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[A.M. No. P-97-1238. May 31, 1999]

RURAL BANK OF FRANCISCO F. BALAGTAS (BULACAN), INC., *complainant, vs.* **FLORENCIO B. PANGILINAN, Deputy Sheriff, Regional Trial Court, Quezon City, Branch 99,** *respondent.*

SYNOPSIS

A civil case for replevin was filed before the Regional Trial Court of Quezon City. A decision was rendered in favor of the plaintiff therein, Rural Bank of Francisco Balagtas (Rural Bank). After the decision had become final and executory, a writ of execution was issued. Marciano Cagatan, the defendant in the civil case, allegedly entrusted the amount of five thousand pesos to the respondent sheriff so that the same may be remitted to the Rural Bank. However, respondent failed to turn over the said amount to the Rural Bank. Due to the respondent sheriff's failure to remit the said amount despite repeated demands from the Rural Bank, a complaint for estafa was filed against him before the Ombudsman. The Supreme Court required respondent sheriff to file his comment. In his comment, respondent sheriff admitted receiving the amount for safekeeping but did not turn over the money because the Court of Appeals set aside the lower court's judgment. The Office of the Court Administrator recommended that the sheriff be dismissed from the service with forfeiture of his retirement benefits.

The Supreme Court agreed with the Office of the Court Administrator that the acts of respondent sheriff constitute grave dishonesty and grave misconduct which warrant his dismissal from the service. It is clear from the records of the case that the respondent sheriff committed an illegal act by his failure to immediately turn over the amount of five thousand pesos to the Rural Bank. His defense that the decision of the trial court was reversed by the Court of Appeals, hence the judgment was thereby nullified, was without basis. Being in effect a trustee of the money, he had the obligation to immediately remit the same to the Rural Bank, and the subsequent decision of the Court of Appeals did not operate to remove his liability. Deputy Sheriff Florencio B. Pangilinan was dismissed from the service with forfeiture of all retirement benefits, with prejudice to

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reinstatement or re-employment in any branch or institutionality of the government, including government-owned or controlled corporations. The Sheriff was also directed to immediately turn over the amount of P5,000.00 to the Branch Clerk of Court of the RTC, Br. 99, Quezon City for safekeeping until it has been determined as to who is actually entitled thereto.

SYLLABUS

1. **POLITICAL LAW; ADMINISTRATIVE LAW; COURT PERSONNEL; SHERIFFS; FAILURE TO REMIT AN AMOUNT COLLECTED DUE TO A COURT ORDER CONSTITUTES DISHONESTY AND GRAVE MISCONDUCT WHICH WARRANTS DISMISSAL FROM SERVICE; CASE AT BAR.—** The acts of respondent sheriff constitute grave dishonesty and grave misconduct which warrant his dismissal from the service. Based on the records, it is clear that respondent sheriff committed an illegal act by his failure to immediately turn over the amount of P5,000.00 to the Rural Bank. His defense that the decision of the trial court was reversed by the Court of Appeals, hence the judgment is thereby nullified, is without basis. Being in effect a trustee of the money, he had the obligation to immediately remit the same to the Rural Bank, and the subsequent decision of the Court of Appeals did not operate to remove his liability. As correctly observed by the Office of the Court Administrator "respondent, who has been in the service for twenty-two (22) long years, should have known that he was never authorized to keep in his custody any amount he collects due to a court order. Keeping the amount of P5,000.00 for nine (9) years unmistakably breeds suspicion. In all probabilities, respondent had misappropriated the said amount for his personal benefit hence, the reason why he cannot remit the same." Moreover, the Court notes that respondent sheriff was recently fined by this Court two thousand pesos (P2,000.00) for grave abuse of discretion in selling levied properties and has a pending case for violation of the Anti-Graft and Corrupt Practices Act. This indicates his propensity to commit acts of dishonesty in the course of his performance of duties.

