at p. 34.

⁵⁴ *Ibid* at p. 35.

⁵⁵ *Ibid* at p. 36.

⁵⁶ Records, Volume II, pp. 353-361



DECISION

People of the Philippines v. Roselyn S. Murillo-Mamon, et al.,
SB-17-CRM-0978

Page 12 of 41

x-----x

On cross-examination, Mr. Fayre confirmed that he only assisted the team of Atty. Lugay in the conduct of entrapment operation.⁵⁷ He affirmed that he does not have personal knowledge of the incident inside the office of accused Mamon.⁵⁸ He also affirmed that he was not part of the inter-agency operation on 26 April 2012.⁵⁹

On re-direct examination, Mr. Fayre asserted that it is not necessary for the Team of Atty. Lugay to coordinate with him before they conducted the entrapment operation; and that they were only there to secure the said team in case of an attack.⁶⁰

ARNOLD DIAZ, who was part of the team from NBI-Manila sent to NBI-WEMRO.

Arnold Diaz testified that upon receipt of a letter dated 30 July 2013, attached with a memorandum letter of PSSUPT Quidato, addressed to Atty. Virgilio L. Mendez concerning the alleged malfeasance and corrupt practices of accused Mamon, Atty. Mendez instructed their team, with Atty. Lugay as the Team Leader, to conduct an investigation on accused Mamon for a possible entrapment operation.⁶¹ After reviewing the records of the subject case, they sought for and were granted approval by Atty. Mendez to proceed to NBI-WEMRO.⁶² He testified that upon their arrival at the NBI-WEMRO, they invited PO3 Enriquez for an interview on 14 August 2013 and took his testimony regarding the details of the alleged malfeasance and corrupt activities of accused Mamon and thereafter reduced it into writing as a sworn statement.⁶³ He further testified that after their arrest, accused Mamon and Saiddi were booked, fingerprinted, and photographed at the NBI Regional Office in Zamboanga City.⁶⁴ Thereafter, their office took the additional testimony of PO3 Enriquez at NBI-WEMRO and reduced it into writing.⁶⁵ After assisting complainant with his Supplemental Sworn Statement, witness Diaz testified that he helped Mr. Gadia in the documentation of the money recovered from the entrapment operation which amounted to Two Hundred Thousand Pesos (Php

⁵⁷ TSN, dated 30 July 2018, pp. 8-11.

⁵⁸ *Ibid* at p. 13,

⁵⁹ *Ibid* at p. 18.

⁶⁰ *Ibid* at pp. 15-16.

⁶¹ Records, Volume II, pp. 452-457.

⁶² *Ibid*.

⁶³ *Ibid* at p. 458.

⁶⁴ *Ibid* at pp. 459-460.

⁶⁵ *Ibid*.



DECISION

People of the Philippines v. Roselyn S. Murillo-Mamon, et al.,
SB-17-CRM-0978

Page 13 of 41

x-----x

200,000.00). He testified that Mr. Gadia photocopied the money in batches while he made a handwritten list containing the serial numbers of the first bill for each batch. After which, he placed each batch of monies in separate envelopes and marked each envelope with the serial number of the first bill of each batch of money.⁶⁶

On cross-examination, Mr Diaz affirmed that, while they were in Manila, they viewed the unauthenticated videotapes attached to the letter of PSSUPT Quidato, and when he interviewed complainant Flavio Enriquez Jr., the latter also produced a compact disc which contains this alleged recorded meeting with accused Mamon sometime in July.⁶⁷ He further affirmed that while they were conducting the investigation in Zamboanga, they went to the Office of the Prosecutor and verbally inquired into the Murder and Frustrated Murder case docketed as Criminal Case Nos. 26664 and 26697, respectively.⁶⁸ When further asked on cross-examination, he asserted that it was not necessary for him to present documentary evidence to support the allegations of PO3 Enriquez because he was morally convinced, after interviewing the latter, and after examining the PAOCC report and other sources.⁶⁹ He clarified that there were two (2) offers made by accused Mamon: the first offer was in the amount of One Hundred Thousand Pesos which was not accepted by Complainant while the second offer was made sometime in July 2013 in the amount of Two Hundred to Three Hundred Thousand Pesos.⁷⁰ He narrated that on the day of the entrapment operation on 16 August 2013, he positioned himself within the vicinity of the Hall of Justice near its entrance together with SA Fayre and that, when he saw Atty. Lugay rushing towards the direction of the office of accused Mamon, he presumed that the pre-arranged signal had already been made by the complainant, and thus followed them to the said office.⁷¹ He further narrated that when he reached the room of accused Mamon, he saw the complainant holding a brown envelope with money which was turned over to Atty. Lugay.⁷² Afterwards, the money was turned over to SI Gadia who made photocopies of the money and then to him for documentation.⁷³ Thereafter, it was

⁶⁶ *Ibid* at 461.

⁶⁷ TSN, dated 31 July 2018, pp. 23-43.

⁶⁸ *Ibid* at pp. 46-51.

⁶⁹ *Ibid* at pp. 51-53.

⁷⁰ *Ibid* at pp. 54-75.

⁷¹ *Ibid* at pp. 90-97.

⁷² *Ibid* at pp. 98-107.

⁷³ *Ibid*.



DECISION

People of the Philippines v. Roselyn S. Murillo-Mamon, et al.,
SB-17-CRM-0978

Page 14 of 41

x-----x

returned to the custody of Atty. Lugay.⁷⁴ He confirmed his participation in the booking of accused Mamon and Saiddi.⁷⁵

On re-direct examination, Mr. Diaz clarified that it was Atty. Mendez, then Deputy Director for Regional Operation Services, who directed him to Travel to Zamboanga City through Special Order No. 2266 dated 12 August 2013 to conduct further investigation and verify the allegations contained in the letter of PAOCC.⁷⁶

NOLAN P. GADIA, part of the team which conducted the entrapment operation.

Nolan P. Gadia testified that Atty. Mendez instructed their team headed by Atty. Lugay to proceed with the conduct of further investigation regarding the alleged malfeasance and corrupt practices of accused Mamon. After reviewing the records of the case, they asked for, and were granted authority by Atty. Mendez to proceed to NBI-WEMRO.⁷⁷ He further testified that upon arrival at NBI-WEMRO, they invited the complainant Enriquez for an interview and took his testimony in the presence of Arnold Diaz on 14 August 2013. He also testified that after the arrest of accused Mamon and Saiddi, Arnold Diaz took additional testimony of the Enriquez while he photocopied the subject money amounting to Two Hundred Thousand Pesos (Php 200,000.00) which was thereafter turned over to Atty. Lugay.⁷⁸

On cross examination, Nolan P. Gadia affirmed that the records they reviewed were the request of PSSUPT Quidato with attachments, intelligence reports, and a video recording.⁷⁹

He admitted that he has no personal knowledge of the incident that happened in 26 April 2012 and the Complaint-Affidavit executed by PO3 Enriquez in relation to the pending criminal case for Frustrated Murder.⁸⁰ He confirmed that on the day of the entrapment operation, he positioned himself two (2) doors away from the office of accused Mamon and that he does not have personal knowledge of what transpired inside the said office.⁸¹ He stated that while outside

⁷⁴ *Ibid.*

⁷⁵ TSN dated 10 September 2018, p. 23.

⁷⁶ TSN dated 11 September 2018, pp. 5-6.

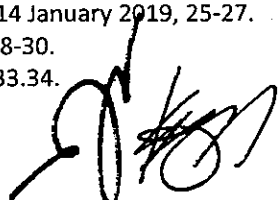
⁷⁷ Records, Volume III, pp. 53-54.

⁷⁸ *Ibid* at pp. 55-56.

⁷⁹ TSN dated 14 January 2019, 25-27.

⁸⁰ *Ibid* at pp. 28-30.

⁸¹ *Ibid* at pp. 33.34.



DECISION

People of the Philippines v. Roselyn S. Murillo-Mamon, et al.,
SB-17-CRM-0978

Page 15 of 41

X-----X

the office, he saw PO3 Enriquez give the pre-arranged signal to Atty. Lugay.⁸²

On re-direct examination, Mr. Gadia explained that he did not study the pending criminal cases since the investigation was assigned to Atty. Lugay who simply narrated what they were all about.⁸³ He further explained that the pre-arranged signal was not given to him but rather it was only relayed to them.⁸⁴ He clarified that the documents reviewed by their team consisted of the Letter dated 30 July 2013 and an Intelligence Report from PSSUPT Quidato.⁸⁵

FLAVIO A. ENRIQUEZ, JR., complaining witness in this case, then member of the Philippine National Police with rank of Police Officer 3 and assigned at the Regional Headquarters Service Group, Police Regional Office 11 in Davao City.

