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way before the records were destroyed by fire.[20] Clearly, respondent Deputy Sheriff Almeida failed to act with dispatch and promptness in the implementation of the writ.

WHEREFORE, in view of the foregoing, respondent Deputy Sheriff Archimedes D. Almeida is hereby *FINED* in the amount of Three Thousand (₱3,000.00) Pesos with warning that a repetition of the same or similar act shall be dealt with more severely by this Court. The complaint against respondent Clerk of Court Roman Gatbalite is *DISMISSED* for lack of merit.

SO ORDERED.

Melo (Chairman), Vitug, and *Panganiban, JJ.*, concur.

Purisima, J., abroad — took no part.

THIRD DIVISION

[A.M. No. RTJ-98-1421. May 9, 2000]

MARIETTA A. PADILLA, *complainant, vs.* **JUDGE SALVADOR D. SILERIO, REGIONAL TRIAL COURT, BRANCH 14, LIGAO, ALBAY,** *respondent.*

SYNOPSIS

A complaint for grave misconduct and dishonesty was filed by Marietta A. Padilla against Judge Salvador D. Silerio of the Regional Trial Court, Branch 14, of Ligao, Albay, said to have been committed by him while detailed at the Regional Trial Court, Branch 8, Legazpi City, from August 1989 to August 1997. According to Padilla, in two criminal cases where therein accused were required to post a cash bond with the clerk of court, both accused were issued official receipt with the same number. Hence, when the cases were dismissed, one of the accused

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[20] p. 6 of the Report, p. 84, *Rollo.*

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could not anymore claim for the release of the bail bond since the amount had already been disbursed to the other accused. Complainant additionally charged respondent judge with having engaged in a daily drinking spree during office hours, as early as 10:00 in the morning until 2:00 or 3:00 in the afternoon, within the premises of the Hall of Justice in the presence of litigants and lawyers. Respondent judge, according to complainant, would walk along the corridors of the Hall of Justice and preside over trial even when drunk. The Office of the Court Administrator made its evaluation finding that there was dearth of evidence to directly implicate respondent judge to the subject anomaly, however, he should be made liable for carelessness and failure to exercise the necessary diligence when he signed the order approving the spurious cash bond. Respondent judge should be made to account for his negligence and lack of prudence, which resulted in the anomaly in question. Anent the alleged "daily drinking spree" of respondent, the same being unsubstantiated, cannot be given credence. It was recommended that respondent judge be made to pay a fine of ₱20,000.00 deductible from the ₱50,000.00 withheld from his retirement benefits for gross negligence.

The Supreme Court agreed with the recommendation of the Office of the Court Administrator except for the fine, which, considering the circumstances of the case, would appear to be excessive. Respondent judge was found guilty of negligence and imposed a fine of Five Thousand Pesos (₱5,000.00), deductible from his withheld retirement benefits.

SYLLABUS

1. **JUDICIAL ETHICS; JUDGES; MUST STRIVE TO ACT IN A MANNER THAT PUTS HIM AND HIS CONDUCT ABOVE REPROACH AND BEYOND SUSPICION.** — In the discharge of the functions of his office, a judge must strive to act in a manner that puts him and his conduct above reproach and beyond suspicion. He must act with extreme care for his office indeed is laden with a heavy burden of responsibility. Certainly, a judge is enjoined, his heavy caseload notwithstanding, to pore over all documents whereon he affixes his signature and gives his official *imprimatur*. The cavalier attitude displayed by respondent judge in this case simply cannot be countenanced.

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2. ID.; ID.; CODE OF JUDICIAL ETHICS; MANDATES THAT THE CONDUCT OF A JUDGE MUST BE FREE FROM ANY WHIFF OF IMPROPRIETY NOT ONLY WITH RESPECT TO THE PERFORMANCE OF HIS JUDICIAL DUTIES BUT ALSO TO HIS BEHAVIOR OUTSIDE HIS *SALA*. — Anent the charge of habitual drunkenness, the Code of Judicial Ethics does mandate that the conduct of a judge must be free from any whiff of impropriety not only with respect to the performance of his judicial duties but also to his behavior outside his *sala* and even as a private individual. This charge against him, however, cannot be taken into account for lack of credible substantiation.

