

## **(CASE CODE: The Last Day I Drove A Car)**

Adelaimar C. Arias Jose\*

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### Clarificatory Hearing

This is a complaint for sexual harassment and conduct unbecoming a police officer. The following is a transcript of the fact finding/clarificatory hearing which I held and video-taped. It is true to the best of my recollection and the records in my possession.

Sgd). SPO4 JADE MANRESA

PI Manresa: (clears throat) Hello, mike test. Good morning. It is November 13, 2019 9:35 am. We are in Hearing Room 5A of the National Police Commission. I am Police Inspector Jade Manresa, I am the administrative officer determined by e-raffle to hear this matter. I will be videotaping today's proceedings in the effort of the Commission to go paperless. These proceedings will all be recorded.

Appearances? Please speak into the microphone.

Counsel for Complainant: Atty. Arnel Antonio Buscante

Counsel for Respondent: Atty. Marcelo Buenaventura

PI Manresa: Please print your contact details legibly on this form. (PI Manresa hands them the form. Counsels enter their contact details.)

(PI Manresa reads from the Manual of Proceedings).

PI Manresa: First, I will inform the police officer under investigation of his rights. You have the right to remain silent, what you say will form part of the records of these proceedings and may be used in other civil or criminal cases.

You may waive this right but only upon advice from a lawyer of your own choice. If you have no lawyer, one may be provided for you by the Commission or from the Public Attorney's Office.

These proceedings are administrative in character and it will result in the police officer being disciplined or sanctioned if violations of the Code of Conduct and Rules of Engagement were found to have been committed.

The findings of this officer may be used by both parties as evidence in an appeal, if either party is dissatisfied with my determination; or, if they wish to pursue the matter, either in a criminal or civil proceeding, they are free to do so.

If the police officer has understood his rights, kindly sign here. (PI Manresa hands the respondent the form to sign. Respondent signs.)

Since this is an administrative hearing, proceedings are summary. Both parties may have their lawyers present but your counsel can only advise you of your rights. There will be no taking of direct or cross-examination testimony.

The salaysay you submitted will be considered as part of your testimony. This hearing is for my benefit: I will mainly

address the parties and ask them clarificatory questions. If your counsel advises you not to answer any of the questions I ask you, you will be within your rights to heed your counsel's advice. If my instructions are clear and there are no questions, kindly sign here. (PI Manresa gives parties the checklist.)

(Parties sign after conferring with counsel.)

Next, the records in my possession. The parties have submitted for my consideration the following documents and evidence:

- Sinumpaang Salaysay/Complaint Affidavit;
- Sagot na Salaysay/Counter-Affidavit.
- Further, the complainant has submitted video footage from her dashcam;
- Still shots from her mobile phone;
- Doctor's certificates, as well as
- Receipts from the medical assistance she received following the incident.

These documents have been scanned as they were received and will also be uploaded into the portal. Are there additional documents you wish to enter into the record?

(Parties shake their heads.)

Counsel? Any statements from witnesses? (Counsel for the Respondent police officer raised his hand.) Yes, please speak into the microphone.

Atty. Buenaventura:        The statement of the Traffic Constable, we submitted it yesterday. We also mailed a copy to the complainant's counsel.

PI Manresa:                It's not here in the record. I don't have it. It may still be in Receiving. Do you have an extra copy? So I can attach it to the record.

(Atty. Buenaventura hands a document to PI Manresa.)

I will ask both the complainant and respondent to read into the video record the pertinent parts of your salaysay so that you will see the basis for my findings. I will also ask you questions to clarify certain points, if necessary. Your responses will be recorded and form part of these proceedings, and it will be included as bases for my findings and recommendations. The video of these proceedings will be available on the portal should you wish to download it. A copy of the video and the written resolution of the Commission will be provided as well to your attorneys of record.

Let us begin by asking the parties to introduce themselves into the record. Kindly state your name, citizenship, age, street address and occupation.

Please stand up and raise your right hand. Do you affirm to tell the truth, the whole truth and nothing but the truth to the best of your ability, personal knowledge and recollection?

Complainant: Yes, I affirm.

Respondent: Yes, I affirm.

PI Manresa: Lt. Col. Jade Manresa, hearing officer. Badge Number 8-56199.