Complainant testified that sometime in May 2013, he received a call from accused Mamon who offered him the amount of One Hundred Thousand Pesos (Php 100,000.00) in return for not testifying against Dadoh Mansul; that he called their headquarters and reported the illegal offer of accused Mamon;⁸⁶ that he was advised not to accept the offer and that they would report the matter to their higher headquarters; that Mamon called him several times before the hearing on 23 July 2013 and reiterated her offer;⁸⁷ that, as in the previous offer made to him, he again informed his superiors about it who told him that they would seek assistance from the Philippine National Police Main Headquarters at Camp Crame Quezon City;⁸⁸ that he was instructed by PSSUPT Quidato of the PAOCC to coordinate with the NBI on the matter; that before the scheduled hearing on 23 July 2013, upon the invitation of accused Mamon, he met her at the Prosecutor's Office in Zamboanga City and the latter asked him if he was going to take the witness stand to which query he answered in the affirmative;⁸⁹ that accused Mamon brought up the issue of settling the case and instructed him to just identify Samla and Sakandal as the persons who shot at their group and not to implicate Phon Mohammad and Dadoh Mansul; that

⁸² *Ibid.*

⁸³ *Ibid* at p. 36.

⁸⁴ *Ibid.*

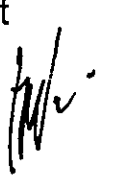
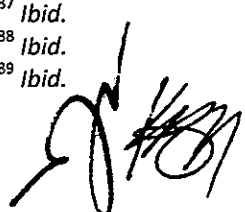
⁸⁵ TSN 17 January 2019, pp. 4-5.

⁸⁶ Records, Volume III, pp. 250-263.

⁸⁷ *Ibid.*

⁸⁸ *Ibid.*

⁸⁹ *Ibid.*



DECISION

People of the Philippines v. Roselyn S. Murillo-Mamon, et al.,
SB-17-CRM-0978

Page 16 of 41

x-----x

accused Mamon instructed him to return on 22 July 2013 at around 2:00 in the afternoon.⁹⁰

PO3 Enriquez further testified that on 22 July 2013 at around 2:00 in the afternoon, he went to the office of accused Mamon during which the latter intimidated and pressured him not to identify Phon Mohammad and Dadoh Mansul as the persons who shot at their group and, in return, he was assured to receive Two Hundred Fifty to Three Hundred Thousand Pesos (Php 250,000.00 to Php 300,000.00) from Mohammad and Mansul; that after more or less forty five (45) minutes, accused Saiddi, lawyer of Mansul and Mahomammad, arrived at the office of accused Mamon, joined their meeting and likewise pressured him to accept the offer; that he was again asked to return to accused Mamon's office on 9 August 2013; that on 15 August 2013, Enriquez met accused Mamon again at the latter's office where accused Mamon reiterated to him not to identify Phon Mohammad and Dadoh Mansul as the persons who shot at their group; that he was told that the amount offered could not, as yet be produced, so he was advised to just wait for further advice;⁹¹ that at around 4:00 in the afternoon, he sent a message to accused Mamon informing her that he would be returning to his place of assignment in the afternoon of 16 August 2013;⁹² that in response, accused Mamon ordered him to go to her office at 12:00 in the afternoon on 16 August 2013.⁹³

Continuing with his testimony, PO3 Enriquez testified that, on 16 August 2013, at around 2:00 in the afternoon, he met accused Mamon at the latter's office where she reiterated her previous offer; that after a few minutes, accused Saiddi joined their meeting⁹⁴ and told him that Sakandal, another accused in the pending frustrated murder case, would like to settle with him and thus instructed him to exculpate Phon Mohammad, Dadoh Mansul, and Sakandal;⁹⁵ that accused Saiddi promised him that Sakandal will pay in return;⁹⁶ that accused Saiddi, in the presence of accused Mamon, handed to him a brown envelope and told him that it contained Two Hundred Thousand pesos (Php 200,000.00);⁹⁷ that after receiving the brown envelope, PO3 Enriquez testified that he left the office of accused

⁹⁰ *Ibid.*

⁹¹ *Ibid.*

⁹² *Ibid.*

⁹³ *Ibid.*

⁹⁴ *Ibid.*

⁹⁵ *Ibid.*

⁹⁶ *Ibid.*

⁹⁷ *Ibid.*

DECISION

People of the Philippines v. Roselyn S. Murillo-Mamon, et al.,
SB-17-CRM-0978

Page 17 of 41

X-----X

Mamon and once outside, he gave the pre-arranged signal to the NBI agents.⁹⁸

On cross examination, PO3 Enriquez attested he was the victim in the Frustrated Murder case,⁹⁹ that the incident happened when they tried to serve the warrant of arrest against Margani Samla, whom he alleged as the person who shot him.¹⁰⁰

PO3 Enriquez confirmed that he met accused Mamon five (5) times, and they were as follows: (a) in the morning of 22 July 2013; (b) in the afternoon of 22 July 2013; (c) in the afternoon of 23 July 2013; (d) on 15 August 2013; and (e) on 16 August 2013. He testified that it was on their initial meeting that accused Mamon mentioned that he should not implicate Phon Mohammad and Dadoh Mansul and briefed him of his testimony for the hearing set on the following day.¹⁰¹ He further narrated that, on the same date, accused Mamon asked him to bring his medical and hospital bills on 23 July 2013 but he failed to do.¹⁰²

PO3 Enriquez admitted that there was no written report submitted to PSSUPT Quidato when he reported to him about the offer of accused Mamon.¹⁰³ Likewise, there was no written communication between him and PSSUPT Quidato regarding the latter's order not to accept the offer of accused Mamon.¹⁰⁴ He testified that after he informed PSSUPT Quidato about the offer of accused Mamon, a case build up by the PAOCC was undertaken upon the request of the PNP Main Headquarters, which resulted in the entrapment operation by the NBI Agents.¹⁰⁵

PO3 Enriquez confirmed that on 16 August 2013, he went to the office of accused Mamon and received the amount of Two Hundred Thousand Pesos (Php 200,000.00) but he did not execute an Affidavit of Desistance nor did he issue a receipt therefor.¹⁰⁶

On re-direct examination, PO3 Enriquez clarified that he sustained four (4) gunshot wounds from the group of Samla during the time when they tried to serve the warrant of arrest to Margani

⁹⁸ *Ibid.*

⁹⁹ TSN, dated 4 February 2019, pp. 8-30.

¹⁰⁰ *Ibid.*

¹⁰¹ *Ibid* at pp. 30-61.

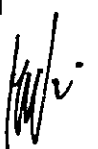
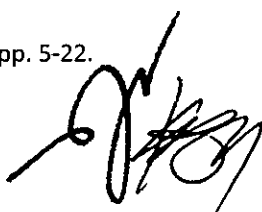
¹⁰² *Ibid* at pp. 62-65.

¹⁰³ TSN, 7 February 2019, pp. 14-16.

¹⁰⁴ *Ibid.*

¹⁰⁵ *Ibid* at pp. 21-26.

¹⁰⁶ TSN, dated 4 March 2019, pp. 5-22.



DECISION

People of the Philippines v. Roselyn S. Murillo-Mamon, et al.,
SB-17-CRM-0978

Page 18 of 41

x-----x

Samla two (2) of which was from Samla himself.¹⁰⁷ He further clarified that accused Mamon instructed him to go to her office on 22 July 2013, during which, accused Mamon advised him to accept the offer because his case was weak.¹⁰⁸ He further clarified that the brown envelope he received from accused Saiddi on 16 August 2013 was turned over to Atty. Lugay in the presence of accused Mamon, Saiddi, Atty. Diaz, and the team of Atty. Lugay.¹⁰⁹

On re-cross examination, PO3 Enriquez clarified that he qualified the entrapment operation with the word possible because he was not sure whether the money will be given to him by accused Mamon.¹¹⁰ Complainant confirmed that before 16 August 2013, he had no personal communication with accused Saiddi nor was the latter present during the meeting with accused Mamon on 15 August 2013.¹¹¹

WINNIE C. QUIDATO, former Head of the Office of Integrated Operations of the Anti-Organized Crime Commission (PAOCC), Office of the President.

Winnie C. Quidato affirmed and confirmed the contents of the letter addressed to Atty. Virgilio L. Mendez dated 30 July 2013 and the document entitled "Secret" dated 30 July 2013.¹¹²

On cross-examination, Mr. Quidato narrated that PO3 Enriquez called him regarding an offer allegedly made by accused Mamon to him to desist from further prosecuting Criminal Case No. 26697 or for him not to identify or implicate Phon Mohammad and Dadoh Mansul in exchange for One Hundred Thousand Pesos (Php 100,000.00); that the offer was made sometime in May 2013 and thereafter sometime in June 2013;¹¹³ that upon receipt of an anonymous unauthenticated videotape which allegedly contains a recorded meeting of Enriquez and accused Mamon, he was convinced that there was really an offer made to the latter which prompted him to endorse the matter to the National Bureau of Investigation;¹¹⁴ that he merely assumed that the video recording pertains to the alleged meeting of Enriquez and accused Mamon on 22 July 2013 and that he also assumed that it was Enriquez whom accused Mamon had a

¹⁰⁷ TSN, dated 11 March 2019, pp. 11-15.