D E C I S I O N

VITUG, *J.*:

A complaint for grave misconduct and dishonesty was filed by Marietta A. Padilla against Judge Salvador D. Silerio of the Regional Trial Court, Branch 14, of Ligao, Albay, said to have been committed by him while detailed at the Regional Trial Court, Branch 8, Legazpi City, from August 1989 to August 1997.

In a criminal case for an alleged violation of *Batas Pambansa Blg.* ("B.P.") 22, docketed Criminal Case No. 6623 and entitled "*People of the Philippines versus Arlene Duran*," lodged before the *sala* of herein respondent judge, the accused Arlene Duran posted a cash bond with the Clerk of Court in the amount of ONE THOUSAND PESOS (₱1,000.00), for which she was issued Official Receipt No. 3320162. On 19 April 1995, the case was dismissed and respondent judge, in his order of 31 May 1995, directed the cancellation and release of the cash bond. In compliance with the order, Attorney Jaime S. Narvaez, the Clerk of Court of the Legaspi City Regional Trial Court, issued Disbursement Voucher No. 95-25 and upon its approval by the Executive Judge, Land Bank (Legazpi Branch) Check No. 15244655 for ONE THOUSAND PESOS (₱1,000.00) was released by Attorney Narvaez in favor of Attorney Ernesto Gianan, counsel for accused Arlene Duran, as so ordered.

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In another criminal case for a similar violation of B.P. 22, docketed Criminal Case No. 6644 and entitled "*People of the Philippines versus Mary Jane Prieto*," again lodged in the *sala* of respondent judge, accused Mary Jane Prieto posted a cash bond of ONE THOUSAND PESOS (₱1,000.00) approved by respondent judge in his order of 30 March 1994. Accused Prieto was issued Official Receipt No. 3320162, bearing the same official receipt number previously issued to Arlene Duran in Criminal Case No. 6623. Hence, when respondent judge subsequently dismissed the case against Mary Jane Prieto and ordered the release of her bail bond on 16 August 1996 there was none that could be released since the amount, per the court order of 31 May 1995 in Criminal Case No. 6623, appeared on record to have already been disbursed.

Complainant additionally charged respondent judge with having engaged in a daily drinking spree during office hours, as early as 10:00 in the morning until 2:00 or 3:00 in the afternoon, within the premises of the Hall of Justice in the presence of litigants and lawyers. Respondent judge, according to complainant, would walk along the corridors of the Hall of Justice and preside over trial even when drunk.

In his answer, respondent judge claimed to have been unaware that the official receipt number recorded for Prieto's cash bond was previously used in another case, and that the superimposition and alterations appearing on the receipt were not apparent when the documents were first submitted to him for approval of the bail bond. Finding the papers to be regular and placing reliance on the undertakings signed by the accused and subscribed to by her before the Branch Clerk of Court, respondent judge scarcely found need to still verify the records. If at all, he said, his only undoing was that he became "too trusting of his court staff."

Anent the charges of habitual drunkenness, respondent admitted to being a social drinker but never in the company of lawyers and litigants as so asseverated in the complaint.

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Respondent judge attributed the filing of the administrative complaint to the malicious and vindictive attempt on the part of complainant Marietta Padilla, the court legal researcher, merely to discredit him. The ill motive of complainant could be gleaned, he claimed, from the fact that the complaint was filed not in 1994 when the alleged "discrepancy" was said to have happened but at a time when he was already set to retire.

Respondent optionally retired from the service effective 31 December 1997. In the resolution of 17 March 1998, the Court ordered the release of his optional retirement benefits except for the amount of ₱50,000.00 which was withheld pending the outcome of the instant administrative case.

