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SECOND DIVISION

[A.M. No. P-00-1439. December 5, 2000]

MARIANO HERNANDEZ, *complainant, vs.* **SAMUEL ARIBUABO, Sheriff III, MeTC-OCC, Manila**, *respondent.*

SYNOPSIS

Complainant filed an administrative case against respondent sheriff alleging that when complainant's tricycle met respondent's owner-type jeep and no one would give way, respondent alighted from his vehicle, introduced himself and slapped complainant with a badge.

After investigation, the Supreme Court found respondent sheriff liable for conduct unbecoming of a public officer, and suspended him for one month, ruling that whether on or off duty, sheriffs should set the example for obedience and respect for the law because their overbearing conduct can only bring their office into disrepute and erode public respect for them.

SYLLABUS

POLITICAL LAW; ADMINISTRATIVE LAW; PUBLIC OFFICERS AND EMPLOYEES; SHERIFFS; EXPECTED TO CONDUCT THEMSELVES AT ALL TIMES WITH PROPRIETY AND RESTRAINT; CASE AT BAR.— As an officer of the Court, respondent was expected to conduct himself at all times with propriety and restraint. Certainly, he could not make use of his public office in order to oppress or abuse others. Many a time we have reminded sheriffs that they are part and parcel of the administration of justice and, therefore, whether on or off duty they should set the example for obedience and respect for the law. They should always remember that overbearing conduct can only bring their office into disrepute and erode public respect for them. For no public official is above the law.

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DECISION

MENDOZA, *J.*:

This refers to a complaint against respondent Samuel Aribuabo,[1] Sheriff III of the Metropolitan Trial Court of the City of Manila, for grave abuse of authority and conduct unbecoming of a public official.

Finding the claims of the parties to be at odds on every material point, the Court Administrator recommended that the administrative complaint be referred to Hon. Leonardo Reyes, Executive Judge, MeTC, Manila, for investigation, report, and recommendation. Accordingly, in its resolution dated March 1, 2000, the Court referred the case to Executive Judge Reyes. Upon the latter's promotion to the Regional Trial Court, the case was referred to Hon. Severino de Castro, Jr., Acting Executive Judge of the same court.

Complainant and witness Villamor Castillo testified that on November 8, 1997 between 4:00 and 4:30 p.m., complainant was driving his tricycle along Leyte St., Sampaloc, Manila on his way to Visayas Avenue. Complainant's tricycle met *("nagkasalubong")* respondent's owner-type jeep and, as no one would give way, respondent alighted from his vehicle and slapped complainant with a badge. They claimed that respondent strangled complainant and kicked him. He later identified himself as a Manila policeman and pointed a gun at complainant. The incident was witnessed by Villamor Castillo, who was then smoking a cigarette in front of his house.[2]

Complainant presented a medico-legal report made by Medico-Legal Officer Antonio D. Reboso, M.D., who examined the former on November 8, 1997 at the Ospital ng Sampaloc. The report contained the following findings:[3]

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[1] Also known as "Samuel Aribuado" and "Samuel Ariboabo."

[2] TSN (Mariano Hernandez), pp. 2-26, May 8, 2000; TSN (Villamor Castillo), pp. 2-26, May 9, 2000.

[3] *Rollo*, p. 9.

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G.S.- conscious, coherent, ambulatory.

1. Tenderness, right zygomatic area and anterior neck area.

Under normal conditions, without subsequent complications and/or deeper involvement present, but not clinically apparent at the time of the examination, the above described physical injuries shall require medical attention or shall incapacitate the victim for a period not less than 1 day but not more than 3 days.

For his part, respondent testified that at around 2 p.m. on November 8, 1997, he was driving his jeep along Leyte St., Sampaloc, Manila towards the direction of G. Tuazon. He saw complainant with his tricycle parked in the middle of the street, picking a fight with a truck driver. He tried to pacify complainant and asked him to move his tricycle to the side of the road so that other vehicles could pass. But complainant resented respondent's intervention, saying, *"Pulis ka ba o nagpupulis-pulisan? Gusto mo, magsuntukan tayo."* Respondent's wife, who was with him, asked him to leave. As complainant's relatives or fellow tricycle drivers tried to attack respondent, the latter boarded his jeep and quickly left. Elmo Suller, a neighbor of respondent who was passing by, and Romeo Lorenzo, a shop-owner, corroborated respondent's testimony.[4]

