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FIRST DIVISION

[A.M. No. P-99-1332. January 17, 2002]

GERTRUDES V. Vda. de VELAYO, *complainant, vs.* **JOHN C. RAMOS, in his capacity as Sheriff IV, Regional Trial Court, Branch 24, Echague, Isabela,** *respondent.*

SYNOPSIS

Complainant Gertrudes V. *Vda de* Velayo charged John C. Ramos, Sheriff IV, RTC, Branch 24, Echague, Isabela with Grave Misconduct for allegedly forcibly taking ten (10) cavans of *palay* from an agricultural land subject of a civil case pending with the Court of Appeals on November 18, 1997 and misappropriating for his personal use and benefit the proceeds thereof amounting to ₱2,612.00. Complainant also alleged that the amount of the proceeds should have been deposited in court on November 18, 1997, but respondent deposited it to the court only in the afternoon of December 10, 1997. Respondent refuted complainant's allegation that he forcibly took the ten (10) cavans of *palay*. According to him, he took the same believing that it was his duty to do so because he perceived that the complainant was determined to violate the order of the court by not giving the landowner of her share of the rice harvest. Respondent compulsorily retired from the service on December 14, 1998.

The Supreme Court fined respondent sheriff in the amount of Two Thousand Pesos (₱2,000.00) to be deducted from the Twenty Thousand (₱20,000.00) Pesos ordered retained by the OCA-Financial Management Office out of the retirement benefits accruing to him. According to the Court, respondent failed to live up to the standards set for court personnel, and conducted himself in a manner prejudicial to the service. There can be no question that the act of respondent in tardily depositing with the court the proceeds of the ten (10) cavans of *palay* harvested on November 18, 1997 was deserving of reproof. The Court emphasized the role of Sheriffs as public officers that they are repositories of public trust and are under obligation to perform the duties of their office honestly, faithfully and to the best of their ability. Sheriffs are bound to use reasonable skill and diligence in the performance of their official duties particularly

Supreme Court E-Library

where the rights of individuals may be jeopardized by their neglect and they must always bear in mind that the conduct required of all court personnel must be beyond reproach and free from any suspicion that may taint the entire judiciary.

SYLLABUS

1. **POLITICAL LAW; ADMINISTRATIVE LAW; PUBLIC OFFICERS; SHERIFFS; ROLE IN THE ADMINISTRATION OF JUSTICE; MUST DISCHARGE THEIR DUTIES WITH GREAT CARE AND DILIGENCE.**— The administration of justice is a sacred task and it demands the highest degree of efficiency, dedication and professionalism. In this regard, sheriffs and deputy sheriffs, being ranking officers of the court and agents of the law, must discharge their duties with great care and diligence. In serving and implementing court writs, as well as processes and orders of the court, they cannot afford to err without affecting adversely the proper dispensation of justice. Sheriffs play an important role in the administration of justice and as agents of the law, high standards are expected of them. They should always hold inviolate and invigorate the tenet that a public office is a public trust.

2. **ID.; ID.; ID.; ID.; RESPONDENT FAILED TO LIVE UP TO THE STANDARDS SET FOR COURT PERSONNEL AND CONDUCTED HIMSELF IN A MANNER PREJUDICIAL TO THE SERVICE WHEN HE ACTED TARDILY IN DEPOSITING THE PROCEEDS OF THE TEN (10) CAVANS OF PALAY WITH THE COURT; CASE AT BAR.**— Sheriffs, as public officers, are repositories of public trust and are under obligation to perform the duties of their office honestly, faithfully and to the best of their ability. They are bound to use reasonable skill and diligence in the performance of their official duties particularly where the rights of individuals may be jeopardized by their neglect. It must be borne in mind that the conduct required of court personnel must be beyond reproach and must always be free from suspicion that may taint the judiciary. It is therefore incumbent upon every member of the judiciary family to work hand in hand in restoring and upholding, rather than destroying, the integrity of the courts to which they belong. There can be no question that the act of respondent in tardily depositing with the court the proceeds of the ten (10) cavans

Supreme Court E-Library

of *palay* harvested on November 18, 1997 is deserving of reproof. Worse, respondent attempted to cover for his lapse by making it appear that he immediately deposited the same on December 10, 1997, when the clerk of court had earlier issued a certification stating that he had not deposited the money. Respondent, therefore, failed to live up to the standards set for court personnel, and conducted himself in a manner prejudicial to the service.