Complainant: (Clears throat.) Sinag Santiago, Filipino, 32 years old, residing at 17C Calle Mayaman, Teachers' Village, Quezon City, university professor.

Respondent: PO 2 Roldan del Rosario, Filipino, 34 years old, residing in Bgy. Salitran 2, Dasmarinas City, Cavite;

PI Manresa: Witness is the complainant herself. Please speak into the microphone when you respond. Did you understand the instructions I gave regarding the conduct of these proceedings?

(Complainant nods.)

PI Manresa: Please respond verbally.

Complainant: Yes.

PI Manresa: I will begin with the complainant. Kindly direct your attention to the screen. This is a Sinumpaang Salaysay which I received. Please use the cursor on the terminal in front of you and scroll through the document.

(Complainant scrolls through the document projected on screen.)

PI Manresa: There is a signature appearing on the margin and the last page of the Sinumpaang Salaysay. Will you kindly state whose signature this is?

Complainant: It's mine, my signature.

PI Manresa: Have you read this Salaysay?

Complainant: Yes.

PI Manresa: Who prepared this Salaysay?

Complainant: I did.

PI Manresa: Your lawyer did not prepare it for you?

Complainant: No. I had no lawyer yet when I prepared my salaysay. The law students from the Office of Legal Aid assisted me.

- PI Manresa: So, you understand what you wrote here?
- Complainant: Yes.
- PI Manresa: Begin at the first page. I have highlighted a few paragraphs in your salaysay that I need you to read aloud. After reading each highlighted paragraph, I will ask a clarificatory question. Kindly read into the record the highlighted portions of your affidavit as well as the paragraph and page number.
- Complainant: (Reads from Salaysay) Page 1, paragraph 2. "At 7:55 am on Saturday, August 10, 2019, I was driving to work and I was on the corner of Macabebe Street, waiting to turn left on Macapili Street."
- PI Manresa: Do you recall if there were other vehicles on the street at that time?
- Complainant: No, I don't recall but from the video footage of my dashcam, there were two other cars on the street that morning. One waited to turn left in front of me. The other was on the other corner across from me, waiting to turn left also.
- PI Manresa: Wait, please. We will show the video on the screen. Video at :03 shows two sedans from opposite directions both with left hand signal blinking. Please continue.
- Complainant: Paragraph 3. The sedan in front of me was a white cab. It turned left. I looked at the stop light and saw it blinking. So, I looked both ways and carefully turned left also.
- PI Manresa: Video at :07 shows stoplight blinking. What did the blinking stoplight mean to you?
- Complainant: I took it to mean that the light was not functioning properly. (Reads from index cards.) The Philippine Manual of Traffic

states that a flashing yellow light on a stoplight means proceed with caution at your own risk. So, I turned with caution. I followed the cab in front of me.

PI Manresa: Video showed a white cab in front of the complainant's car turning left. The other sedan in the opposite direction also slowly turned left. Continue, please ask my permission if you will read from your notes.

Complainant: Yes, sorry. Paragraph 4. After I turned and drove a few meters on Macapili Street, a traffic enforcer stopped me.

PI Manresa: Video footage at :10 shows a traffic enforcer in uniform waving, flagging down the driver to stop. Please explain why the video seems to be unclear at this point, at 0:11.

Complainant: That's my hand. My dashcam can shoot footage both toward the hood of my car and also inside the car. I turned the dashcam so that the dashcam can record my conversation with the traffic enforcer. So I will have evidence.

PI Manresa: So, at that point you were already thinking of filing a Complaint?

Complainant: No, I just want video evidence, in case I will need evidence.

PI Manresa: Hmm. Why is the footage unclear from this point?

Complainant: It might be the glare, or the enforcer was too near the window. But, even if the picture is not clear, the camera still recorded our voices.

PI Manresa: So, that is your voice and the traffic enforcer's on the dashcam? Your dashcam records audio and video?

Complainant: Yes, your Honor.