After investigation, Acting Executive Judge De Castro submitted a report in which he found that respondent hit complainant with his badge, but did not strangle and kick him. The report states:

From the foregoing evidence adduced by the contending parties, it appears that on November 8, 1997 at around 4:00 p.m., complainant had an altercation with a truck driver along Visayas Avenue. It likewise appears that, as a consequence thereof, heavy traffic ensued. Respondent, who was also in the vicinity on board his owner-type jeep, was prompted to intervene. Respondent approached the herein complainant to pacify the latter and to thereby ease the traffic.

It is at this point that the versions presented by both the complainant and respondent differ. The herein complainant contended that

[4] TSN (Samuel Aribuabo), pp. 8-16, Aug. 3, 2000; TSN (Elmo Suller), pp. 3-20, June 9, 2000; TSN (Romeo Lorenzo), pp. 2-8, Aug. 3, 2000.

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respondent slapped him with a badge, kicked him and strangled him. The accusation, however, was denied by the respondent.

The undersigned, however, is inclined to give credence to the narration of the complainant. In the first place, there is evidence that complainant herein sustained injuries as a consequence of the incident. Indeed, it may not be true that all the acts attributed to the respondent were really perpetrated by him. There was no evidence of kicking or strangling, except the gratuitous assertion of the herein complainant. If at all and as evidenced by the alleged injuries sustained by the complainant, what truly occurred was the slapping of the badge by the respondent.

The undersigned could not believe the posture advanced by the respondent that complainant was then accompanied by his fellow drivers who tried to harm him prompting him to go back to his jeep and leave. For one, respondent's own witness, Romeo Lorenzo, was categorical in his statement that there were no tricycle drivers at the time of the incident who chased the respondent. The undersigned, therefore, finds such posture a clear intent on the part of the respondent to evade liability.

IN VIEW OF THE FOREGOING, the undersigned hereby finds the respondent Samuel Aribuado guilty of abuse of authority and conduct unbecoming of a public official. Considering the circumstances hereof, however, the undersigned hereby recommends that respondent be reprimanded with a warning that a repetition of the same offense will be dealt with more severely.

Except for the recommended penalty, the report of the Acting Executive Judge is well taken. As an officer of the Court, respondent was expected to conduct himself at all times with propriety and restraint. Certainly, he could not make use of his public office in order to oppress or abuse others. Many a time we have reminded sheriffs that they are part and parcel of the administration of justice and, therefore, whether on or off duty they should set the example for obedience and respect for the law. They should always remember that overbearing conduct can only bring their office into disrepute and erode public respect for them. For no public official is above the law.

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In the recent case of *Angeles v. Gernale, Jr.*,[5] involving a drunk Sheriff who caused a ruckus in an office Christmas party, this Court reiterated the principle that the conduct and behavior of those connected in one way or another with the dispensation of justice, from the presiding judge to the sheriff and the deputy sheriff to the lowliest clerk, should at all times be characterized by propriety and decorum.

The Court condemns and will never countenance any 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 the faith of the people in the Judiciary.[6]

Persons involved in the administration of justice ought to live up to the strictest standard of honesty and integrity in the public service. The conduct of every personnel connected with the courts should, at all times, be circumspect to preserve the integrity and dignity of our courts of justice.[7]

Respondent acted without authority and improperly when he introduced himself as a person in authority and slapped complainant with a badge. For such misconduct, the recommended penalty of reprimand is not adequate. Rather, the commensurate penalty for such offense should be suspension for one month without pay, which cannot be charged to his accumulated leave.

WHEREFORE, for grave abuse of authority and conduct unbecoming of a public officer, Sheriff Samuel Aribuabo is *SUSPENDED* without pay for a period of one (1) month, with a *WARNING* that a repetition of the same act will be dealt with more severely.

SO ORDERED.

Bellosillo (Chairman), Quisumbing, Buena, and *De Leon, Jr., JJ.,* concur.

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[5] 274 SCRA 10 (1997).

[6] *Sy v. Academia,* 198 SCRA 705 (1991).

[7] *Jerez v. Paninsuro,* 304 SCRA 180 (1999).