DECISION

YNARES-SANTIAGO, *J.*:

In a sworn letter-complaint dated February 4, 1998[1] filed with the Office of the Court Administrator (OCA), Gertrudes V. *Vda. de* Velayo charged John C. Ramos, Sheriff IV, RTC, Branch 24, Echague, Isabela with Grave Misconduct relative to Civil Case No. Br. 24-0070, allegedly committed thus:

After harvesting the palay from an agricultural land subject of a civil case pending with the Court of Appeals, said Sheriff forcibly took TEN (10) cavans of *palay* on November 18, 1997, sold it, received the proceeds and misappropriated for his personal use and benefit to the amount of ₱2,612.00. This amount should have been deposited in court on November 18, 1997.

BUT, the sheriff did not deposit it in court per certification of the Clerk of Court dated December 10, 1997.

After I have complained to the Court of this misappropriation by the sheriff, he (Sheriff Ramos) made it appear that Sheriff Ramos delivered the ₱2,612.00 representing proceeds of Ten (10) Cavanes on the same day December 10, 1997. This is not true because when I complained to the court against the sheriff on the Ten (10) Cavanes worth ₱2,612.00, the court issued Annex "B" [to the effect] that the sheriff did not deposit it. He deposited it only after I have complained. The misappropriation was already committed a long time.[2]

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[1] *Rollo*, p. 1.

[2] *Ibid.*

Supreme Court E-Library

Respondent filed his answer[3] on June 10, 1998. He explained that complainant was one of the plaintiffs in Civil Case No. Br. 24-0070 entitled "*Spouses Horace Velayo and Gertrudes Velayo v. Andres Guillermo, et al.*," filed before the RTC, Branch 24, Echague, Isabela. The court decided the case against plaintiffs, ordering them to vacate the land subject thereof and to restore its possession to defendants. Plaintiffs were likewise ordered to deliver the landowner's share of the rice harvested on the subject land from 1981 until the defendants shall have been restored to its possession. Thereafter, plaintiffs appealed to the Court of Appeals, but the appeal was dismissed for failure to file their brief. Appellants then filed a petition for *certiorari* with the Supreme Court, which was likewise dismissed.

Complainant filed a petition for annulment of the said decision with the Court of Appeals. Hence, the RTC, Branch 24 of Echague, Isabela directed the parties to refrain from entering and/or cultivating any portion of the land subject of the case during the pendency of the petition.[4]

Meanwhile, it appears that complainant hired workers to enter the land subject of the case and to plant *palay* thereon. Thus, defendant Andres Guillermo filed a special civil action for indirect contempt against her. During the hearing of the case for contempt, the court issued an order enjoining the parties to strictly adhere to their agreement, and directed the Deputy Sheriff to closely manage and supervise the reaping and threshing of the standing crop and thereafter to deposit with the Court the landowner's share.

On November 17, 1997 respondent Deputy Sheriff learned that complainant's hired workers were harvesting the *palay* on the subject land. At the ricefield, he saw one of the hired workers loading *palay* on the hand tractor and two (2) tricycles. After the hired workers left, respondent and his men found that there were still ten (10) sacks of *palay* left behind, so

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[3] *Id.*, pp. 5-8

[4] *Id.*, pp. 9-10.

Supreme Court E-Library

they delivered the same to a nearby grain dealer for deposit. However, since the palay was still wet, respondent decided to accept the amount of ₱2,612.00 as payment for the wet palay. He then prepared and filed his partial Sheriff's return on the implementation of the Court Order.[5]

On November 27, 1997, respondent returned to the rice field to supervise the harvesting of the remaining *palay* but noticed that the grains were still unripe, hence, he postponed the harvesting until the following week. On December 3, 1997, respondent went back to the rice field and saw that the carabaos had destroyed and ate the standing crops. In the afternoon of December 10, 1997, he deposited the amount of ₱2,612.00 with the court.

On the basis of the foregoing, respondent refutes complainant's allegation that he forcibly took the ten (10) cavans of *palay*. He took the same believing that it was his duty to do so because he perceived that the complainant was determined to violate the order of the Court by not giving any landowner's share of the rice harvest.[6]

In the meantime, respondent compulsorily retired from service effective December 14, 1998.[7] In his letter dated June 28, 1999,[8] he requested for the release of his retirement benefits subject to the retention of the amount of ₱20,000.00 to answer for whatever liability that may be imposed on him in this administrative case.

The Court, in a Resolution dated August 17, 1999, granted the request of respondent for the release of his retirement benefits but directed the OCA's Financial Management Office to retain the amount of Twenty Thousand (₱20,000.00) Pesos from said benefits to answer for whatever liability may be imposed on

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[5] *Id.*, p. 11.