- PI Manresa: Please continue.
- Complainant: Paragraph 4. I asked what my violation was but the traffic enforcer did not say. He asked to see my license and registration which I gave him. He then said I had to wait while he verified it.
- PI Manresa: Then what happened?
- Complainant: The traffic enforcer went inside the *carinderia* on the side of the road.
- PI Manresa: Why is this portion of the video, at 0:16 unclear?
- Complainant: That's my hand again. I focused the dashcam toward the *carinderia* but it was too dark inside the *carinderia*.
- PI Manresa: Please continue.
- Complainant: Paragraph 5. The traffic enforcer showed my license and registration to a man who was seated at a table in the *carinderia* who had on a striped polo shirt.
- PI Manresa: I will freeze the dashcam video, kindly point to the person in the footage you are referring to.
- Complainant: It's this one. The stripes on his shirt do not show up very well.
- PI Manresa: The shirt this person had on, was it a police uniform?
- Complainant: No, it was not.
- PI Manresa: Did he have on a badge or any identifying insignia that he was a police officer?
- Complainant: No, none. He just said he was a police officer.



PI Manresa: Did you notice any signboard that gave the names and ranks of the police personnel at the stop? Any indication that it was a checkpoint?

Complainant: No, none.

PI Manresa: Next, please.

Complainant: Paragraph 6. The traffic enforcer came back to me and said that my license and CR could not be verified on their computer and I needed to get down from my car and speak to the police officer in charge of the operation. I did not see any computer anywhere.

PI Manresa: There is no video footage of this?

Complainant: I left the dashcam focused on the man in the *carinderia*. But the video still recorded the traffic enforcer telling me this.

PI Manresa: I am playing the dashcam footage. Who is this woman wearing jeans and blouse walking here at 0:30 toward the *carinderia*?

Complainant: That's me. As instructed by the traffic enforcer, I went toward the man in the *carinderia*, to speak with him.

PI Manresa: Did you know that there is a no-contact policy at traffic stops?

Complainant: Yes, I've heard of the no-contact policy on the news.

PI Manresa: Under the no-contact policy, you do not need to speak with the police officer or even get off your vehicle. Did you know that?

Complainant: Yes, I do know that.

PI Manresa: But you still got down from your car?

Complainant: I thought the no-contact policy was only implemented on EDSA and other main thoroughfares. Previously, I've seen traffic enforcers at that same corner issuing traffic tickets to other motorists. So, I thought nothing of it. I followed the traffic enforcer.

PI Manresa: So, this is not the first time you passed these streets?

Complainant: This is my usual route to go to work at the University.

PI Manresa: You go to work every day?

Complainant: I teach classes four days a week and two days a week I take masteral classes.

PI Manresa: What do you teach at the university?

Complainant: I teach Creative Writing.

PI Manresa: You write stories?

Complainant: Yes.

PI Manresa: Made up stories?

Complainant: Fiction, yes. I also write non-fiction and some poetry.

PI Manresa: Is this affidavit of yours a made-up story?

(Respondent laughs).

PI Manresa: Counsel, ensure that your client observes decorum.

Respondent: Sorry, Your Honor.

PI Manresa: I repeat, is this affidavit of yours a made-up story?

Complainant: No.

- PI Manresa: Is any part of it made-up?
- Complainant: No.
- PI Manresa: You usually drive alone?
- Complainant: I usually drop my son off at school first and then I go to work. But on Saturdays, I'm usually alone. I was alone that morning, yes.
- PI Manresa: At the time you were driving, were you taking any medication at all?
- Complainant: Only vitamins at breakfast.
- PI Manresa: No alcohol?
- Complainant: Just coffee.
- PI Manresa: What about the night before?
- Complainant: (Complainant smiled.) No, it's the start of the semester. I didn't need alcohol yet.
- PI Manresa: This is an investigation of serious allegations against a police officer. Please refrain from sarcasm and humor.
- Complainant: Sorry.
- PI Manresa: You are usually sarcastic?
- Complainant: No more than usual for a professor of literature.
- PI Manresa: On the early morning of June 15, 2019, when the alleged incident occurred, did you respond with sarcasm to the enforcer or the police officer?
- Complainant: No, I did not. I was nervous.

PI Manresa: Did you say anything that would lead them to believe that you were joking or attempting humor?

Complainant: No. I don't think false arrests are humorous.

PO2 del Rosario: Objection, ma'am, Inspector, objection.