¹⁰⁸ *Ibid.*

¹⁰⁹ *Ibid* at p. 16.

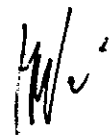
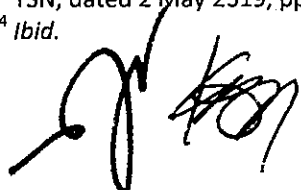
¹¹⁰ TSN, dated 10 April 2019, pp. 4-10.

¹¹¹ *Ibid* at p. 17.

¹¹² Records, Volume III, pp. 241-249.

¹¹³ TSN, dated 2 May 2019, pp. 9-25.

¹¹⁴ *Ibid.*



DECISION

People of the Philippines v. Roselyn S. Murillo-Mamon, et al.,
SB-17-CRM-0978

Page 19 of 41

x-----x

meeting with;¹¹⁵ that it was accused Mamon in the videotape since they have a copy of a photo of her and affirmed that indeed accused Mamon offered Enriquez money;¹¹⁶ that he was not present during the 26 April 2012 incident, during the meeting of 22 July 2013, and during the entrapment operation on 16 August 2013.¹¹⁷

On re-direct examination, Mr. Quidato clarified that he did not authenticate nor validate the videotape because it was the NBI who had the capability to authenticate the same.¹¹⁸

On re-cross examination, Mr. Quidato admitted that he does not know whether the NBI validated or verified the authenticity of the videotape.¹¹⁹

After presenting Winnie C. Quidato of the PAOCC, the prosecution manifested that it has no further testimonial evidence to present.

On 14 June 2019, the Prosecution filed its Formal Offer of Evidence.¹²⁰ On 21 June 2019, accused Saiddi filed his Comment/Opposition thereto¹²¹ while accused Mamon filed her Comment¹²² on 24 June 2019.

Under date of 12 July 2019, the Court resolved the Formal Offer of the Prosecution as follows¹²³:

"To **ADMIT** the following exhibits offered by the Prosecution, to wit: **Exhibits "A", "B", "C", "D", "D-1", "D-2", "D-3", "D-4", "F", "F-1", "G", "G-1", "H", "H-1", "I", "J", "K", "L" to "L-2", "M", "N", "O", "P" to "P-2", "R" with series, "R-30", "T", "T-1", "CC", "DD", "Z" and "AA"**, over the objection of accused Mamon and Saiddi to the purposes for which they are offered, considering that the objection of the said accused refer more to the probative value than their admissibility;

To **ADMIT Exhibit "BB"**, there being no comment/objection thereto by accused Mamon and Saiddi;

¹¹⁵ *Ibid* at pp. 26-27.

¹¹⁶ *Ibid* at pp. 28-31.

¹¹⁷ *Ibid* at pp. 35-38.

¹¹⁸ *Ibid* at p. 39.

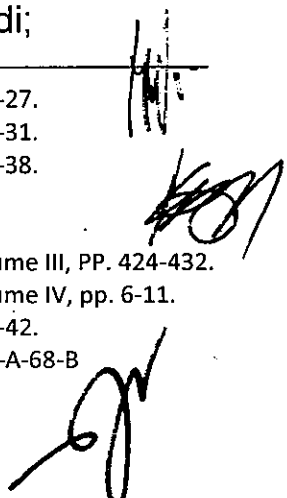
¹¹⁹ *Ibid*.

¹²⁰ Records, Volume III, PP. 424-432.

¹²¹ Records, Volume IV, pp. 6-11.

¹²² *Ibid* at pp. 25-42.

¹²³ *Ibid* at pp. 68-A-68-B



DECISION

People of the Philippines v. Roselyn S. Murillo-Mamon, et al.,
SB-17-CRM-0978

Page 20 of 41

x-----x

To **ADMIT** the following the exhibits offered by the Prosecution, to wit: **Exhibits "Y" to "Y-3" with submarkings**, the same being admitted by accused Mamon, and over the objection of accused Saiddi to the purposes for which they were offered, considering that the objection of the said accused refer more to the probative value than their admissibility; and

To **ADMIT** the following exhibits offered by the Prosecution, to wit: **Exhibits "EE" and "EE-1"**, there being no comment/objection thereto by accused Saiddi, and over the objection of accused Mamon to the purposes for which they were offered, considering that the objection of the said accused refer more to the probative value than their admissibility;

To **GRANT** the remarking of the following exhibits, to wit: (a) the photocopies of monies recovered during the entrapment proceedings as **Exhibits "R" to "R-29"**; and (b) the thirty (30) white envelopes containing the actual monies recovered in the entrapment proceedings as **Exhibits "R-31" to "R-60"**, there being no comment/objection thereto by accused Mamon and Saiddi."

With the admission of its documentary exhibits and the testimonies of the witnesses who testified thereon, the Prosecution is deemed to have rested its case.

On 7 August 2019, accused Saiddi filed his Motion for Leave to File Demurrer to Evidence¹²⁴ on the ground that the Prosecution failed to discharge its burden to prove the elements of the offense charged for violation of Section 3(e) of R.A. No. 3019, while accused Mamon filed a Manifestation with Motion to Adopt,¹²⁵ the said Motion for Leave of accused Saiddi, dated 7 August 2019.

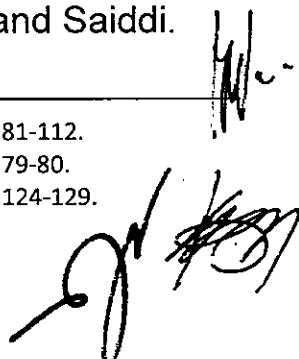
On 20 August 2019, the Prosecution filed its Consolidated Opposition¹²⁶ to the abovementioned motions.

In a Resolution dated 1 October 2019,¹²⁷ this Court denied the Motion for Leave to File Demurrer to Evidence filed by accused Mamon and Saiddi.

¹²⁴ *Ibid* at pp. 81-112.

¹²⁵ *Ibid* at pp. 79-80.

¹²⁶ *Ibid* at pp. 124-129.



DECISION

People of the Philippines v. Roselyn S. Murillo-Mamon, et al.,
SB-17-CRM-0978

Page 21 of 41

x-----x

EVIDENCE FOR THE DEFENSE

For accused Mamon

Accused **ROSELYN MURILLO-MAMON**, handling prosecutor of the Frustrated Murder case docketed as Criminal Case No. 26697.

Accused Mamon testified that as a result of the incident of 26 April 2012, the criminal cases were filed as follows: Criminal Case No. 26664 for Murder of PO3 Roberto Tucay, Jr; Criminal Case No. 26697 for Frustrated Murder for the shooting and wounding of the private complainant in this case; Criminal Case No. 26698 for the Multiple Attempted Murder of Plnsp. Lyndon Espe, SPO2 Marvin Gallego, and PO3 Allain Jamero; and Criminal Case No. 26665 for Illegal Possession of Explosive.¹²⁸

She also testified that the Murder case against Phon Mohammad was already dismissed by the Regional Trial Court and that accused Saiddi, counsel of Phon Mohammad in the aforementioned cases, would like to settle the frustrated murder case;¹²⁹ that before the first scheduled trial date on 23 July 2013, she contacted Enriquez and informed him that he will be presented as a witness in the Petition for Bail filed by Dadoh Mansul and thus he should bring his medical receipts amounting to Three Hundred Twenty Eight Thousand Pesos (Php 328,000.00); that Phon Mohammad, through counsel, would like to settle the civil aspect of the case which Enriquez did not categorically accept;¹³⁰ that on 22 July 2013, Flavio Enriquez went to his office and while thereat, accused Saiddi arrived and discussed the offer to pay blood money as settlement of the civil liability of Phon Mohammad and that Dadoh Mansul was also willing to settle and pay blood money which Enriquez neither accepted nor refused;¹³¹ that during the hearing on 23 July 2013, she manifested in open court that Complainant was ready to testify but the latter was not presented in court because of a pending pre-trial in the case of Margani Samla; that the trial was re-scheduled to 20 August 2013.¹³² She further testified that on 15 August 2013, Enriquez went to her office and said that he was okay with the Three Hundred Thousand Pesos (Php 300,000.00) as

¹²⁷ *Ibid* at pp. 154-156.

¹²⁸ Judicial Affidavit of accused Roselyn Murillo-Mamon dated 3 November 2017, p. 3.

¹²⁹ *Ibid* at pp. 4-5.

¹³⁰ *Ibid*.

¹³¹ *Ibid* at p. 6.

¹³² *Ibid*.