[6] *Id.*, pp. 7-8.

[7] *Id.*, p. 13.

[8] *Id.*, p. 16.

Supreme Court E-Library

him.[9] The Court further resolved to refer the case to Executive Judge Bonifacio T. Ong, Regional Trial Court, Branch 24, Echague, Isabela, for investigation, report and recommendation.[10]

During the pendency of the investigation, however, complainant executed an Affidavit of Desistance dated September 24, 1999[11] declaring, among others, that she had already pardoned respondent for what he had done, and that she was now desisting from further prosecuting the case against him.

On October 12, 1999,[12] Executive Judge Bonifacio T. Ong submitted his report wherein he recommended the dismissal of the case against respondent. He found that there was no misappropriation of the money, legally speaking, because respondent Ramos was able to account or deposit the said sum of money in court before the complaint was filed. Furthermore, respondent, as Deputy Sheriff, was authorized by the court to closely manage and supervise the reaping and threshing of the standing crops and thereafter to deposit with the court the landowner's share.[13]

It appearing from the report of the Executive Judge that no formal investigation was conducted in view of the execution of the affidavit of desistance of complainant, a Resolution dated February 8, 2000[14] was issued referring the case to the Executive Judge for a more thorough investigation.

In his investigation report dated June 2, 2000,[15] Executive Judge Ong recommended the imposition of a fine of Two Thousand (₱2,000.00) Pesos upon respondent for his delay in depositing with the court the amount of ₱2,612.00 representing the value of ten (10) cavans of *palay*. Executive Judge Ong,

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[9] *Id.*, p. 21.

[10] *Id.*, p. 20.

[11] *Id.*, p. 23.

[12] *Id.*, pp. 25-26.

[13] *Id.*, p. 26.

[14] *Id.*, p. 40.

[15] *Id.*, pp. 46-48.

Supreme Court E-Library

however, maintained his finding that respondent did not commit misappropriation.

We agree with the Investigating Judge.

The administration of justice is a sacred task and it demands the highest degree of efficiency, dedication and professionalism.[16] In this regard, sheriffs and deputy sheriffs, being ranking officers of the court and agents of the law, must discharge their duties with great care and diligence. In serving and implementing court writs, as well as processes and orders of the court, they cannot afford to err without affecting adversely the proper dispensation of justice.[17] Sheriffs play an important role in the administration of justice and as agents of the law, high standards are expected of them.[18] They should always hold inviolate and invigorate the tenet that a public office is a public trust.[19]

It must be remembered that the deposit of items in litigation is not a discretionary matter and until the court had made its decision as to the disposal thereof, the presumption is that the seized items should remain in the court's custody, hence, to be deposited in court, not delivered to any of the parties in the absence of a directive to that effect in the seizure order.[20] Thus, *immediately* after executing the order, the officer must make a return thereon to the clerk or judge of the court from which the order issued, with a full statement of his proceedings under the order and a complete inventory of the property attached.[21] In fact, Section 6, Rule 57 of the 1997 Rules of Civil Procedure states that:

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[16] *Contreras v. Mirando*, 280 SCRA 608, 610 [1997].

[17] *Magat v. Pimentel*, 346 SCRA 153, 159 [2000]; *Ignacio v. Payumo*, 344 SCRA 169, 172 [2000].

[18] *Llamado v. Ravelo*, 280 SCRA 597 [1997].

[19] *Ventura v. Concepcion*, 346 SCRA 14, 18 [2000].

[20] *Onquit v. Binamira-Garcia*, 297 SCRA 354 [1998].

[21] *Pecson v. Sicat, Jr.*, 298 SCRA 122, 129-130 [1998], citing Section 6, Rule 57, Rules of Court.

Supreme Court E-Library

Sheriff's return. – After enforcing the writ, the sheriff must likewise *without delay* make a return thereon to the court from which the writ issued, with a full statement of his proceedings under the writ and a complete inventory of the property attached, together with any counter-bond given by the party against whom the attachment is issued, and serve copies thereof on the applicant. (italics ours)

Sheriffs, as public officers are repositories of public trust and are under obligation to perform the duties of their office honestly, faithfully and to the best of their ability. They are bound to use reasonable skill and diligence in the performance of their official duties particularly where the rights of individuals may be jeopardized by their neglect.[22] It must be borne in mind that the conduct required of court personnel must be beyond reproach and must always be free from suspicion that may taint the judiciary.[23] It is therefore incumbent upon every member of the judiciary family to work hand in hand in restoring and upholding, rather than destroying, the integrity of the courts to which they belong.[24]

There can be no question that the act of respondent in tardily depositing with the court the proceeds of the ten (10) cavans of *palay* harvested on November 18, 1997[25] is deserving of reproof. Worse, respondent attempted to cover for his lapse by making it appear that he immediately deposited the same on December 10, 1997,[26] when the clerk of court had earlier issued a certification stating that he had not deposited the money.[27] Respondent, therefore, failed to live up to the standards set for court personnel, and conducted himself in a manner prejudicial to the service.[28] Thus:

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[22] *Pecson v. Sicat, Jr., supra,* at 131.