PI Manresa: (Raised her hand in the direction of PO2 Del Rosario). Yes, PO2 del Rosario?

PO2 Del Rosario: Yes. I object to the term "false arrest" ma'am.

PI Manresa: Your objection is noted. The Respondent is admonished that it is his counsel who should object.

PO2 del Rosario: Maybe, it can be stricken from the record?

PI Manresa: I have noted your objection to her comment but her comment stays on record. You can take it up as a ground for appeal later if you wish. Counsel, restrain your client. We will proceed. Ms. Santiago, were you emotionally upset that day, August 10, 2019?

Complainant: No, I was not.

PI Manresa: No personal, marital or family problems that would have caused you to be distracted in driving your vehicle?

Complainant: I don't see how my personal, marital or family problems are anybody's business. I wasn't driving erratically. That's not why the traffic enforcer stopped me. He said I ran a red light at the corner which I did not do.

PO2 del Rosario: Objection again.

PI Manresa: Counsel, restrain your client from speaking out of turn. One more outburst from you, PO2 del Rosario and I will hold you in contempt. Is this clear? I will send you to the

next room and you will be able to observe the proceedings remotely. Panero, your client is doing your job for you. Maybe he should not pay you your appearance fee today.

PO2 del Rosario: Sorry, Your Honor.

PI Manresa: Counsel?

Atty. Buenaventura: Objection, Your Honor.

PI Manresa: (Hearing officer shakes her head). Counsel, state the nature of your objection. You cannot make an objection and not state why.

(Counsel confers with client).

Atty. Buenaventura: Objection, unresponsive.

PI Manresa: Noted. The complainant is admonished to answer only questions propounded to her and not to make other comments. Please remember that this forms part of your testimonial evidence. Please read back the last question.

(Question was read back). Did you? Did you run a red light?

Complainant: No. The red light was blinking. To me, that meant it was out of order. I proceeded cautiously as there were no other cars on the road. I did not run a red light.

PI Manresa: Next paragraph, please.

Complainant: Seven. The man in the carinderia said that my license was expired even if it was not – my birthday was not until the 21<sup>st</sup> of June. So it was not expired. He also said my CR could not be verified and that my car could have been reported carnapped and he might run it through the flash alarm database. He said I should persuade him not to run it through the flash alarm database.

- PI Manresa: If you were to see that man in the *carinderia* again, would you be able to recognize him?
- Complainant: Yes. It's him. (Complainant pointed to a uniformed police officer in the hearing room who, when asked to identify himself, said his name was PO2 Roldan del Rosario.)
- PI Manresa: Was your car reported stolen?
- Complainant: How would I know that?
- PI Manresa: To your knowledge, was the car you were driving reported stolen?
- Complainant: To my knowledge, no. It was not.
- PI Manresa: The car is not registered to you?
- Complainant: No, it is registered to my partner, but I am paying for it. I have all the receipts.
- PI Manresa: You have no reason to believe that your partner had filed a report for carjacking?
- Complainant: I have no reason to believe he would. He is staying in Davao at the moment, on business.
- PI Manresa: So the man in the *carinderia* failed to verify your certificate of registration? That was his reason to investigate you?
- Complainant: The point is, they shouldn't have stopped me in the first place. I did not run a red light. There was no cause for them to stop me at all. No reason for them to ask for my license and registration. Because, as you said, there is a no-contact policy. At the time that they stopped me, I was not behaving suspiciously or disobeying traffic rules.
- PI Manresa: Do you need a moment to compose yourself?

Complainant: No, I am not being emotional, I am stressing a point. I don't need a moment.

PI Manresa: Please continue.

Complainant: Eight. A *carinderia* waitress came to the table and put down a handwritten receipt for the food amounting to P1000 and the man in the *carinderia* wearing a white polo shirt, said that I should pay the bill.

PI Manresa: Did you pay it?

Complainant: No. I did not eat anything, why should I pay?

PI Manresa: Ah, just to clarify, you did not pay the P1000 bill?

Complainant: No, I did not pay it.

PI Manresa: Next paragraph, please.

Complainant: Nine. The man in the *carinderia* wearing a white polo shirt said that paying the bill would be a lot less expensive than paying the fine for reckless driving which is P5,000.00. He said running a red light is reckless driving.

