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SECOND DIVISION

[A.M. No. P-14-3198. July 23, 2014]

FLORA P. HOLASCA, *petitioner, vs.* **ANSELMO P. PAGUNSAN, JR., Sheriff IV, Regional Trial Court, Branch 20, Imus, Cavite,** *respondent*.

[A.M. No. P-14-3199. July 23, 2014]

OFFICE OF THE COURT ADMINISTRATOR (OCA), *petitioner, vs.* **FRANCISCO J. CALIBUSO, JR., Clerk of Court III, Municipal Trial Court in Cities, Branch 1, Cavite City,** *respondent*.

SYLLABUS

1. REMEDIAL LAW; CIVIL ACTIONS; JUDGMENTS; EXECUTION OF JUDGMENT; THE DUTIES OF THE SHERIFF IN IMPLEMENTING WRITS OF EXECUTION ARE EXPLICITLY LAID DOWN IN THE RULES; ENUMERATED.— As agents of the law, sheriffs are mandated to uphold the majesty of the law, as embodied in the decision, without unnecessary delay to prevent injury or damage to the winning party. There is no need for the litigants to "follow-up" the sheriff's implementation of the writ. Once the writ is placed in their hands, sheriffs are duty-bound to proceed and see to it that the execution of judgments is not unduly delayed. The duties of the sheriff in implementing writs of execution are explicitly laid down in the Rules of Court (*Rules*). Paragraphs (c) and (d) of Section 10, Rule 39 of the Rules provide for the manner a writ for the delivery or the restitution of real property shall be enforced by the sheriff. Section 14, Rule 39 of the Rules, on the other hand, requires sheriffs to execute and make a return on the writ of execution after its implementation. The above provisions enumerate the following duties of a sheriff; **first,** to give notice of the writ and demand that the judgment obligor and all persons claiming under him vacate the property within three (3) days; **second,** to enforce the writ by removing the judgment obligor and all persons claiming under the latter; **third**, to remove the

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latter's personal belongings in the property as well as destroy, demolish or remove the improvements constructed thereon upon special court order; and **fourth**, to execute and make a return on the writ within 30 days from receipt of the writ and every 30 days thereafter until it is satisfied in full or until its effectivity expires.

2. POLITICAL LAW; ADMINISTRATIVE LAW; COURT PERSONNEL; SHERIFFS; IN SERVING COURT WRITS AND PROCESSES, SHERIFFS SHOULD SEE TO IT THAT THE EXECUTION OF JUDGMENTS IS NOT DULY DELAYED.— Time and again this Court has pointed out that high standards are expected of sheriffs who play an important role in the administration of justice. In serving court writs and processes, sheriffs should see to it that the execution of judgments is not unduly delayed. Once a writ is placed in his hand, it becomes the sheriff's duty to proceed with reasonable speed to enforce the writ to the letter, ensuring at all times that the implementation of the judgment is not unjustifiably deferred, unless the execution of which is restrained by the court. As emphasized in *Astorga and Repol Law Offices v. Roxas,* shriffs should be mindful that litigations do not end merely with the promulgation of judgments. Execution of judgments, being the final stage in the litigation process, should be carried out speedily.

3. ID.; ID.; ID.; ID.; WHEN FOUND GUILTY OF GROSS INEFFICIENCY; IMPOSABLE PENALTY.— For Sheriff Pagunsan's lapses in the procedures in the implementation of the writ of execution, we find him guilty of Gross Inefficiency. Under Civil Service Memorandum Circular No. 19, series of 1999 gross inefficiency is classified as a grave offense. Gross inefficiency is punishable by suspension for six (6) months and one (1) day to one (1) year for the first offense, and dismissal from the service for the second offense. Considering that this is Sheriff Pagunsan's first infraction, he should be meted with the penalty of suspension of nine (9) months and one (1) day without pay after taking into account the attendant circumstances, namely, the excessive disregard of the cited Rules of Court provisions, mitigated by the character of the offense as the first by Sheriff Pangusan,