2. **ID.; ID.; ID.; THE CONDUCT OF COURT PERSONNEL MUST NOT ONLY BE CHARACTERIZED BY PROPRIETY AND DECORUM BUT MUST ALSO BE ABOVE SUSPICION.—** This case again serves a reminder to

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all persons serving the Government, through the judiciary, that the conduct and behavior of every person connected with an office charged with the dispensation of justice, from the presiding judge to the lowest clerk, is tasked with a heavy burden of responsibility. His conduct, at all times, must not only be characterized by propriety and decorum but also, and above all else, be above suspicion. It is beyond question that the administration of justice is a sacred task so that respondent deputy sheriff, by the very nature of his duties and responsibilities, should have borne in mind that his unauthorized acts were violative of the norms of public accountability, hence, contributory to the diminishing image of the people's faith in the Judiciary. In the case *of Severiana Gacho v. Dioscoro A. Fuentes, Jr., Deputy Sheriff IV, Regional Trial Court, Branch 20, Cebu City,* this Court held that: "At the grassroots of our judicial machinery, sheriff and 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 a standing as a temple of justice. Respondent's behavior erodes the faith and confidence of our people in the administration of justice. He no longer deserves to stay in service any longer."

APPEARANCES OF COUNSEL

Gregorio L. Salazar for complainant.

D E C I S I O N

PER CURIAM:

A complaint-affidavit for estafa was filed against Florencio B. Pangilinan, Deputy Sheriff of the Regional Trial Court of Quezon City, Branch 99 by Sergio Manuel Clemente, as representative of the Rural Bank of Francisco Balagtas, Inc. before the Office of Ombudsman on September 11, 1996 and docketed as OMB-0-96-2216.[1]

[1] *Rollo*, p. 5.

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In a resolution dated November 27, 1996, the Office of the Ombudsman recommended that the complaint be referred to the Supreme Court for appropriate action.[2]

The facts of the case reveals that a civil case for replevin entitled "*The Rural Bank of Francisco Balagtas, Inc. v. Mariano Cagatan*" was filed before the Regional Trial Court of Quezon City, Branch 99. On April 10, 1987, a decision was rendered in favor of Rural Bank of Francisco Balagtas (Rural Bank) "ordering the defendant in the alternative to deliver plaintiff the motor vehicle, a Celeste Model 1977 with Plate No. NBA-513 and Motor No. 209827, or pay plaintiff the sum of P12,500.00 with legal interest thereon computed from the time of extrajudicial demand to the time the full amount is satisfied, plus attorney's fees in the amount of P2,000.00 and the cost of this suit."[3] After the decision had become final and executory, a writ of execution was issued. On November 29, 1988, Marciano Cagatan, the defendant in the civil case, allegedly entrusted the amount of five thousand pesos (P5,000.00) to respondent Sheriff Florencio Pangilinan so that the same may be remitted to the Rural Bank. However respondent failed to turn over the said amount.[4]

Atty. Gregorio Salazar, the legal counsel of Rural Bank repeatedly demanded from respondent sheriff to remit the amount of P5,000.00. Respondent sheriff, on the other hand, alleged that he gave the money to Atty. Leo B. Dacera III, then branch clerk of court of RTC, Branch 99.[5] However, Dacera, now a prosecutor of Quezon City denied having received any money from respondent sheriff.[6]

Due to respondent sheriff's failure to remit the P5,000.00 to the Rural Bank despite repeated demands, a complaint for estafa was filed against him before the Ombudsman.

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[2] *Rollo*, pp. 12-14.

[3] *Rollo*, pp. 6-8.

[4] *Rollo*, p. 5.

[5] *Rollo*, p. 9.

[6] *Rollo*, p. 11.

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On June 9, 1997, the Second Division of this Court required respondent sheriff to file his comment. In the meantime, a manifestation was filed by the Rural Bank informing the Court that it has been nine years and respondent has yet to remit the money.

Respondent sheriff filed his comment only after he was required by the Court to show cause why he should not be disciplinarily dealt with for failure to file his comment within the required period.

Respondent, in his comment, admitted receiving the amount of P5,000.00 from Marciano Cagatan for safekeeping but did not turn over the money because he contends that the Court of Appeals, to which defendant Marciano Cagatan appealed the April 10, 1987 decision of the Regional Trial Court of Quezon City, Branch 99, set aside the lower court's judgment in a decision dated February 8, 1989.

On March 3, 1999, the Office of the Court Administrator recommended that Florencio B. Pangilinan be dismissed from the service with forfeiture of all retirement benefits, with prejudice to reinstatement or re-employment in any branch or institutionality of the government, including government-owned or controlled corporation. He was likewise directed to immediately turn over the amount of P5,000.00 to the Branch Clerk of Court of RTC, Branch 99, Quezon City for safekeeping within 10 days from notice, until it has been determined as to who is actually entitled thereto, otherwise, criminal action is recommended to be instituted against him.