[23] *Abanil v. Ramos, Jr.,* 346 SCRA 20, 24 [2000].

[24] *Contreras v. Mirando, supra,* at 611.

[25] *Rollo*, p. 3, Annex A.

[26] *Ibid.*, p. 2, Annex C.

[27] *Id.*, p. 3. Annex B.

[28] *Dionisio v. Gilera*, 312 SCRA 287 [1999].

Supreme Court E-Library

Time and again, we have emphasized the heavy burden and responsibility which court personnel are saddled with in view of their exalted positions as keepers of public faith. They must be constantly reminded that any impression of impropriety, misdeed or negligence in the performance of official functions must be avoided. As we have held in the case of *Mendoza vs. Mabutas*,[29] this Court condemns and would never countenance such conduct, act or omission on the part of all those involved in the administration of justice which would violate the norm of public accountability and diminish or even just tend to diminish the faith of the people in the Judiciary.[30]

In *Canlas v. Balasbas*,[31] the Court held:

At the grassroots of our judicial machinery, sheriffs and their deputy sheriffs are indispensably in close contact with the litigants, hence, their conduct should be geared towards maintaining the prestige and integrity of the court, for the image of a court of justice is necessarily mirrored in the conduct, official or otherwise, of the men and women who work thereat from the judge to the least and lowest of its personnel; hence, it becomes the imperative sacred duty of each and everyone in the court to maintain its good name and standing as a temple of justice.

The sheriff is a court officer primarily responsible for the *speedy* and efficient service of all court processes and writs originating from his court and the branches thereof and those that may be delegated to him by other courts.[32] As an officer whose duties form an integral part of the administration of justice, a sheriff and his deputies may be properly dismissed,[33] fined,[34] or suspended[35] from office by this Tribunal, in the exercise of

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[29] 223 SCRA 411 [1993], citing *Sy v. Academia*, 198 SCRA 705 [1991].

[30] *Loyao, Jr. v. Armecin*, 337 SCRA 47, 52 [2000].

[31] 337 SCRA 41, 46 [2000], citing *Vda. de Abellera v. Dalisay*, 268 SCRA 64, 67 [1997].

[32] *V.C. Ponce Co., Inc. v. Eduarte*, 343 SCRA 445, 459 [2000].

[33] *Araza v. Garcia, et al.*, 325 SCRA 1 [2000].

[34] *OCA v. Cabe*, 334 SCRA 348 [2000].

[35] *Gomez v. Concepcion*, 331 SCRA 503 [2000]; *Sebastian v. Valino*, 224 SCRA 256 [1993].

Supreme Court E-Library

its administrative supervision over the judicial branch of the government, for actions committed in violation of the Rules of Court which impedes and detracts from a fair and just administration of justice.[36] Given the prevailing facts of the case, and considering further that the incident appears to be the first offense of respondent during his stint in the Judiciary, the Court considers the recommended sanction appropriate for respondent's misdeed.

WHEREFORE, in view of all the foregoing, respondent Sheriff IV John C. Ramos is hereby *FINED* the amount of Two Thousand (₱2,000.00) Pesos, the said sum to be deducted from the Twenty Thousand (₱20,000.00) Pesos ordered retained by the OCA-Financial Management Office out of the retirement benefits accruing to him. The remainder thereof shall be released to respondent upon finality of this Decision.

SO ORDERED.

Davide, Jr., C.J. (Chairman), Puno, Kapunan, and *Pardo, JJ.,* concur.

FIRST DIVISION

[G.R. No. 130397. January 17, 2002]

PEOPLE OF THE PHILIPPINES, *plaintiff-appellee, vs.* **HONORATO GALVEZ, GODOFREDO DIEGO, and John Doe,** *accused.* **GODOFREDO DIEGO,** *accused-appellant.*

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[36] *Re: Danilo Cunanan,* 238 SCRA 421 [1994], citing *Hipolito v. Mergas,* 195 SCRA 6 [1991].