4. ID.; ID.; ID.; COURT PERSONNEL SHOULD HAVE NO BUSINESS GETTING PERSONALLY INVOLVED IN

MATTERS DIRECTLY EMANATING FROM COURT PROCEEDINGS UNLESS EXPRESSLY SO PROVIDED BY LAW; RATIONALE.— We have consistently held that the conduct required of court personnel, from the presiding judge to the lowliest clerk, must always be beyond reproach and circumscribed with the heavy burden of responsibility. All court personnel should be reminded that they have no business getting personally involved in matters directly emanating from court proceedings, unless expressly so provided by law. The reason is that, the image of the courts of justice is reflected in the conduct, official or otherwise, of even its minor employees. It is imperative duty of everyone involved in the dispensation of justice, to maintain the courts' integrity and standing as true temples of justice and to avoid any impression or impropriety, misdeed or negligence. x x x Court employees should be wary when assisting persons dealing with the courts and their cases. While they are not totally prohibited from rendering aid to others, they should see to it that the assistance, albeit involving acts unrelated to their official functions, does not in any way compromise the public's trust in the justice system.

5. **ID.; ID.; ID.; CONDUCT PREJUDICIAL TO THE BEST INTEREST OF THE SERVICE; IMPOSABLE PENALTY.—** Section 52 (A) (20), Rule IV of the Revised Uniform Rules on Administrative Cases in the Civil Service classifies conduct prejudicial to the best interest of the service as a grave offense, which is punishable by suspension of six (6) months and one (1) day to one (1) year for the first offense. Under the circumstances, the Court imposes upon Calibuso the penalty of suspension for six (6) months and one (1) day.

D E C I S I O N

BRION, *J.*:

We resolve the administrative matters consolidated pursuant to the Court's Resolution of June 16, 2010.[1]

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[1] *Rollo* (OCA IPI No. 10-3415-P), pp. 5-6.

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Factual Background

The cases OCA IPI Nos. 09-3158-P and 10-3415-P arose from the complaint-affidavit[2] dated May 5, 2009 of Flora P. Holasca (*Holasca*) against the respondent Anselmo P. Pagunsan, Jr., (*Pagunsan*), Sheriff IV, Regional Trial Court (*RTC*), Branch 20, Imus, Cavite, received by the Office of the Court Administrator (OCA).

i. Holasca's Complaint

In her complaint-affidavit, Holasca charged Sheriff Pagunsan with Gross Misconduct and Serious Dereliction of Duty in connection with his delay and refusal to implement the writ of execution issued in an ejectment case docketed as Civil Case No. 07-1764 *(Flora P. Holasca v. Sps. Nestor B. Moya & Vilma B. Moya)*.

Holasca was the plaintiff in the ejectment case. After obtaining a favorable judgment, she sought the execution of the decision through Sheriff Pagunsan. She narrated that on February 11, 2009, Sheriff Pagunsan, accompanied by a male companion, (allegedly a Process Server) and Francisco J. Calibuso, Jr. (Clerk of Court III, Municipal Trial Court in Cities, Branch 1, Cavite City, (*Calibuso*) went to the occupied property located at Alapan II-A, Imus Cavite, to serve a copy of a Writ of Execution.[3] There, Sheriff Pagunsan allegedly told the defendants in Civil Case No. 07-1764 Spouses Nestor and Vilma Moya (*defendants*), not to talk to anybody regarding the payment of damages in the ejectment case. Sheriff Pagunsan likewise told the defendants: "*marami pala kayong gamit na pwede kong hilain pero huwag kayong mag-alala, hindi ako hihila kahit ano.*"[4] Before leaving the premises, Sheriff Pagunsan advised the defendants to see him in his office on February 13, 2009.

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[2] *Rollo* (OCA IPI No. 09-3158-P), pp. 1-2.

[3] *Id.* at 1.

[4] *Id.* at 1.

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Holasca further alleged that Sheriff Pagunsan did not conduct an inventory of all the chattels found inside the house of the defendants, or evict the latter from its premises. According to her, Calibuso, in the presence of the male companion, handed over to Sheriff Pagunsan the amount of ₱1,500.00, which the latter accepted without issuing any official receipt. Before parting ways, Calibuso allegedly told Sheriff Pagunsan: *"Bahala ka na magreport sa Clerk of Court nyo niyan."*[5]

When Holasca inspected the property on February 19, 2009, she discovered that the defendants had vacated the premises, leaving the place in total disarray and littered with debris. When she reported the incident to Sheriff Pagunsan, the latter allegedly did not do anything.