DECISION

People of the Philippines v. Roselyn S. Murillo-Mamon, et al.,
SB-17-CRM-0978

Page 22 of 41

X-----X

settlement of the case which prompted her to call accused Saiddi but the latter failed to answer;¹³³ that she told Enriquez to personally see accused Saiddi;¹³⁴ that, on 16 August 2013, Complainant went to her office again and accused Saiddi arrived. She testified that accused Saiddi explained to Flavio Enriquez why Phon Mohammad would like to settle the case and discussed the terms of the settlement since he only had Two Hundred Thousand Pesos (Php 200,000.00) with him at the time;¹³⁵ that Enriquez received the money handed by accused Saiddi in his capacity as private complainant in Criminal Case No. 26697.¹³⁶

Accused Mamon further testified that she reminded accused Saiddi that Enriquez should sign an acknowledgement receipt of the money and asked him to prepare an Affidavit of Desistance but the latter responded that there is yet no need for it since there was still a balance of One Hundred Thousand Pesos (Php 100,000.00);¹³⁷ that Enriquez went out of her office and NBI agents rushed inside and arrested her and accused Saiddi;¹³⁸ that Enriquez went back to her office and when asked by Atty. Lugay who gave the money, Enriquez answered that it was accused Saiddi;¹³⁹ that during the inquest proceedings filed against them, accused Mamon came to know that it was Enriquez who filed the case against them and that the evidence the latter and the NBI agents used against her was the video recordings during the alleged meeting on 22 July 2013 and 16 August 2013 for which she filed criminal and administrative cases against the NBI agents and PO3 Enriquez for violation of Anti-Wire Tapping Law or R.A. No. 4200.¹⁴⁰

On cross-examination, accused Mamon confirmed that the testimony of Flavio Enriquez, Jr., will only be used in the frustrated murder case.¹⁴¹ She denied that Enriquez went to her office per her instruction.¹⁴² Instead, accused Mamon claimed that Enriquez just appeared at her office because she required him to testify on 23 July 2013.¹⁴³ She admitted that her first communication with Enriquez was when she presented the last witness in the Petition for Bail and

¹³³ *Ibid* at p. 7.

¹³⁴ *Ibid*.

¹³⁵ *Ibid*.

¹³⁶ Supplemental Judicial Affidavit of accused Roselyn Murillo-Mamon dated 4 November 2019.

¹³⁷ *Ibid*.

¹³⁸ *Ibid* at pp. 7-8.

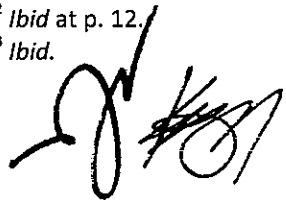
¹³⁹ *Ibid*.

¹⁴⁰ *Ibid* at pp. 8-10.

¹⁴¹ TSN dated 11 November 2019, pp. 5-9.

¹⁴² *Ibid* at p. 12.

¹⁴³ *Ibid*.



DECISION

People of the Philippines v. Roselyn S. Murillo-Mamon, et al.,
SB-17-CRM-0978

Page 23 of 41

X-----X

before the trial on the merits commenced.¹⁴⁴ She affirmed that it was the initiative of accused Saiddi to settle the civil aspect of the case and admitted that she only relayed such offer to Enriquez and all other communications for that matter.¹⁴⁵ She confirmed that, on 22 July 2013, she informed accused Saiddi that Enriquez was in her office, and thus, a meeting took place on the same date and place and in her presence.¹⁴⁶ She denied that she instructed Enriquez to go to her office on 16 August 2013 but admitted that she was aware that accused Saiddi will go to her office on the said date.¹⁴⁷

On re-direct examination, accused Mamon affirmed that Enriquez went to her office on 15 August 2013 and that she told the latter that she will inform accused Saiddi that he was already willing to settle the case for Three Hundred Thousand Pesos (Php 300,000.00).¹⁴⁸ She insisted that there was no agreement between her and Enriquez to meet in her office on 16 August 2013,¹⁴⁹ but admitted that she was told by accused Saiddi that he will come on the said date to communicate to her the result of his consultation with his client.¹⁵⁰

On re-cross examination, accused Mamon admitted that the acknowledgement receipt was for accused Saiddi to present to his client and not within her concern as the Prosecutor.¹⁵¹

For accused Saiddi

IPHERHAM SURIAN SAIDDI counsel for Phon Mohammad in the Murder and Frustrated Murder cases docketed as Criminal Case Nos. 26697 and 26698, respectively.

Accused Saiddi testified that the murder case against his client Phon Mohammad was already dismissed through an Order of RTC Branch 14 of Zamboanga City.¹⁵² He testified that on 18 March 2013, during the scheduled pre-trial of the frustrated murder and murder cases against his client, he relayed to accused Mamon through a statement in open court of the intention of his client and his family

¹⁴⁴ *Ibid* at pp. 12-18.

¹⁴⁵ *Ibid* at pp. 22-24.

¹⁴⁶ *Ibid*.

¹⁴⁷ *Ibid* at p. 30.

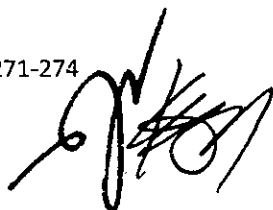
¹⁴⁸ *Ibid* at p. 37.

¹⁴⁹ *Ibid*.

¹⁵⁰ *Ibid* at p. 38.

¹⁵¹ *Ibid* at p. 43.

¹⁵² Records, Volume IV, pp. 271-274



DECISION

People of the Philippines v. Roselyn S. Murillo-Mamon, et al.,
SB-17-CRM-0978

Page 24 of 41

X-----X

through his wife Hadja Nursaida Mohammad of their willingness to settle amicably the civil aspect of the Frustrated Murder case in connection with which the court advised the counsels to discuss with private complainant Flavio Enriquez, Jr;¹⁵³ that his client intends to settle the civil aspect of the case by paying blood money which is a practice under the Islamic Law;¹⁵⁴ that accused Mamon said to him that she will relay it to Flavio Enriquez, Jr.¹⁵⁵ He further testified that, on 22 July 2013, accused Mamon informed him that Enriquez was interested to hear the offer of PO3 Phon Mohammad and thus he immediately went to the office of accused Mamon and discussed with Flavio Enriquez, Jr. the offer of his client which the latter said that he will have to think about it;¹⁵⁶ that on 15 August 2013, accused Mamon called and asked him to go to her office since Enriquez has already agreed to the settlement of the case and the latter was asking for an advance payment; that he informed Enriquez that he will have to talk to the wife of his client;¹⁵⁷ that accused Mamon then told him to go to her office on 16 August 2013 in the afternoon;¹⁵⁸ that in the morning of 16 August 2013, the wife of PO3 Mohammad gave him Two Hundred Thousand Pesos (Php 200,000.00) to be paid to Flavio Enriquez, Jr;¹⁵⁹ that in the afternoon of 16 August 2013, he went to the office of accused Mamon and saw PO3 Enriquez waiting for him; that PO3 Enriquez told him that he agrees to settle the case and asked for Three Hundred Thousand Pesos (Php 300,000.00);¹⁶⁰ that he handed to Enriquez the Two Hundred Thousand Pesos (Php 200,000.00) and told him that it was only a partial payment for the injuries he sustained and asked PO3 Enriquez for additional time to allow the family of his client to raise the money.¹⁶¹

He testified that, although accused Mamon asked for an acknowledgement receipt, he did not insist on it because there is still a balance of One Hundred Thousand Pesos (Php 100,000.00);¹⁶² that a few moments after PO3 Enriquez left the office, NBI agents barged into the office of accused Mamon and immediately began opening her drawers searching her bag to find incriminating evidence;¹⁶³ that Atty.

¹⁵³ *Ibid* at p. 275.

¹⁵⁴ *Ibid* at p. 276.

¹⁵⁵ *Ibid*.

¹⁵⁶ *Ibid* at p. 277.

¹⁵⁷ *Ibid* at p. 279.

¹⁵⁸ *Ibid*.

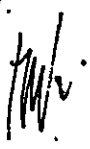
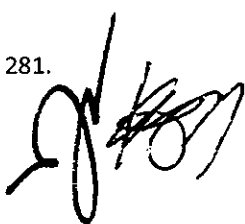
¹⁵⁹ *Ibid*.

¹⁶⁰ *Ibid* at p. 280.

¹⁶¹ *Ibid*.

¹⁶² *Ibid*.

¹⁶³ *Ibid* at p. 281.