We agree with the Office of the Court Administrator that the acts of respondent sheriff constitute grave dishonesty and grave misconduct which warrant his dismissal from the service. Based on the records, it is clear that respondent sheriff committed an illegal act by his failure to immediately turn over the amount of P5,000.00 to the Rural Bank. His defense that the decision of the trial court was reversed by the Court of Appeals, hence the judgment is thereby nullified, is without basis. Being in effect a trustee of the money, he had the obligation to immediately

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remit the same to the Rural Bank, and the subsequent decision of the Court of Appeals did not operate to remove his liability.

As correctly observed by the Office of the Court Administrator "respondent, who has been in the service for twenty-two (22) long years, should have known that he was never authorized to keep in his custody any amount he collects due to a court order. Keeping the amount of P5,000.00 for nine (9) years unmistakably breeds suspicion. In all probabilities, respondent has misappropriated the said amount for his personal benefit hence, the reason why he cannot remit the same."

Moreover, the Court notes that respondent sheriff was recently fined by this Court two thousand pesos (P2,000.00) for grave abuse of discretion in selling levied properties[7] and has a pending case for violation of the Anti-Graft and Corrupt Practices Act.[8] This indicates his propensity to commit acts of dishonesty in the course of his performance of duties.

This case again serves a reminder to all persons serving the Government, through the judiciary, that the conduct and behavior of every person connected with an office charged with the dispensation of justice, from the presiding judge to the lowest clerk, is tasked with a heavy burden of responsibility. His conduct, at all times, must not only be characterized by propriety and decorum but also, and above all else, be above suspicion.[9]

It is beyond question that the administration of justice is a sacred task so that respondent deputy sheriff, by the very nature of his duties and responsibilities, should have borne in mind that his unauthorized acts were violative of the norms of public accountability, hence, contributory to the diminishing image of the people's faith in the Judiciary.[10]

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[7] *Rodolfo Cruz v. Florencio Pangilinan*, A.M. No. P-95-1134.

[8] OCA-IPI No. 98-474-P.

[9] *Bornasal, Jr. v. Montes*, 280 SCRA 181 (1997) *citing Atty. Wilfredo C. Banogan v. Felipe T. Arias, Sheriff III, Office of the Clerk of Court, MTCC, Davao City*, AM No. P-97-1240, June 19, 1997.

[10] *Ibid.*, citing *Eddie Babor v. Vito P. Garchitorena, Deputy Sheriff, RTC, OCC, Pili, Camarines Sur*, AM No. P-94-1070, April 8, 1997.

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In the case of *Severiana Gacho v. Dioscoro A. Fuentes, Jr., Deputy Sheriff IV, Regional Trial Court, Branch 20, Cebu City*,[11] this Court held that:

"At the grassroots of our judicial machinery, sheriff and 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. Respondent's behavior erodes the faith and confidence of our people in the administration of justice. He no longer deserves to stay in service any longer."

The records of this case indubitably establish respondent's sheriff illegal act, for which his dismissal is proper.

WHEREFORE, premises considered, Deputy Sheriff Florencio B. Pangilinan of the Regional Trial Court of Quezon City, Branch 99, is hereby *DISMISSED* from service with forfeiture of all retirement benefits, with prejudice to reinstatement or re-employment in any branch or institutionality of the government, including government-owned or controlled corporations. He is likewise directed to immediately turn over the amount of P5,000.00 to the Branch Clerk of Court of RTC, Branch 99, Quezon City for safekeeping within ten (10) days from notice, until it has been determined as to who is actually entitled thereto.

SO ORDERED.

Davide, Jr., C.J., Romero, Bellosillo, Melo, Puno, Vitug, Kapunan, Mendoza, Quisumbing, Pardo, Buena, Gonzaga-Reyes, and *Ynares-Santiago, JJ.*, concur.

Panganiban and *Purisima, JJ.*, on leave.

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[11] A.M. No. P-98-1265, June 29, 1998, citing *Punzalan-Santos v. Arquiza*, 244 SCRA 527 (1995).