

Republic of the Philippines  
Department of Justice  
**NATIONAL PROSECUTION SERVICE**  
CIYT PROSECUTION SERVICE  
Dagupan City

**DEAN BRYAN KUA, JESLITO C.  
SEEN, DENNIS C. CANTO, MARCE-  
LINO D. FERNANDEZ and JOSHUA  
BON F. BUGAYONG**

Complainants,

-versus-

**REDFORD CHRISTIAN ERFE-MEJIA,  
ALIPIO SERAFIN D, FERNANDEZ, and  
VICTORIA CZARINNA LIM-ACOSTA,**  
Respondents.

NPS DOCKET NO.  
I-10-INV-23I-  
00296

For.  
*Illegal detention,  
Slander, Disrupting  
a meeting*

**RESOLUTION**

Pursuant to *Regional Order No. 54 S. of 2023*, the undersigned was designated as *Acting City Prosecutor of Dagupan City* for the conduct of preliminary investigation in the above-entitled case. In compliance with the said order, we are resolving this Complaint.

This resolves the Complaint filed by *Vice Mayor Dean Bryan Kua* (herein referred to as complainant-Kua), of legal age, and a resident of Dagupan City, *Councilor Jeslito C. Seen* (herein referred to as complainant-Seen), of legal age, and a resident of No. 2 Lucao District, Dagupan City, *Councilor Dennis C. Canto* (herein referred to as complainant-Canto), of legal age and a resident of Dagupan City, *Councilor Marcelino Fernandez* (herein referred to as complainant-Marcelino), of legal age, and a resident of No. 13, Burgos Street, Dagupan City, and *Councilor Joshua Bon Bon Bugayong* (herein referred to as respondent-Bugayong), of legal age, and a resident of Dagupan City, against *Councilor Redford Christian Erfe-Mejia* (herein referred to as respondent-Elfe-Mejia), of legal age and a resident of No. 198 Tapuac District, Dagupan City, *Councilor Alipio Serafin D. Fernandez* (herein referred to as respondent-Alipio) and *Councilor Victoria Czarinna Lim-Acosta* (herein referred to as respondent-Acosta).

Despite due notice<sup>1</sup>, Respondents did not submit their counter-affidavit and countervailing evidence, hence, this resolution shall be based on the affidavit-complaint and the evidence submitted by the complainants.

Complainants submitted the following documentary evidence in support of their Complaint:

1. Joint-Affidavit Complaint dated October 12, 2023;
2. Supplemental Complaint dated October 13, 2023;
3. Minutes of the Regular Session dated September 26, 2023;
4. Minutes of the Regular Session dated October 3, 2023;
5. Certification from Dagupan City Police Station dated September 6, 2023;
6. Certification from Dagupan City Police Station dated September 26, 2023;
7. Pictures during the Session; and
8. USB.

#### **STATEMENT OF THE CASE**

It appears from the records that Complainant Dean Bryan Kua is the incumbent Vice Mayor while his Co-complainants and respondents are incumbent members of the Sangguniang Panlungsod (**SP**) of Dagupan City.

#### **COMPLAINANTS' VERSION**

On October 10, 2023, a Tuesday, the SP had their Regular Session at the Session Hall of Dagupan City and was presided over by Complainant-Kua. The session convened orderly as usual until the minutes of the session that transpired on September 26, 2023 and October 3, 2023 was brought to the body for approval.

Accordingly, respondent Erfe-Mejia moved for the deferment of the approval of the September 26 minutes. Later, discussions were made until it stirred derogatory reaction from respondent Erfe-Mejia and Alipio.

Moments after, what started as a usual order of the day in the session hall became a belligerent verbal hodgepodge of

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<sup>1</sup> Subpoena issued by the Office of the City Prosecutor, Dagupan City all dated October 24, 2023.

expletives, shouts and calumnious verbal assault. All of them originating from respondents. The entire incident was captured in a video footage.<sup>2</sup>

The video footage shows respondent Alipio saying during the voting: "**paikot-ikot tayo, everybody is entitled to vote, kayo ay nagbingibingihan.**"

Respondent-Erfe-Mejia, on his end, blurted out: "**Putang ina mo tagal tagal muna rito hindi mo pa alam**".