Holasca tried to contact Sheriff Pagunsan regarding the money judgment outlined in the writ of execution, but to no avail. When Calibuso finally confronted Sheriff Pagunsan to inquire about the defendants' whereabouts, Sheriff Pagunsan was allegedly hesitant to locate the defendants and said: *"wala siyang pang-abono."*[6] Thus, Holasca believes that Sheriff Pagunsan's inaction and delay in evicting the defendants were due to her unwillingness to advance more money for the implementation of the writ.

ii. Pagunsan's Answer

In his Answer[7] dated June 24, 2009, Sheriff Pagunsan claimed that he served a Notice to Vacate on the defendants on February 11, 2009. He was accompanied by their branch processer and by Calibuso who was allegedly financing the ejectment case from the start of the case. Sheriff Pagunsan admitted that he did not make an inventory of the properties because the defendants did not let them enter the gate. He likewise admitted that he did not evict the defendants because the Notice to Vacate gave the latter three (3) days to voluntarily vacate the premises.

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[5] *Id.* at 1.

[6] *Id.* at 2.

[7] *Rollo* (OCA IPI No. 09-3158-P), pp. 14-15.

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Sheriff Pagunsan likewise claimed that before leaving the premises, he instructed Holasca, through Calibuso, to secure a Break Open Order to avoid encountering problems during the writ's execution. However, due to Holasca's failure to heed his advice, the writ was not successfully implemented. He claimed that he should not be blamed for the condition of the property after it was ransacked by the defendants. He also claimed that he exerted efforts to locate the defendants but Holasca had been uncooperative. Lastly, Sheriff Pagunsan denied receiving ₱1,500.00 from Calibuso. He argued that the latter threatened to file an administrative case against him if he could not collect the judgment debt from the defendants.

Meanwhile, Holasca filed a Manifestation[8] dated August 13, 2009, refuting Sheriff Pagunsan's allegations. There, she added that Sheriff Pagunsan never mentioned anything about the Break Open Order and attached a copy of Calibuso's affidavit dated August 4, 2009 to support her claims.

iii. Calibuso's Affidavit

In his affidavit,[9] Calibuso alleged that Sheriff Pagunsan erred in not immediately evicting the defendants from the property. He denied Sheriff Pagunsan's claim that they were refused entry into the premises by the defendants. Calibuso also denied receiving any advice from Sheriff Pagunsan about the need for a Break Open Order and to pay sheriff's fees for its implementation. Finally, he insisted that he gave the amount of ₱1,500.00 to Sheriff Pagunsan.

The Office of the Court Administrator (*OCA*) found that the conflicting versions of both parties presented factual issues that could not be resolved based on the documents submitted. It also found that Calibuso's interest and actual participation in the ejectment case by being Holasca's financier may constitute violations of the Code of Conduct for Court personnel. Thus, they recommended on April 13, 2010 that their report be considered as an administrative complaint against Calibuso.

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[8] *Id.* at 19.

[9] *Id.* at 25-26.

iv. Calibuso's Comment

In his comment[10] dated August 11, 2010, Calibuso categorically denied taking advantage of his position in court and claimed that he only financed the initial expenses of the ejectment case out of extreme gratitude to Holasca. He maintained that Sheriff Pagunsan only dragged him into the controversy because the latter wanted to get even with him for siding with Holasca. Calibuso further claimed that the cause of the delay in the writ's implementation was solely attributable to Sheriff Pagunsan.

In a resolution[11] dated June 16, 2010, the Court resolved to refer the cases to Hon. Norberto J. Quisumbing, Jr. (Executive Judge of the RTC, Imus, Cavite) for investigation, report, and recommendation. Judge Quisumbing, however, inhibited himself from the case due to "close personal relationship" with Sheriff Pagunsan, on account of the *esprit d' corps* that inevitably arises between and among court officials and personnel.

In a resolution[12] dated October 18, 2010, the Court granted Judge Quisumbing's request. Hon. Fernando L. Felicen of the RTC, Branch 20, Imus, Cavite was designated to replace Judge Quisumbing, but he likewise inhibited himself from the case because Sheriff Pagunsan was part of his staff.

The court granted Judge Felicen's request in a resolution[13] dated June 15, 2011. The cases were thereafter assigned to Hon. Eduardo I. Tanguanco (*investigating judge*, Executive Judge of the Regional Trial Court, Branch 89, Bacoor), for investigation, report and recommendation.

The Investigating Judge's Evaluation and Recommendation

After concluding the reception of evidence of the parties, the Investigating Judge issued its Investigation Report and Recommendation.[14]

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[10] *Id.* at 7-10.