DECISION

People of the Philippines v. Roselyn S. Murillo-Mamon, et al.,
SB-17-CRM-0978

Page 25 of 41

x-----x

Lugay called back Flavio Enriquez, Jr. to the office, and when the latter arrived, he was asked who gave the money, but it was he who answered that the money came from him and explained that it was demanded by Enriquez as settlement of the civil aspect of his case;¹⁶⁴ that after they were arrested, they were taken to the NBI Regional Office at around 1:00 in the afternoon and it was only at around 6:00 in the evening that they were informed of the nature of the charges against them which is clearly a violation of Article 212 of the Revised Penal Code;¹⁶⁵ that during the inquest proceedings, Enriquez mentioned in his Sworn Statement the alleged video recordings taken in the office of accused Mamon on 22 July 2013 and 16 August 2013 and learned that they were arrested through an alleged entrapment operation by the NBI agents;¹⁶⁶ that he and accused Mamon filed administrative and criminal cases against the NBI agents and Complainant.¹⁶⁷

Accused Saiddi claimed that during the cross-examination of Flavio Enriquez, Jr. on 31 August 2017 in connection with the murder and frustrated murder cases, the latter testified that it was Margani Samla who shot him and not Phon Mohammad and Dadoh Mansul;¹⁶⁸ that on 23 October 2017, Enriquez testified that he freely and voluntarily communicated with accused Mamon regarding the settlement of the civil aspect of the case and testified that when he received the money he made the representation that it was for the settlement of the case.¹⁶⁹

On cross examination, accused Saiddi confirmed that he only entered his appearance for Phon Mohammad as collaborating counsel on 13 August 2012 and that the principal counsel was Atty. Elpidio Nuval;¹⁷⁰ that Atty. Nuval was not in communication with accused Mamon with regard to the settlement of the civil aspect of the case and that it was only him who communicated with accused Mamon;¹⁷¹ that he manifested before the court that the intention of his client to settle the civil aspect of the case which was reflected in the Pre-Trial Order dated 18 March 2013.¹⁷² Accused Saiddi further confirmed that after the meeting on 22 July 2013, he was not in direct

¹⁶⁴ *Ibid.*

¹⁶⁵ *Ibid* at p. 282.

¹⁶⁶ *Ibid.*

¹⁶⁷ *Ibid.*

¹⁶⁸ *Ibid* at pp. 284-286.

¹⁶⁹ *Ibid* at pp. 287-288.

¹⁷⁰ TSN dated 20 January 2020, pp. 18-19.

¹⁷¹ *Ibid.*

¹⁷² *Ibid* at pp. 20-21.

DECISION

People of the Philippines v. Roselyn S. Murillo-Mamon, et al.,
SB-17-CRM-0978

Page 26 of 41

X-----X

communication with Enriquez to settle the civil aspect of the case and all communications were coursed through accused Mamon as his counsel;¹⁷³ that it was only Enriquez who was offered money as the complainant in the frustrated murder case and there was no offer made to the complainants in the attempted murder case.¹⁷⁴

HADJA NURSAIDA MOHAMMAD, wife of Phon Mohammad.

Hadja Nursaida Mohammad testified that she informed accused Saiddi of their intention to amicably settle the case filed against her husband, and to pay blood money;¹⁷⁵ that on 22 July 2013, accused Saiddi called and informed her that he was able to inform Flavio Enriquez, Jr. in the office of accused Mamon about the proposal to settle the case and by way of response to their offer of settlement, PO3 Enriquez said that he spent more than Three Hundred Thousand Pesos (Php 300,000.00) for hospitalization;¹⁷⁶ that on 15 August 2013, she received a call from accused Saiddi informing her that Enriquez visited the office of accused Mamon and agreed to settle; that she was asked to prepare the money and was instructed to see him in his office in the morning the next day;¹⁷⁷ that on 16 August 2013, she went to the office of accused Saiddi and thereat turned over the money amounting to Two Hundred Thousand Pesos (Php 200,000.00);¹⁷⁸ that after she left the office of accused Saiddi, she learned from the news that accused Mamon and Saiddi were entrapped by the NBI for allegedly bribing PO3 Enriquez.¹⁷⁹

On cross-examination, Mrs. Mohammad confirmed that it was only through accused Saiddi that she discussed the issue of amicably settling the civil aspect of the case and not with the principal counsel Atty. Nuval;¹⁸⁰ and that the concept of blood money applies even to a non-muslim victim.¹⁸¹

On 14 November 2019, accused Mamon filed her Formal Offer of Evidence¹⁸² while accused Saiddi filed his own Formal Offer of

¹⁷³ *Ibid* at pp. 21-22.

¹⁷⁴ *Ibid* at pp. 27-28.

¹⁷⁵ Records, Volume V, p. 66.

¹⁷⁶ *Ibid* at p. 67.

¹⁷⁷ *Ibid.*

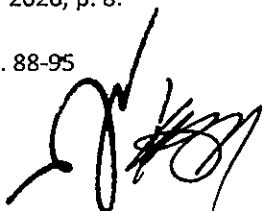
¹⁷⁸ *Ibid.*

¹⁷⁹ *Ibid* at p. 68.

¹⁸⁰ TSN dated 17 February 2020, p. 8.

¹⁸¹ *Ibid* at pp. 9-10.

¹⁸² Records, Volume V, pp. 88-95



DECISION

People of the Philippines v. Roselyn S. Murillo-Mamon, et al.,
SB-17-CRM-0978

Page 27 of 41

X-----X

Evidence¹⁸³ on 18 February 2020. In a Resolution¹⁸⁴ dated 2 March 2020, this Court resolved said Formal Offer as follows:

“To **ADMIT** the following common exhibits offered by accused Mamon and Saidd, to wit: **Exhibits “1”, “2”, “3”, “5”, “6”, “7”, “8”, “9”, “10”, “11”, “12”, “13”, “15”, and “16”,** over the objection of the Prosecution to the purposes for which they are offered, considering that the objection refer more to the probative value than their admissibility;

To **ADMIT** the following common exhibits offered by accused Mamon and Saiddi, to wit: **Exhibit “4”,** there being no comment/objection thereto by the Prosecution;

To **ADMIT** the following exhibits offered by accused Mamon, to wit: **Exhibits “5-A”, “5-B”, “5-B-1”, “11-A”, “11-B”, “11-C”, “11-C-1”, “11-D”, “11-E”, “11-E-1”, “11-F”, “11-F-1”, “11-G”, “12-A”, “13-A”, “18” and “18-A”,** over the objection of the Prosecution to the purposes for which they are offered, considering that the objection refer more to the probative value than their admissibility;

To **ADMIT** the following exhibits offered by accused Saiddi, to wit: **Exhibit “17”,** over the objection of the Prosecution to the purpose for which it is offered, considering that the objection refer more to the probative value than its admissibility; and

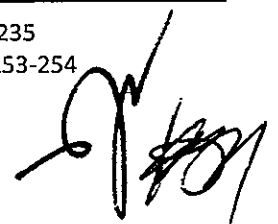
To **NOTE** that **Exhibit “14”** offered by accused Mamon and Saddi, which pertains to the Judicial Affidavit of accused Mamon, has already been offered as her direct testimony.”

With the admission of their documentary and exhibits and testimonies of their witnesses, the accused are deemed to have rested their case.



¹⁸³ *Ibid* at 223-235

¹⁸⁴ *Ibid* at pp. 253-254



DECISION

People of the Philippines v. Roselyn S. Murillo-Mamon, et al.,
SB-17-CRM-0978

Page 28 of 41

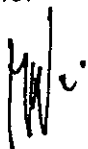
x-----x

REBUTTAL

On rebuttal of evidence, the Prosecution presented Atty. Muiz-za M. Elang-Salam. The parties agreed to dispense with the testimony of Atty. Salam after they stipulated on the following:

- a. Atty. Muiz-za M. Elang-Salam is the Branch Clerk of Court of the Regional Trial Court, Branch 14, Zamboanga City;
- b. As the Branch Clerk of Court of the Regional Trial Court, Branch 14, Zamboanga City, she has custody of the official records of Criminal Case Nos. R-QZN-16-01811-CR to R-QZN-16-01814-CR as part of the records of Criminal Cases Nos. 26662 to 26665 and 26697 to 26698;
- c. As the Branch Clerk of Court of the Regional Trial Court, Branch 14, Zamboanga City, she issued certified true copies of:
 - i. Urgent Petition dated August 30, 2013 signed by Flavio Enriquez, Jr.;
 - ii. Transcript of Stenographic Notes in Criminal Cases Nos. R-QZN-16-01811-CR to R-QZN-16-01814-CR dated August 31, 2017; and
 - iii. Transcript of Stenographic Notes in Criminal Cases Nos. R-QZN-16-01811-CR to R-QZN-16-01814-CR dated October 23, 2017.
- d. Atty. Elang-Salam can identify her signatures appearing on each page of the above-mentioned documents.¹⁸⁵

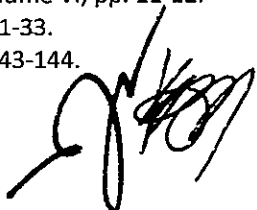
On 4 January 2021, the Prosecution filed its Formal Offer of Evidence on rebuttal.¹⁸⁶ On 14 January 2021, this Court admitted the following exhibits offered by the Prosecution on rebuttal, *to wit* – Exhibits “HH” and “II”.¹⁸⁷



¹⁸⁵ Records, Volume VI, pp. 11-12.

¹⁸⁶ *Ibid* at pp. 31-33.

¹⁸⁷ *Ibid* at pp. 143-144.