He stood up, looked and casually moved around and shouted in a thunderous voice: "**Sino and may baril dito? Sino and may baril dito? Sino and nagpapasok sayo dito**"? Respondent-Alipio, on the other hand, was on his side reechoing what he was saying.

Respondent- Acosta, on the other hand, said: "**Putang ina mo vice**".

Meanwhile, respondent Erfe-Mejia continued to scour the room until a gentleman attracted his attention to whom he shouted the words: "**sino ka, sino and nagpapasok sayo dito. Ano ang business mo dito at andito ka**"?

Complainant-Kua instructed the city secretary to proceed with the division of the house but Respondent Erfe-Mejia stopped him and snatched the microphone from his hand twice.

Respondents interrupted and held up the session by disregarding complainant-Kua as the presiding officer, and later on, imposing their will on the SP. Respondent-Erfe-Mejia was cited out of order several times but he continued to divert and interrupt the proceedings by his belligerent and disrespectful behaviour.

Uncontented, through provocative words, he ordered everybody, saying: "**walang lalabas, stop it Mr. Ryan, walang lalabas, tignan natin kung sinong lalabas**", "**lock the door!**".

The standoff lasted for couple of minutes and certainly interrupted and disrupted the session. In one hand, complainant's were advancing their cause through parliamentary protocols; while, respondents were asserting

<sup>2</sup> Attached USB in the complaint



their whims on the SP through radical, rogue and belligerent behaviour and tactics.

During the raucous, Respondent-Acosta and Erfe-Mejia uttered the following words:

Respondent-Acosta: ***“Putang Ina mo Vice”***  
***“Bastos ‘tong Putang Inang Vice***  
***Mayor to! Huwag ka nang***  
***magsalita, adjourned.***  
***“Wala kayong mga modo!”***

Respondent-Erfe-Mejia: ***“Putang Ina mo tagal tagal muna***  
***rito hindi mo pa alam”***  
***“Huwag kana magsalita, useless***  
***na tao.. bastos ka! Bastos kayo!***  
***“Lalo ka na” (referring to Michael***  
***Fernandez)***

As a result, the session ended up prematurely and disorderly.

### CONSIDERATIONS

Upon careful consideration of all the evidence available, the undersigned finds sufficient evidence to indict respondents for the following:

1. For **Disturbance of Proceedings** defined and penalized under Article 144 of the Revised Penal Code, as amended by Republic Act 10591, against Respondent **Redford Christian Erfe-Mejia, Alipio Serafin D. Fernandez and Victoria Czarinna Lim-Acosta;**
2. **Grave Coercion** defined and penalized under Article 286 of the Revised Penal Code, as amended by Republic Act 10591, against **Respondent Redford Christian Erfe-Mejia and Respondent Alipio Serafin D. Fernandez;**
3. **Grave Oral Defamation** Article 358 of the Revised Penal Code, as amended by Republic Act 10591 against Respondents **Redford Christian Erfe-Mejia and Victoria Czarinna Lim-Acosta.**

### I. FOR DISTURBANCE OF PROCEEDINGS:

The Revised Penal Code provides:

ART. 144. *Disturbance of proceedings.*- The penalty of *arresto mayor* or a fine from Forty thousand pesos (P40, 000) to Two hundred thousand pesos (P200, 000) shall be imposed upon any person who disturbs the meetings of Congress or of any of its committees or subcommittees, Constitutional Commissions or committees or divisions thereof, or of any provincial board or city or municipal council or board, or in the presence of any such bodies should behave in such manner as to interrupt its proceedings or to impair the respect due it.<sup>3</sup>

Consequently, the offense has the following elements, to wit:

**First, There be a meeting of the National Assembly or of any of its committees or subcommittees, constitutional commissions or committees or divisions thereof, or of any provincial board or city or municipal council or board;**

**Second, The offender does any of the following acts:**

- a) **Disturbs any of such meetings.**
- b) **Behaves while in the presence of any such bodies in such a manner as to interrupt its proceedings or to impair the respect due it.**<sup>4</sup>

Here, all the elements are availing.