[11] *Id.* at 5-6

[12] *Rollo* (OCA IPI No. 09-3158-P), pp. 41-42.

[13] *Id.* at 47-48.

[14] *Id.* at 166-182.

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• *Findings in OCA IPI No. 09-3158-P (Sheriff Pagunsan's Case)*

In his Report dated April 26, 2013, the Investigating Judge found Sheriff Pagunsan guilty of Simple Neglect of Duty. He gave weight to the testimonies of Holasca and Calibuso, and reported as follows:

> "As Sheriff IV of the Regional Trial Court, Branch 20, Imus, Cavite, the Code of Conduct for Court Personnel applies to respondent Pagunsan, Jr.
>
> Canon 1 (Fidelity to Duty), particularly Section 3 thereof, provides that *"Court personnel shall not discriminate by dispensing special favors to anyone. They shall now allow kinship, rank, position or favors from any party to influence their official acts or duties."*
>
> Apparently, the act of respondent Pagunsan, Jr. in allowing the defendants to vacate the premises at their own will and without exacting from them the amounts due the plaintiffs pursuant to the Decision sought to be enforced can be rightly considered as *dispensing special favors to anyone to the prejudice of the plaintiffs."*[15]

The Investigating Judge recommended Sheriff Pagunsan's suspension without pay for one (1) month with a stern warning that a repetition of the same or similar acts in the future will be dealt with more severely.

• *Findings in OCA IPI No. 10-3415-P (Calibuso's case)*

With respect to the charge against Calibuso for violations of the Code of Conduct for Court Personnel, the Investigating Judge found that Calibuso's actions were merely motivated by pure generosity to help Holasca and her family. He noted that Holasca herself declared under oath that she has no intention of filing a case against Calibuso. The Investigating Judge also gave weight to Calibuso's contention that he merely shouldered the initial expense of ₱1,500.00 – which he originally treated as a loan – as a form of assistance to an old friend. The Investigating Judge recommended the dismissal of the case on the ground that Calibuso did not commit any wrongful act.

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[15] *Id.* at 180.

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In a Resolution[16] dated June 17, 2013, the Court referred the Investigating Judge's report and recommendation to the OCA for evaluation, report and recommendation.

The OCA's Report and Recommendation

On February 4, 2014, the OCA issued its evaluation, report and recommendation.[17] The OCA recommended that:

1. the OCA IPI No. 09-3158-P be **RE-DOCKETED** as a regular administrative matter, and respondent Anselmo P. Pagunsan, Jr., Sheriff IV, Branch 20, Regional Trial Court, Imus, Cavite be found **GUILTY** of Gross Inefficiency and be **SUSPENDED FOR SIX (6) MONTHS AND ONE (1) DAY WITHOUT PAY**; and
2. the OCA IPI No. 10-3415-P be **RE-DOCKETED** as a regular administrative matter, and respondent Francisco J. Calibuso, Jr., Clerk of Court III, Branch 1, Municipal Trial Court in Cities, Cavite City, Cavite be found **GUILTY** of Conduct Prejudicial to the Best Interest of the Service and be **SUSPENDED FOR SIX (6) MONTHS AND ONE (1) DAY WITHOUT PAY**.[18]

The OCA agreed with the findings of fact of the Investigating Judge, but modified the recommended penalties. It found Sheriff Pagunsan's explanation (that they were not allowed by the defendants to enter the premises) unsatisfactory. It also agreed that Sheriff Pagunsan failed to strictly comply with the writ of execution when he did not expressly order the defendants to immediately vacate the premises and to pay Holasca. The OCA also ruled that Sheriff Pagunsan was not only remiss in his implementation of the writ; he was also guilty of dereliction of duty in the performance of his functions as a sheriff.

As for Calibuso, the OCA found that his actuations, albeit noble, fell short of the standards expected of a court employee. The OCA explained that while there was no proof that Calibuso took advantage of his position as a court personnel in extending assistance to Holasca, his conduct tends to tarnish the image and integrity of

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[16] *Id.* at 183.

[17] *Id.* at 186-195.

[18] *Id.* at 195.

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his public office; hence, he should be held liable for conduct prejudicial to the best interest of the service under R.A. No. 6713.[19]

Our Ruling

We find the findings and the recommendations of the OCA in order, but modify the penalty with respect to Sheriff Pangusan, as explained below.