DECISION

People of the Philippines v. Roselyn S. Murillo-Mamon, et al.,
SB-17-CRM-0978

Page 29 of 41

X-----X

MEMORANDUM

For the Prosecution

On 22 February 2021, the Prosecution filed its Memorandum¹⁸⁸ wherein it endeavoured to demonstrate the presence of all the elements necessary to prove, beyond reasonable doubt, violation of Section 3(e) of R.A. No. 3019. In a nutshell, the Prosecution emphasized in its Memorandum that: (a) accused Mamon is a high ranking public officer being then Deputy City Prosecutor of the Office of the City Prosecutor, Zamboanga City at the time material o the allegations in the Information; (b) she acted with manifest partiality, evident bad faith or gross inexcusable negligence when she actively participated and connived with accused Saiddi in pressuring Flavio Enriquez, Jr. to either desist from prosecuting his complaint against, or to not implicate therein Phon Mohammad and Dadoh Mansul; (c) by reason of her actions, the client of accused Saiddi, Phon Mohammad, and Dadoh Mansul, enjoyed unwarranted benefits, advantage and preference in the discharge of the official functions of accused Mamon; and (d) accused Mamon and accused Saiddi conspired with each other in offering and giving Complainant Two Hundred Thousand Pesos (Php 200,000.00) in exchange for the desistance of the latter from pursuing the case against Phon Mohammad and Dadoh Mansul or for not identifying and/or implicating the two (2) aforementioned accused.

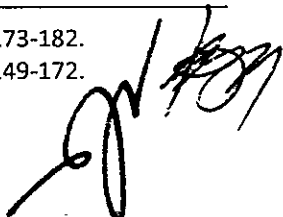
For accused Saiddi

On 11 February 2021, accused Saiddi filed his Memorandum¹⁸⁹ and argued, thusly: (a) the Prosecution failed to prove the existence of conspiracy between accused Saiddi and accused Mamon; (b) conspiracy must refer to a commission of a crime and an offer to compromise civil liability arising from an offense is not a crime; (c) the Prosecution failed to present any evidence that would show the presence of bad faith, negligence or partiality on the part of accused Saiddi; and (d) the Prosecution presented no evidence to show that the act of accused Saiddi caused damage or injury to any person or the government.



¹⁸⁸ *Ibid* at pp. 173-182.

¹⁸⁹ *Ibid* at pp. 149-172.



DECISION

People of the Philippines v. Roselyn S. Murillo-Mamon, et al.,
SB-17-CRM-0978

Page 30 of 41

X-----X

OUR RULING

In the prosecution of every criminal case, the basic tenet that every prosecutor must, at all times, be conscious about is that, he or she has the burden of proof in establishing the guilt of the accused for the offense charged—*ei incumbit probatio qui dicit, non qui negat*. He who asserts, not he who denies, must prove.¹⁹⁰

Thus, to successfully prosecute and convict accused Roselyn S. Murillo-Mamon and Pherham Surian Saiddi, the Prosecution has to establish, beyond reasonable doubt, the concurrence of the following elements for violation of Section 3 (e) of R.A. No. 3019, *to wit* –

1. The accused must be a public officer discharging administrative, judicial or official functions;
2. He must have acted with manifest partiality, evident bad faith or gross inexcusable negligence; and
3. That his action caused any undue injury to any party, including the government, or giving any private party unwarranted benefits, advantage or preference in the discharge of his functions.¹⁹¹

The accused must be a public officer discharging administrative, judicial or official functions

There is no question that, as to accused Mamon, the first element is present having been stipulated by the parties that, at the time material to the allegations in the Information, accused Mamon was a high ranking public officer, being then Deputy City Prosecutor of the Office of the City Prosecutor, Zamboanga City.¹⁹²

As to accused Saiddi, who is admittedly a private individual, the first element is not completely wanting and is thus not immune from this present suit. Pursuant to Section 9 of R.A. No. 3019, the law punishes not only public officers who commit prohibited acts,

¹⁹⁰ People vs. Taboga, 376 SCRA 500, G.R. Nos. 144086-87 February 6, 2002

¹⁹¹ Santos vs. People, 485 SCRA 185, G.R. No. 161877 March 23, 2006 *citing the case of* Jacinto v. People of the Philippines, G.R. No. 84571, 2 October 1989, 18 SCRA 254.

¹⁹² Records, Volume II, p. 284.

DECISION

People of the Philippines v. Roselyn S. Murillo-Mamon, et al.,
SB-17-CRM-0978

Page 31 of 41

X-----X

enumerated under its Section 3, but even those who induce, or cause the public official to commit those offenses.¹⁹³ The case of *Go v. Fifth Division, Sandiganbayan*¹⁹⁴, citing *Luciano v. Estrella, Singian, Jr. v. Sandiganbayan, and Domingo v. Sandiganbayan*, laid to rest the debate on a private person's culpability in cases involving R.A. No. 3019, as amended, by unequivocally stating that private persons found acting in conspiracy with public officers may be held liable for the applicable offenses found in Section 3 of the aforesaid law.¹⁹⁵

The accused must have acted with manifest partiality, evident bad faith and/or inexcusable negligence;

The second element sets forth the three (3) different and distinct modes by which Section 3(e) of R.A. No. 3019 may be committed: they are through manifest partiality, evident bad faith, or gross inexcusable negligence. Proof of the existence of any of the foregoing modes suffices to warrant conviction under Section 3(e) of R.A. No. 3019.

As defined in the case of *Plameras vs. People*,¹⁹⁶ there is "manifest partiality" when there is clear, notorious, or plain inclination or predilection to favor one side or person rather than another.

"Evident bad faith" connotes not only bad judgment but also palpably and patently fraudulent and dishonest purpose to do moral obliquity or conscious wrongdoing for some perverse motive or ill will.¹⁹⁷ "Evident bad faith" contemplates a state of mind affirmatively operating with furtive design or with some motive of self-interest or ill will or for ulterior purposes.¹⁹⁸ It constitutes as a breach of sworn duty through some perverse motive or ill will.

"Gross inexcusable negligence" refers to negligence characterized by the want of even the slightest care, acting or omitting to act in a situation where there is a duty to act, not

¹⁹³ Santillano vs. People, 614 SCRA 164, G.R. Nos. 175045-46 March 3, 2010

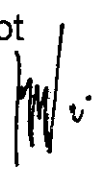
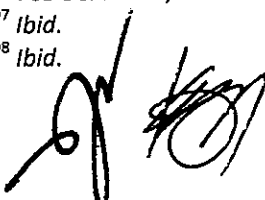
¹⁹⁴ G.R. No. 172602, 521 SCRA 270, G.R. No. 172602, April, 12 2007.

¹⁹⁵ *Ibid.*

¹⁹⁶ 705 SCRA 104, G.R. No. 187268 September 4, 2013.

¹⁹⁷ *Ibid.*

¹⁹⁸ *Ibid.*



DECISION

People of the Philippines v. Roselyn S. Murillo-Mamon, et al.,
SB-17-CRM-0978

Page 32 of 41

x-----x

inadvertently but wilfully and intentionally, with conscious indifference to consequences insofar as other persons may be affected.¹⁹⁹

Complaining witness PO3 Enriquez testified as to the following events which led to the alleged entrapment operation, to wit: (a) in May 2013, accused Mamon called and offered him One Hundred Thousand Pesos (Php 100,000.00) in return for not testifying against Dadoh Mansul; (b) prior to the scheduled hearing on 23 July 2013, accused Mamon called him once more and reiterated the same offer, and further instructed to meet her in the office on 22 July 2013; (c) in a meeting held on 22 July 2013, accused Mamon offered him Two Hundred Fifty Thousand (Php 250,000.00) to Three Hundred Thousand (Php 300,000.00) in exchange for not implicating Phon Mohammad and Dadoh Mansul; and (d) in a meeting held on 15 August 2013, accused Mamon reiterated that he should not implicate Phon Mohammad and Dadoh Mansul.²⁰⁰

The foregoing were the consistent and unfailing assertions of Flavio Enriquez, Jr., on cross-examination and even when confronted by the Court, *to wit* –

CHAIRPERSON:

xxx

xxx

xxx

Q

Ilang beses kayong bumalik sa opisina ni Prosekutor Mamon?

A

Twice then on August 15, another, August 16, another, about five to six, Your Honors.

Q

Five to six times?

A

Yes.

Q

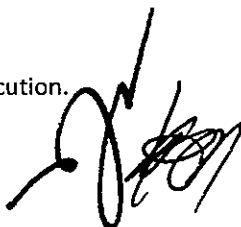
The first time?

A

The first time is ah (*sic*), it was

¹⁹⁹ *Ibid.*

²⁰⁰ Exhibits "B" and "C" for the Prosecution.



DECISION

People of the Philippines v. Roselyn S. Murillo-Mamon, et al.,
SB-17-CRM-0978

Page 33 of 41

x-----x

(PAUSED) on July 22.

Q The first time is on July 22?

A On 22.

Q In the morning?