Indubitably, a session was being conducted by the Sangguniang Panlungsod of Dagupan City wherein respondents were participants being members of the board themselves. While in session, respondents, by their concerted and joint efforts and actions, interrupted the session by exhibiting belligerent and disrespectful manners and behaviour which necessarily impaired the respect due the SP as a body and their respective members.

While respondents were well aware of the expected decorum and parliamentary courtesy in the session hall, they collectively decided to veer away from them, instead, decided to adopt a more radical, disrespectful and hostile ploy to frustrate the SP in making a decision and ultimately to unduly advance their cause, at the expense of the SP and its entire membership.

<sup>3</sup> Article No. 144 of the Revised Penal Code

<sup>4</sup> Reyes, 2012.

Meanwhile, ***implied conspiracy*** among the respondents in the commission of the offense is present.

Thus, the Supreme Court ruled:

**An implied conspiracy exists when two or more persons are shown to have aimed by their acts towards the accomplishment of the same unlawful object, each doing a part so that their combined acts, though apparently independent, were in fact connected and cooperative, indicating closeness of personal association and a concurrence of sentiment. Implied conspiracy is proved through the mode and manner of the commission of the offense, or from the acts of the accused before, during and after the commission of the crime indubitably pointing to a joint purpose, a concert of action and a community of interest.<sup>5</sup>**

Here, respondents, by actively participating in the actual commission of the offense, indubitably pointed to a joint purpose and community of interest to disturb the proceedings of the SP and ultimately prevented it from making a decision of a pending incident set forth in the agenda to be resolved on that session.

## **II. FOR GRAVE COERCION**

The Revised Penal Code provides:

**Article 286. Grave, coercions - The penalty of *prision correccional* and a fine not exceeding One hundred thousand pesos (P100,000.00) shall be imposed upon any person who without authority of law shall, by means of violence, threats, or intimidation, prevent another from doing something not prohibited by law, or compel him to do something against his will, whether it be right or wrong.**

Consequently, the elements of the offense are as follows:

- 1) that a person is prevented by another from doing something not prohibited by law, or**

<sup>5</sup> PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. FLORENDA MANZANILLA Y DE ASIS, ACCUSED-APPELLANT, G.R. No. 235787, June 08, 2020.



compelled to do something against his will, be it right or wrong; 2) that the prevention or compulsion is effected by violence, threats or intimidation; and 3) that the person who restrains the will and liberty of another has no right to do so, or in other words, that the restraint is not made under authority of law or in the exercise of any lawful right.<sup>6</sup>

Here, all the elements are also availing.

To note, **Respondents Redford Christian Erfe-Mejia** and **Alipio Serafin D. Fernandez**, by their concerted and coordinated acts, by threat and intimidation and without authority of law, unlawfully restrained and prevented complainants from exercising their lawful right as members of the SP.

Guilty of repetition, respondents presented threatening and intimidating stances and advances not only to complainants but towards other SP members and individuals in the session hall.

Respondent *Erfe-Mejia*, thus, started creating a hostile mood and environment in the session hall by shouting:

***“Putang ina mo tagal tagal muna rito hindi mo pa alam”***

He then proceeded in creating fear in the minds of the attendees to the session by shouting:

***“Sino and may baril dito? Sino and may baril dito? Sino and nagpapasok sayo dito”?***

Respondent-Alipio, on the other hand, was on his side acting like his second, reechoing what he was saying.