A. *Pagunsan's Case (A.M. OCA IPI No. 09-3158–P)*

Sheriffs play an important role in the administration of justice because they are tasked to execute final judgments of the courts, which would otherwise become empty victories for the prevailing party, if left unenforced.[20] As agents of the law, sheriffs are mandated to uphold the majesty of the law, as embodied in the decision, without unnecessary delay to prevent injury or damage to the winning party. There is no need for the litigants to "follow-up" the sheriff's implementation of the writ.[21] Once the writ is placed in their hands, sheriffs are duty-bound to proceed and see to it that the execution of judgments is not unduly delayed.[22]

The duties of the sheriff in implementing writs of execution are explicitly laid down in the Rules of Court (Rules). Paragraphs (c) and (d) of Section 10, Rule 39 of the Rules[23] provide for the manner

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[19] The Code of Conduct and Ethical Standards for Public Officials and Employees.

[20] *Pilot v. Baron,* A.M. No. P-12-3087, September 24, 2012, 681 SCRA 481, 485.

[21] *Lacambra, Jr. v. Perez,* A.M. No. P-08-2430 [Formerly OCA IPI No. 07-2643-P], July 14, 2008, 530 Phil. 33, 39.

[22] *Pasok v. Diaz,* A.M. No. P-07-2300 [Formerly OCA IPI No. 05-2231-P], December 12, 2011, 661 SCRA 483, 494.

[23] Section 10. Execution of judgments for specific act.— x x x

(c) Delivery or restitution of real property. — *The officer shall demand of the person against whom the judgment for the delivery or restitution of real property is rendered and all persons claiming rights under him to peaceably vacate the property within three (3) working days, and restore possession thereof to the judgment obligee, otherwise, the officer shall oust and such persons therefrom with the assistance, if necessary, of appropriate*

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a writ for the delivery or the restitution of real property shall be enforced by the sheriff. Section 14, Rule 39 of the Rules,[24] on the other hand, requires sheriffs to execute and make a return on the writ of execution after its implementation.

The above provisions enumerate the following duties of a sheriff: **first**, to give notice of the writ and demand that the judgment obligor and all persons claiming under him vacate the property within three (3) days; **second**, to enforce the writ by removing the judgment obligor and all persons claiming under the latter; **third**, to remove the latter's personal belongings in the property as well as destroy, demolish or remove the improvements constructed thereon upon special court order; and **fourth**, to execute and make a return on the writ within 30 days from receipt of the writ and every 30 days thereafter until it is satisfied in full or until its effectivity expires.[25]

These provisions leave no room for any exercise of discretion on the part of the sheriff on how to perform his or her duties

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peace officers, and employing such means as may be reasonably necessary to retake possession, and place the judgment obligee in possession of such property. Any costs, damages, rents or profits awarded by the judgment shall be satisfied in the same manner as a judgment for money.

(d) Removal of improvements on property subject of execution. — *When the property subject of the execution contains improvements constructed or planted by the judgment obligor or his agent, the officer shall not destroy, demolish or remove said improvements except upon special order of the court, issued upon motion of the judgment obligee after due hearing and after the former has failed to remove the same within a reasonable time fixed by the court.*

[24] SEC. 14. Return of writ of execution. — The writ of execution shall be returnable to the court issuing it immediately after the judgment has been satisfied in part or in full. If the judgment cannot be satisfied in full within thirty (30) days after his receipt of the writ, the officer shall report to the court and state the reason therefor. Such writ shall continue in effect during the period within which the judgment may be enforced by motion. The officer shall make a report to the court every thirty (30) days on the proceedings taken thereon until the judgment is satisfied in full, or its effectivity expires. The returns or periodic reports shall set forth the whole of the proceedings taken, and shall be filed with the court and copies thereof promptly furnished the parties.

[25] *Gonzales v. Calo*, A.M. No. P-12-3028, April 11, 2012, 669 SCRA 109, 117.

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in implementing the writ. A sheriff's compliance with the Rules is not merely directory but mandatory.[26] A sheriff is expected to know the rules of procedure pertaining to his functions as an officer of the court.[27]

In the present case, we find that Sheriff Pagunsan was remiss in performing his mandated duties. To recall, the Writ of Execution was issued by the RTC on February 4, 2009. Sheriff Pagunsan served the Writ on February 11, 2009, giving the defendants three (3) days or until February 14, 2009 within which to voluntary vacate the premises. However, there was no showing that the writ had been fully implemented or the property delivered to the complainant on February 14, 2009. In fact, the records would show that Sheriff Pagunsan did not return to the premises on the said date or any date thereafter; nor made any personal follow-ups from the defendants. In short, no other action was undertaken by Sheriff Pagunsan to implement the writ of execution.