A In the morning and in the afternoon to give... (*sic*)

Q Then you went back in the afternoon?

A Yes.

xxx

xxx

xxx

Q I think the question is that, the first and second are on July 22, morning and afternoon. So, the question is, when was the third time?

A Ah the third time ma'am is it, is on the morning of kwan ma'am, morning of the hearing. (*sic*)

Q The hearing of July 23?

A 23.

ATTY. MAMON:

Q Hearing, you met because it was already trial on July 23?

A Trial.

Q Oh trial na siya. Oh fourth time? (*sic*)

A Fourth time? Fourth time is on August (PAUSED) 15.

Q August 15. And the fifth? (*sic*)

A August 15 (PAUSED) witness is in deep thought.



DECISION

People of the Philippines v. Roselyn S. Murillo-Mamon, et al.,
SB-17-CRM-0978

Page 34 of 41

x-----x

XXX

XXX

XXX

A

Sixteen.

Q

Sixteen?

CHAIRPERSON

August 16.²⁰¹

Based on the foregoing, it is clear that accused Mamon persisted in offering money to complaining witness Enriquez in exchange for not implicating Phon Mohammad and Dadoh Mansul which palpably shows that she did not only display manifest partiality but is similarly guilty of evident bad faith.

It bears stressing that accused Mamon, as a public prosecutor, is bound to discharge her duty to protect the interest of the state. It is a basic principle that the public prosecutor is a medium by which the government is represented in criminal cases. As laid down by the *Supreme Court* in the case of *Merciales v. Court of Appeals*,²⁰² it is the duty of the public prosecutor to bring the criminal proceedings for the punishment of the guilty.²⁰³ Concomitant with this is the duty to pursue the prosecution of a criminal action and to represent the public interest. A crime is an offense against the State, and hence is prosecuted in the name of the People of the Philippines.²⁰⁴ For this reason, Section 5 of Rule 110 provides that "all criminal actions either commenced by complaint or by information shall be prosecuted under the direction and control of the fiscal x x x." As the representative of the State, the public prosecutor has both the right and the duty to take all steps to protect the rights of the People in the trial of an accused.²⁰⁵

Notwithstanding the duty vested upon her, accused Mamon maladroitly veered away from it which clearly constitutes as a breach of her sworn duty through some perverse motive.

Based on the arguments of the Prosecution and defense, there are two (2) conflicting versions as to why the money was given to

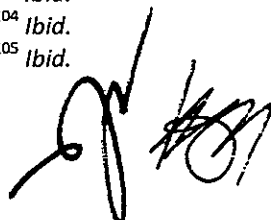
²⁰¹ TSN, dated 4 February 2019, pp. 35-37.

²⁰² 379 SCRA 345, G.R. No. 124171 March 18, 2002.

²⁰³ *Ibid.*

²⁰⁴ *Ibid.*

²⁰⁵ *Ibid.*



DECISION

People of the Philippines v. Roselyn S. Murillo-Mamon, et al.,
SB-17-CRM-0978

Page 35 of 41

X-----X

complaining witness PO3 Enriquez: for the Prosecution, the money received was for aforementioned complainant PO3 Enriquez to desist and not implicate Phon Mohammad and Dadoh Mansul in the frustrated murder case; while for the accused Mamon and Saiddi, the money received was for the settlement of the civil aspect of the frustrated murder case. This Court shall thus proceed to determine the true and real purpose for which the money was given to, and was received by complaining witness Enriquez.

Notably, accused Mamon and Saiddi did not dispute the fact that an offer was made to Flavio Enriquez, Jr. and that the amount of Two Hundred Thousand Pesos (Php 200,000.00)²⁰⁶ was actually handed to the latter. However, they raised as a defense that the money given to PO3 Flavio Enriquez, Jr., represents *Blood Money*, which is a mode of settlement of the civil aspect of a case accepted and practiced by the Muslims.

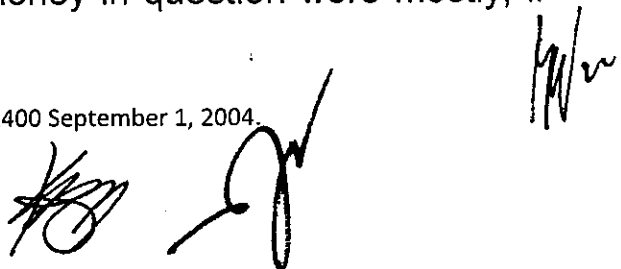
Case law has it that, for evidence to be believed, it must not only proceed from the mouth of a credible witness, it must be credible in itself. Evidence is credible when it is such as the common experience of mankind can approve as probable under the circumstances. There is no test of truth of human testimony, except its conformity to our knowledge, observation and experience.²⁰⁷

After a critical examination of the testimonies of the Prosecution and defense, this Court gives great weight and credit to the testimonies of the witnesses presented by the Prosecution. More particularly, this Court finds the testimony of complaining witness Enriquez to be very credible considering that it was clear, direct, and unequivocal. That the money he received was indeed in exchange for him not to implicate Phon Mohammad and Dadoh Mansul is more believable given the surrounding circumstances established by the other evidence on record.

On the other hand, the bare assertions of accused Mamon and Saiddi that the Two Hundred Thousand Pesos (Php 200,000.00) given to PO3 Enriquez was blood money cannot overcome the positive testimony of the aforementioned complaining witness Flavio Enriquez, Jr., absent any competent proof to corroborate their defense. More, the incredulity of the accused's defense lies in the fact, as shown by the records, that the seemingly long and arduous negotiation for the payment of the money in question were mostly, if

²⁰⁶ Exhibit "R" with series for the Prosecution.

²⁰⁷ Litton Mills, Inc. vs. Sales, 437 SCRA 488, G.R. No. 151400 September 1, 2004.

The bottom of the page features several handwritten signatures and initials. On the left, there is a signature that appears to be 'K. S.' or similar. In the center, there is a large, stylized signature. On the right, there are initials that look like 'M/V' or 'M/V'.

DECISION

People of the Philippines v. Roselyn S. Murillo-Mamon, et al.,
SB-17-CRM-0978

Page 36 of 41

X-----X

not exclusively done in the secret confines of the office of Prosecutor Mamon.

True, accused Saiddi testified that during the Pre-Trial conference of the Frustrated Murder case, he manifested to the court that his client was willing to discuss the settlement of the civil aspect of the case. Again, this is another bare and uncorroborated, if self-serving assertions of the accused. No transcript or court records were produced by both accused to corroborate the said allegation.

If indeed Phon Mohammad and Dadoh Mansul really intended to settle amicably the civil aspect of the frustrated murder case, accused Saiddi, as counsel for Phon Mohammad, should have raised the matter in the proper venue considering that the case is still pending in court.

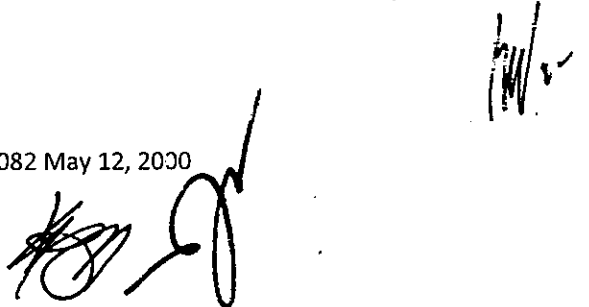
The accused caused undue injury to any party including the Government, or gave any private party unwarranted benefits, advantage or preference in the discharge of his functions

Accused Saiddi argues that the Prosecution presented no evidence to show that his acts caused damage or injury to any person or the government. Therefore, he posits, the third element is lacking.

Even granting, for the sake of argument, that indeed no damage to any person was caused by the act of herein accused, such fact will not necessarily lead to their undeserved exoneration.

A reading of Sec. 3, par. (e), RA 3019, as amended, would show that to be liable thereunder, the act of the public officer should have caused undue injury to any party, including the government, or the act of the public officer gave any private party unwarranted benefits, advantage or preference in the discharge of his functions.²⁰⁸ The use of the disjunctive term "or" connotes that either act qualifies

²⁰⁸ Bautista vs. Sandiganbayan, 332 SCRA 126, G.R. No. 136082 May 12, 2000



DECISION

People of the Philippines v. Roselyn S. Murillo-Mamon, et al.,
SB-17-CRM-0978

Page 37 of 41

X-----X

as a violation of Sec. 3 (e);²⁰⁹ and that an accused may be charged under either mode or under both.²¹⁰

Even just a cursory examination of the records of this case would readily show that herein accused are being prosecuted in these proceedings not because they caused any injury to anybody, but because they gave unwarranted benefit to Phon Mohammad and Dadoh Mansul.

Accused may argue that Phon Mohammad and Dadoh Mansul were not actually benefitted from their alleged conspiracy acts as it is clear from the words of PO3 Flavio Enriquez that to the very end, he remained adamant and firm in his resolve to prosecute them for frustrated murder. Ergo, the accused vigorously insist that the required element of giving unwarranted benefit is clearly absent and thus, they both cannot be held for violation of Section 3 (e) of R.A. No. 3019.