After instilling fear in the minds of all those who were in the session hall, respondent *Erfe-Mejia* again shouted:

***“walang lalabas, stop it Mr. Ryan, walang lalabas, tignan natin kung sinong lalabas”, “lock the door!”***

<sup>6</sup> PEOPLE OF THE PHILIPPINES vs. ARNULFO ASTORGA, G.R. No. 110097, December 22, 1997.

Also, Respondent-Alipio was on the side, encouraging and emboldening him to act despotically towards his colleagues in the session hall.

Verily, respondents, not only veered away from the parliamentary decorum that was expected of them as SP members, but more so, acted beyond the confines of the law and resort to the commission of the felony.

As worded by the Supreme Court:

**A public officer is proscribed from resorting to criminal acts in the enforcement of laws and ordinances. He must exercise his power and perform his duties in accordance with law, with strict observance of the rights of the people, and never whimsically, arbitrarily and despotically.<sup>7</sup>**

In this case, respondents, did not only act whimsically, arbitrarily and despotically against complaints, but also resorted to a criminal act to advance their cause and interest be it personal or political.

Respondents' acts of actively participating in the actual commission of the offense, indubitably pointed to a joint purpose and community of interest, hence, conspiracy exist.

### III. FOR GRAVE ORAL DEFAMATION

There is sufficient evidence to hold Respondents **Redford Christian Erfe-Mejia and Victoria Czarlnna Lim-Acosta** for grave oral defamation.

The Revised Penal Code provides:

**ART. 358. Slander.** - Oral defamation shall be punished by *arresto mayor* in its maximum period to *prison correccional* in its minimum period if it is of a serious and insulting nature; otherwise the penalty shall be *arresto menor* or a fine not exceeding Twenty thousand pesos (P20,000).<sup>8</sup>

Complimentary to the above provision, the Supreme Court defined and laid down the elements of Oral Defamation in the case of **De Leon versus People:**

<sup>7</sup> MELCHOR G. MADERAZO, SENIFORO PERIDO, and VICTOR MADERAZO, JR., vs. PEOPLE OF THE PHILIPPINES, G.R. No. 165065, September 26, 2006.

<sup>8</sup> Revised Penal Code as Amended by R.A. No. 10951.



**Oral Defamation or Slander** is libel committed by oral (spoken) means, instead of in writing. It is defined as "the speaking of base and defamatory words which tend to prejudice another in his reputation, office, trade, business or means of livelihood."

The *elements of oral defamation* are: (1) there must be an imputation of a crime, or of a vice or defect, real or imaginary, or any act, omission, status or circumstances; (2) made orally; (3) publicly; (4) and maliciously; (5) directed to a natural or juridical person, or one who is dead; (6) which tends to cause dishonour, discredit or contempt of the person defamed. Oral defamation may either be simple or grave. It becomes *grave* when it is of a *serious and insulting nature*.<sup>9</sup>

All the foregoing elements are present in this case.

To be noted, while in its regular session, the SP, being a local legislative body, requires all the members to observe a higher level of parliamentary etiquette and courtesy.

During the session, however, respondents made the following utterances against complainant, to wit:

Respondent-Acosta:

***"Putang Ina mo Vice"***  
***"Bastos 'tong Putang Inang Vice Mayor to! Huwag ka nang magsalita, adjourned."***  
***"Wala kayong mga modo!"***

Respondent-Erfe-Mejia:

***"Putang Ina mo tagal tagal muna rito hindi mo pa alam"***  
***"Huwag kana magsalita, useless na tao.. bastos ka! Bastos kayo!"***  
***"Lalo ka na" (referring to Michael Fernandez)***

<sup>9</sup> Enrique G. De Leon, Petitioner, vs. People of the Philippines and SPO3 Pedrito L. Leonard, Respondents. GR No. 212623.

While it is established that criticisms directed towards a public officer which were made in connection with the dissatisfaction of the performance of their respective duties is not defamation, malicious imputations and personal verbal advances, certainly amounts to oral defamation.

Here, there is no doubt that the above imputations tend to seriously prejudice complainant's reputation which were insulting by their very nature.