PI Manresa: What did you do?

Complainant: I was in a hurry. I took out my wallet and decided to just pay the bill.

PI Manresa: Do you know that that is an act of bribery?

Complainant: Look, I pass that corner every day. The man in the *carinderia* read my license and said, "Ah, you're from Calle Mayaman. I frequent Calle Maginhawa, myself." What would stop him knocking on my door? Coming into my home? I just wanted to get out of there.

- PI Manresa: Please stop answering my question with another question. Observe proper decorum. Did you know that what you were about to do was an act of bribery?
- Complainant: Yes, I know it is an act of bribery. I was scared. I wanted to go.
- PI Manresa: Please proceed.
- Complainant: Twelve. As I was handing the man in the *carinderia* a P1000 bill, he said it was a bargain. He said I had saved myself a lot of hassle and P4000. He said, P1000 was a small sum. Then he asked if I could do him a small favor.
- PI Manresa: What was the favor?
- Complainant: He tapped his lap and said, "*Upo ka muna dito.*" And he laughed. He said, "*P500 na lang pag umupo ka dito.*"
- PI Manresa: And did you? Did you sit on his lap?
- Complainant: No.
- PI Manresa: What did you do?
- Complainant: I grabbed my license and registration from the table, I went to my car and left.
- PI Manresa: Do you need a few minutes to compose yourself?
- Complainant: No, I don't need to compose myself. I am angry, I am not distraught.
- PI Manresa: Can we proceed?
- Complainant: Yes.
- PI Manresa: Did the man in the *carinderia* pursue you?



Complainant: No.

PI Manresa: Did he issue you a traffic violation receipt?

Complainant: No.

PI Manresa: To your knowledge, was a complaint filed against you in relation to that incident?

Complainant: No. That would be ironic if he filed a complaint against me.

PI Manresa: I understand an offer was made for settlement? And he has apologized to you?

Complainant: I'm not settling. He shouldn't be allowed to remain a police officer.

PI Manresa: Help me understand this, then. Were you placed under arrest?

Complainant: Was I handcuffed? No. Was I told that I was placed under arrest? No.

PI Manresa: Were you issued a ticket?

Complainant: No, I wasn't.

PI Manresa: And you got back your license and certificate of registration, did you not?

Complainant: Yes, I did.

PI Manresa: So, if you were not made to pay a bribe, or a fine, if you were not placed under arrest and your license and certificate of registration were not confiscated, why did you file this complaint?

- Complainant: I don't understand the question.
- PI Manresa: If your life or your liberty or your property was not in danger, why file this complaint?
- Complainant: You doubt the truth of my statement?
- PI Manresa: No. I want to know your motivation for bringing this complaint.
- Complainant: Look, they should not have even stopped me. They had no cause to stop me, but they did. They took my license and registration and while they had it with them, I could not leave. They did not arrest me or handcuff me but I was not free to leave. They were asking me to pay them money so they will not issue me a ticket for a non-existent violation. Then, this police officer propositioned me. Using his power and his authority, he asked me a favor of a sexual nature. What is it that you don't understand?
- PI Manresa: What I don't understand is why? 1. Why do you want him stripped of his uniform? 2. Why do you want him removed from the service? 3. Why do you want him censured? 4. Why do you want him charged criminally?
- Complainant: Because there are grounds for them.
- PI Manresa: No, I am talking about you, ma'am. What injury did you sustain? What legal injury did you sustain? I guess I am asking you, what could possibly resolve this issue for you? What can make this right?
- Complainant: Nothing can make things right. Every time I see a police officer I will remember this. I will remember shaking in my car as I drove off. I will remember pulling over and throwing up. I will remember skipping class, going home, taking a shower and burning the clothes I wore that day. I will remember it as the last day I ever drove a car.

PI Manresa:        So, it's just emotional. Thank you. I have no further questions. Recess of five minutes before I ask the respondent questions. (Pounds on gavel).

**\*Adelaimar C. Arias Jose** is an alumna of the UP College of Arts and Letters (BAEL, 1988) and the UP College of Law (LIB, 1994). She returned in 2018 to the CAL for her Masters in Creative Writing with a concentration in Fiction in English. This is her first short story to be published.