We also particularly note that it was Holasca and Calibuso who made the follow-ups regarding the status of the writ's implementation. As records would show, Holasca tried to contact Sheriff Pagunsan, but the latter did not answer her calls, or respond to her text messages. Sheriff Pagunsan, too, failed to return to the occupied property on the date of the writ's implementation. It was not until February 18, 2009, through the initiative of Calibuso, that Holasca discovered that the defendants had vacated the property. Even then, Sheriff Pagunsan continued to exhibit utter lack of interest in implementing the writ. Upon being informed of the status of the property, Sheriff Pagunsan simply ignored Holasca.

In addition to Sheriff Pagunsan's delay and reluctance to implement the writ, he also failed to collect the money judgment in favor of Holasca. Despite the opportunity to collect, Sheriff Pagunsan did not do anything. In his answer, he even admitted that he did not conduct an inventory of the defendants' personal properties. Such failure to carry out what is purely a ministerial duty, together with

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[26] *Id*.

[27] *Zamora v. Villanueva,* A.M. No. P-04-1898, July 28, 2008, 560 SCRA 32.

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his delay in the implementation of the writ, demonstrates his incompetence and gross inefficiency in the performance of his official duties.

Time and again this Court has pointed out that high standards are expected of sheriffs who play an important role in the administration of justice.[28] In serving court writs and processes, sheriffs should see to it that the execution of judgments is not unduly delayed.[29] Once a writ is placed in his hand, it becomes the sheriff's duty to proceed with reasonable speed to enforce the writ to the letter, ensuring at all times that the implementation of the judgment is not unjustifiably deferred, unless the execution of which is restrained by the court.[30] As emphasized in *Astorga and Repol Law Offices v. Roxas,*[31] sheriffs should be mindful that litigations do not end merely with the promulgation of judgments. Execution of judgments, being the final stage in the litigation process, should be carried out speedily.

For Sheriff Pagunsan's lapses in the procedures in the implementation of the writ of execution, we find him guilty of Gross Inefficiency. Under Civil Service Memorandum Circular No. 19, series of 1999 gross inefficiency is classified as a grave offense. Gross inefficiency is punishable by suspension for six (6) months and one (1) day to one (1) year for the first offense, and dismissal from the service for the second offense.

Considering that this is Sheriff Pagunsan's first infraction, he should be meted with the penalty of suspension of nine (9) months and one (1) day without pay after taking into account the attendant circumstances, namely, the excessive disregard of the cited Rules

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[28] *Office of the Court Administrator v. Ramano,* A.M. No. P-90-488, January 25, 2011, 640 SCRA 370, 374.

[29] *Lacambra, Jr. v. Perez,* A.M. No. P-08-2430, July 14, 2008, 530 Phil. 33, 38.

[30] *Supra* note 25, at 118.

[31] A.M. No. P-12-3029, August 15, 2012 (Formerly OCA I.P.I. No. 08-2850-P), 678 SCRA 374, 384.

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of Court provisions, mitigated by the character of the offense as the first by Sheriff Pagunsan.

B. *Calibuso's Case (A.M. OCA IPI No. 10-3415–P)*

The OCA found that Calibuso's act of exhibiting unusual interest in the ejectment case by financing the expenses of the writ's implementation warrants administrative sanctions. It found Calibuso liable for Conduct Prejudicial to the Best Interest of the Service and imposed upon him the penalty of suspension for six (6) months and one (1) day without pay.

We agree with the OCA's findings.

Calibuso's participation in the ejectment case is clearly not connected with his judicial duties as court personnel. Nonetheless, we stress that Calibuso, as an employee of the judiciary, must maintain a neutral hands-off attitude in dealing with party-litigants, in this case, in the execution of a decision.