As ruled by the Supreme Court:

**One of man's most prized possessions is his integrity. There lies a thin line between criticism and outright defamation. When one makes commentaries about the other's performance of official duties, the criticism is considered constructive, then aimed for the betterment of his or her service to the public. It is thus, a continuing duty on the part of the public officer to make room for improvement on the basis of this constructive criticism in as much as it is imperative on the part of the general public to make the necessary commentaries should they see any lapses on the part of the public officer. In this case, however, the criticism was more destructive than constructive and, worse, it was directed towards the personal relations of the parties.<sup>10</sup>**

Here, respondents are members of the SP, both of them were holding esteemed positions as high-ranking local public officials and were currently in attendance to a regular session.

However, **"Holding an esteemed position is never a license to act capriciously with impunity."**<sup>11</sup> As occupants of their exalted positions, respondents were expected to observe a higher degree of courtesy and decorum specially while attending the session.

On the other hand, the complainant is the vice Mayor and the presiding officer of the body, he, too, is a high-ranking local public official whose position demands respect.

<sup>10</sup> ENRIQUE G. DE LEON vs. PEOPLE OF THE PHILIPPINES and SPO3 PEDRITO L. LEONARDO, January 11, 2016, G.R. No. 212623.

<sup>11</sup> NOEL VILLANUEVA vs. PEOPLE OF THE PHILIPPINES and YOLANDA CASTRO.G.R. No. 160351, April 10, 2006.

In this case, respondents did not only hurl destructive criticisms against complainant but also capriciously maligned, demeaned and insulted him personally with impunity in public to the damage of his reputation.

Verily, respondents shall be held responsible personally and individually to their respective utterances against complainant.

**WHEREFORE**, the undersigned finds sufficient evidence to indict respondents the following charge:

For **Disturbance of Proceedings** defined and penalized under Article 144 of the Revised Penal Code, as amended by Republic Act 10591, against Respondent **Redford Christian Erfe-Mejia, Alipio Serafin D. Fernandez and Victoria Czarinna Lim-Acosta;**

For **Grave Coercion** defined and penalized under Article 286 of the Revised Penal Code, as amended by Republic Act 10591, against **Respondent Redford Christian Erfe-Mejia and Respondent Alipio Serafin D. Fernandez;**

**Grave Oral Defamation** Article 358 of the Revised Penal Code, as amended by Republic Act 10591, individually, against Respondents **Redford Christian Erfe-Mejia and Victoria Czarinna Lim-Acosta.**

**SO RESOLVED THIS** 16<sup>th</sup> day February, 2024 in Vigan City, Ilocos Sur.



**MAYCHELLE S. ABLOG-SERGIO**

Associate Provincial Prosecutor

**Acting City Prosecutor for Dagupan City**

Per Regional Order No. 54 S. of 2023

IBP No. 406404; 01/07/2024

MCLE Compliance VII -0021256

Valid until April 14, 2025



*Copy Furnished:*

Pros. Ma. Victoria Q. Datuin	City Prosecution Office, Dagupan City
Dean Bryan Kua	Office of the Vice Mayor, Dagupan City
Jeslito Seen	No. 2 Lucao District, Dagupan City
Dennis Canto	Sangguniang Panlungsod, City Hall Complex, A.B. Fernandez, Dagupan City
Marcelino Fernandez	Sangguniang Panlungsod, City Hall Complex, A.B. Fernandez, Dagupan City
Joshua Bon Bon Bugayong	Sangguniang Panlungsod, City Hall Complex, A.B. Fernandez, Dagupan City
Redford Christian Erfe-Mejia	No. 198 Tapuac District, Dagupan City/Sangguniang Panlungsod, City Hall Complex, A.B. Fernandez, Dagupan City
Alipio Serafin D. Fernandez	Sangguniang Panlungsod, City Hall Complex, A.B. Fernandez, Dagupan City
Victoria Czarinna Lim-Acosta	Sangguniang Panlungsod, City Hall Complex, A.B. Fernandez, Dagupan City