That is not correct.

The simple act of accused Mamon, in talking to private complainant Flavio Enriquez, Jr., and asking him not to identify Phon Mohammad and Dadoh Mansul in the frustrated murder case, coupled with the delivery by accused Saiddi of the amount of Two Hundred Thousand Pesos (Php 200,000.00) intended to convince the aforementioned Enriquez to agree to the request of accused Mamon are, by themselves, clear and unmistakable display of an unwarranted benefit unlawfully extended to Phon Mohammad and Dadoh Mansul. Verily, it was not necessary for Flavio Enriquez, Jr. to capitulate and submit to the unlawful designs of accused Mamon and Saiddi.

As amply demonstrated by the Prosecution, accused Mamon offered, while accused Saiddi delivered the money to PO3 Flavio Enriquez, Jr., the complaining witness in Criminal Case No. 26697 against Phon Mohammad and Dadoh Mansul, in exchange for not implicating the latter as persons liable in the abovementioned case. Such offer was not made once, but several times prior to the entrapment operation conducted on 16 August 2013. To this Court, such acts of the accused are clearly constitutive of the third element of Section 3(e) of R.A. No. 3019.

As the handling prosecutor of the frustrated murder case, accused Mamon is mandated by law to exert earnest effort in

²⁰⁹ *Ibid.*

²¹⁰ *Ibid.*

DECISION

People of the Philippines v. Roselyn S. Murillo-Mamon, et al.,
SB-17-CRM-0978

Page 38 of 41

X-----X

exhausting all evidence to establish the guilt of Phon Mohammad and Dadoh Mansul; to see that justice is done. Instead, accused Mamon, in conspiracy with accused Saiddi, offered and gave Enriquez Two Hundred Thousand Pesos (Php 200,000.00) not to implicate Phon Mohammad and Dadoh Mansul.

**Conspiracy between accused
Mamon and Saiddi is present**

Jurisprudence is consistent in teaching us that in proving conspiracy, proof of agreement between accused Mamon and Saiddi is completely irrelevant. For conspiracy to exist, the evidence need not establish the actual agreement which shows the preconceived plan, motive, interest or purpose in the commission of the crime.²¹¹

As laid down by the *Supreme Court* in the case of *Guy v. People of the Philippines*,²¹² proof of the agreement need not rest on direct evidence, as the agreement itself may be inferred from the conduct of the parties disclosing a common understanding among them with respect to the commission of the offense. It is not necessary to show that two or more persons met together and entered into an explicit agreement setting out the details of an unlawful scheme or the details by which an illegal objective is to be carried out.²¹³ Therefore, if it is proved that two or more persons aimed their acts towards the accomplishment of the same unlawful object, each doing a part so that their acts, though apparently independent, were in fact connected and cooperative, indicating a closeness of personal association and a concurrence of sentiment, then a conspiracy may be inferred though no actual meeting among them to concert means is proved.²¹⁴

The testimonial evidence for the Prosecution has duly proved that accused Mamon and Saiddi conspired with one another in offering and giving PO3 Enriquez Two Hundred Thousand Pesos (Php 200,000.00), to wit-

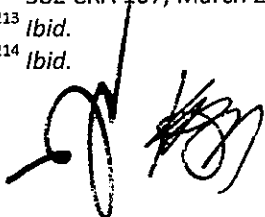


²¹¹ Antonio vs. Sandiganbayan (2nd Division), 166 SCRA 595, No. L-57937 October 21, 1988 citing the case of People v. Tala 141 SCRA 240, G.R. Nos. 69153-54, January 30, 1986.

²¹² 582 CRA 107, March 20, 2009.

²¹³ *Ibid.*

²¹⁴ *Ibid.*



DECISION

People of the Philippines v. Roselyn S. Murillo-Mamon, et al.,
SB-17-CRM-0978

Page 39 of 41

x ----- x

First, PO3 Enriquez testified that on 22 July 2013, he met with accused Mamon at her office, and thereafter accused Saiddi joined them in the meeting, and the same offer was made to him;²¹⁵

Second, Complainant testified that in a meeting on 16 August 2013, with accused Mamon and Saiddi, the latter handed to him a brown envelope containing Two Hundred Thousand Pesos (Php 200,000.00);²¹⁶

Third, witnesses for the prosecution Peter Chan Lugay, Manuel Fayre, Arnold Diaz, and Nolan Gadia, jointly testified that, during the entrapment operation they conducted directed against accused Mamon, they saw accused Mamon inside her office and accused Saiddi;²¹⁷ and

Fourth, they jointly testified that, when they asked PO3 Enriquez who gave him the money, he directly pointed to accused Saiddi.²¹⁸

The foregoing testimonial evidence presented by the Prosecution leaves no doubt that accused Mamon and Saiddi conspired with one another in offering and giving PO3 Flavio Enriquez, Jr., Two Hundred Thousand Pesos (Php 200,000.00).

Considering all the foregoing, this Court finds that the Prosecution has duly established all the elements of Section 3(e) of R.A. No. 3019, as amended, and that accused Roselyn Soriano Murillo-Mamon and Pherham Surian Saiddi conspired with one another, and are therefore equally guilty for violation thereof.

Finally, the TWO HUNDRED THOUSAND PESOS (Php 200,000.00) delivered by the accused to PO3 Flavio Enriquez, Jr. having been found and accordingly declared herein as proceeds of an illicit activity, the same is subject to forfeiture in favor of the State.

WHEREFORE, in the light of the foregoing, this Court finds accused **ROSELYN SORIANO MURILLO-MAMON** and **PERHRAM SURIAN SAIDDI GUILTY** beyond reasonable doubt of violation of Section 3(e) of R.A. No. 3019, as amended and pursuant thereto, and in relation to the provisions of the Indeterminate Sentence Law, each

²¹⁵ Exhibit "B" for the Prosecution.

²¹⁶ Exhibit "C" for the Prosecution.

²¹⁷ Exhibit "D" for the Prosecution.

²¹⁸ *ibid.*



DECISION

People of the Philippines v. Roselyn S. Murillo-Mamon, et al.,
SB-17-CRM-0978

Page 40 of 41

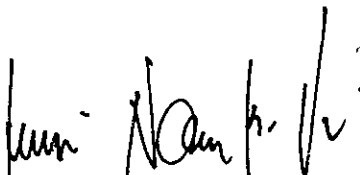
X-----X

one of them is hereby sentenced to suffer the penalty of imprisonment of six (6) years and one (1) month as minimum, to ten (10) years, as maximum.

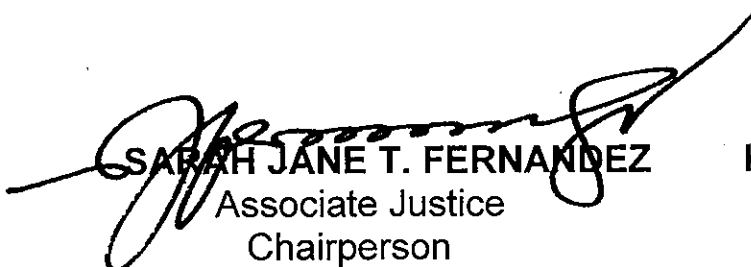
Accused **ROSELYN S. MURILLO-MAMON** shall likewise suffer perpetual disqualification from public office.

The TWO HUNDRED THOUSAND PESOS (Php 200,000.00) recovered during the entrapment operation is hereby ordered forfeited in favor of the government.

SO ORDERED.


KEVIN NARCE B. VIVERO
Associate Justice

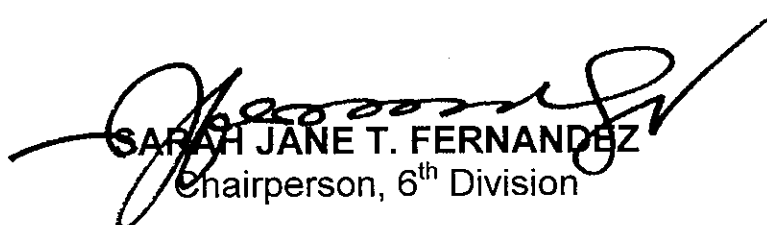
WE CONCUR:


SARAH JANE T. FERNANDEZ
Associate Justice
Chairperson


KARL B. MIRANDA
Associate Justice

ATTESTATION

I attest that the conclusions in the above decision were reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


SARAH JANE T. FERNANDEZ
Chairperson, 6th Division

DECISION

People of the Philippines v. Roselyn S. Murillo-Mamon, et al.,
SB-17-CRM-0978

Page 41 of 41

x-----x

CERTIFICATION

Pursuant to Article VIII, Section 13, of the Constitution, and the Division Chairperson's Attestation, it is hereby certified that the conclusions in the above decision were reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


AMPARO M. CABOTAJE-TANG
Presiding Justice