We have consistently held that the conduct required of court personnel, from the presiding judge to the lowliest clerk, must always be beyond reproach and circumscribed with the heavy burden of responsibility.[32] All court personnel should be reminded that they have no business getting personally involved in matters directly emanating from court proceedings, unless expressly so provided by law.[33] The reason is that, the image of the courts of justice is reflected in the conduct, official or otherwise, of even its minor employees. It is the imperative duty of everyone involved in the dispensation of justice, to maintain the courts' integrity and standing as true temples of justice and to avoid any impression or impropriety, misdeed or negligence.[34]

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[32] *Gabison v. Almirante,* A.M. No. P-08-2424, February 6, 2008, 568 Phil. 36, 38.

[33] *RE: LETTER OF JUDGE LORENZA BORDIOS PACULDO, Municipal Trial Court, Branch 1, San Pedro, Laguna, ON THE ADMINISTRATIVE LAPSES COMMITTED BY NELIA P. ROSALES, Utility Worker, Same Court,* A.M. No. P-07-2346, February 18, 2008, 569 Phil. 346, 354.

[34] *Re: Employees Incurring Habitual Tardiness in the Second Semester of 2009,* A.M. No. 2010-11-SC, March 15, 2011, 645 SCRA 309, 316.

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Evidence on record reveals that Calibuso admitted giving Sheriff Pagunsan the amount of ₱1,500.00 for the implementation of the writ of execution. Calibuso likewise admitted that he personally accompanied Sheriff Pagunsan to the residence of the defendants to serve the writ. While he may have been motivated solely by an earnest desire to help Holasca, his action however, does not exculpate him from liability. As we held in *Macalua v. Tiu, Jr.*:[35]

"Pity cannot be the source of authority for a prohibited act nor can it allow misconduct in office. The exigencies of government service cannot and should never be subordinated to purely human equations. xxx **[A public employee] is expected to do no more than what duty demands and no less than what privilege permits. Though he may be of great help to specific individuals, but when that help frustrates and betrays the public's trust in the system it cannot and should not remain unchecked. The interests of the individual must give way to the accommodation of the public** – *Privatum incommodum publico bono pensatur*."

Court employees should be wary when assisting persons dealing with the courts and their cases.[36] While they are not totally prohibited from rendering aid to others, they should see to it that the assistance, albeit involving acts unrelated to their official functions, does not in any way compromise the public's trust in the justice system.

In the present case, by getting personally involved in the writ's implementation, Calibuso transgressed the strict norm of conduct prescribed for court employees, that is, to avoid any impression of impropriety, misdeed or misdemeanor not only in the performance of his duty but also in conducting himself outside or beyond his duties. Although no evidence was offered to prove that he took advantage of his position, it is clear that Calibuso's actuations undermined the integrity

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[35] A.M. No. P-97-1236, July 11, 1997, 275 SCRA 320, 326-327.

[36] *Baron v. Anacan*, A.M. No. P-04-1816, June 20, 2006 (Formerly OCA-IPI No. 03-1747-P), 524 Phil. 620, 627.

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of the service and jeopardized the public's faith in the impartiality of the courts. Thus, we find, as the OCA did, that Calibuso has clearly demonstrated conduct prejudicial to the best interest of the service.

Section 52 (A) (20), Rule IV of the Revised Uniform Rules on Administrative Cases in the Civil Service classifies conduct prejudicial to the best interest of the service as a grave offense, which is punishable by suspension of six (6) months and one (1) day to one (1) year for the first offense. Under the circumstances, the Court imposes upon Calibuso the penalty of suspension for six (6) months and one (1) day.

WHEREFORE, premises considered, judgment is hereby rendered as follows:

1. Respondent Anselmo P. Pagunsan, Jr., Sheriff IV, Regional Trial Court (*RTC*), Branch 20, Imus, Cavite, is hereby found **GUILTY of GROSS INEFFICIENCY.** We order his **SUSPENSION FOR NINE (9) MONTHS AND ONE (1) DAY WITHOUT PAY.**

2. Respondent Francisco J. Calibuso, Jr., Clerk of Court III, Municipal Trial Court in Cities, Branch 1, Cavite City, is hereby found **GUILTY** of **CONDUCT PREJUDICIAL TO THE BEST INTEREST OF THE SERVICE** and is meted the penalty of **SUSPENSION** from service, without pay, for a period of six (6) months and one (1) day. He is **STERNLY WARNED** that a repetition of the same or similar acts in the future shall be dealt with more severely.

SO ORDERED.

Carpio (Chairperson), del Castillo, Perez, and *Perlas-Bernabe, JJ.,* concur.