In its report, dated 10 August 1998, the Office of the Court Administrator ("OCA"), through Court Administrator Alfredo Benipayo, made its evaluation; *viz*:

"Upon careful analysis of the documents/evidence submitted by herein complainant as well as the comment of respondent Judge, we find that there is dearth of evidence to directly implicate respondent Judge to subject anomaly. We believe, however, that respondent Judge should be made liable for carelessness and failure to exercise the necessary diligence when he signed the Order approving the spurious cash bond of accused Prieto.

"Signing of Orders must not be taken lightly nor should it be considered as one of the usual paperwork that simply passes through the hands of a judge for signature. Respondent Judge should be made to account for his negligence and lack of prudence which resulted in the anomaly now in question. In the case of *Suroza vs. Honrado* (110 SCRA 388) the Court ruled that a judge would be inexcusably negligent if he failed to observe in the performance of his duties that diligence, prudence and circumspection which the law required in the rendition of any public service. He cannot likewise exculpate himself, nor take refuge behind the lame excuse that he relied on his staff who, as per alleged standard operating procedure, are tasked to check compliance with the requirements for the approval of cash bonds. His position demands that he maintains professional competence and observe high standards of public service.

"Anent the alleged 'daily drinking spree' of respondent, the same being unsubstantiated cannot be given credence.

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"Although respondent judge has already retired during the pendency of this case, this Court did not lose its disciplinary authority over him."[1]

OCA recommended that the case be so re-docketed as an administrative matter and that respondent judge be made to pay a fine of ₱20,000.00 deductible from the ₱50,000.00 withheld from his retirement benefits for gross negligence.

In the Court resolution of 12 October 1998, the parties were directed to manifest whether they would be willing to submit the matter for resolution on the basis of the pleadings and documents on record. In her Manifestation, dated 20 November 1998, complainant said that she could not comply with the said resolution since she had yet to receive a copy of the comment of respondent on the complaint. The latter, on the other hand, averred in his manifestation of 10 May 1999 that he had since furnished complainant with a copy of his comment and urged that his own allegations of irregularities and anomalies committed by complainant while in office be likewise looked into. He expressed his willingness to present further evidence on his defense and counter charges if still required. In her letter, dated 23 September 1999, complainant manifested that she would "now rest and submit the case for decision."

The Court agrees with OCA except for the recommended fine which, considering the circumstances of the case, would appear to be rather excessive.

In the discharge of the functions of his office, a judge must strive to act in a manner that puts him and his conduct above reproach and beyond suspicion. He must act with extreme care for his office indeed is laden with a heavy burden of responsibility.[2] Certainly, a judge is enjoined, his heavy caseload notwithstanding, to pore over all documents whereon he affixes his signature and gives his official *imprimatur*. The cavalier attitude displayed by respondent judge in this case simply cannot be countenanced.

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[1] Office of the Court Administrator Report and Recommendation, p. 3.

[2] *Office of the Court Administrative vs. Estacion, Jr.*, 181 SCRA 33.

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Anent the charge of habitual drunkenness, the Code of Judicial Ethics does mandate that the conduct of a judge must be free from any whiff of impropriety not only with respect to the performance of his judicial duties but also to his behavior outside his *sala* and even as a private individual.[3] This charge against him, however, cannot be taken into account for lack of credible substantiation.

WHEREFORE, respondent judge is found GUILTY of NEGLIGENCE and imposed a fine of Five Thousand Pesos (₱5,000.00), deductible from his withheld retirement benefits the balance of which may be released following the normal procedure therefor.

SO ORDERED.

Melo (Chairman), Panganiban, and *Gonzaga-Reyes, JJ.*, concur.

Purisima, J., no part — abroad.

THIRD DIVISION

[A.M. No. RTJ-99-1439. May 9, 2000]

VIRGINIA VILLALUZ VDA. DE ENRIQUEZ, *complainant, vs.* **JUDGE JAIME F. BAUTISTA and DEPUTY SHERIFF JAIME T. MONTES, RTC, BR. 75, VALENZUELA, METRO MANILA,** *respondents.*

SYNOPSIS

Herein respondents Judge Bautista and Sheriff Montes were charged with gross misconduct for allegedly soliciting

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[3] *Castillo vs. Calanog, Jr.,* 199 SCRA 75.