

Title: Aquino-Simbulan vs. Zabat: A Case of Simple Misconduct in the Judiciary Brief / Digest)

Facts:

1. **September 15, 2003** - Vice-Executive Judge Divina Luz P. Aquino-Simbulan conducted an attendance verification at the Office of the Clerk of Court in San Fernando, Pampanga, at 11:20 AM. Even though Sheriff Edgardo Zabat had logged his arrival at 7:58 AM, he was absent without a travel order or entry in the official locator logbook.
2. **September 15, 2003** - Judge Aquino-Simbulan issued a memorandum directing Sheriff Zabat to explain his absence, citing potential falsification of the official attendance logbook.
3. **September 18, 2003** - Sheriff Zabat explained that he left the office due to a sudden illness, supported by a medical report, and that his compadre fetched him.
4. **October 3, 2003** - Judge Aquino-Simbulan again found Sheriff Zabat absent during an attendance verification despite a previous warning, issuing a second memorandum.
5. **Response to Second Memorandum** - Sheriff Zabat claimed he left for lunch at 12:45 PM and later visited Judge Corpuz. He logged his return at 1:55 PM.
6. **March 24, 2004** - Sheriff Zabat was again absent during a raffle for extra-judicial foreclosure at 11:00 AM. He arrived at 11:50 AM, stating conflicting reasons for his absence, ultimately admitting to assisting a friend in the MTCC.
7. **March 26, 2004** - Zabat responded to a memorandum, asserting he was following up a court order at MTCC but failed to properly log out or have official authorization.
8. **April 2004** - Based on the accumulated infractions, including failure to follow procedural requirements, Judge Aquino-Simbulan charged Zabat with grave misconduct, seeking his dismissal and forfeiture of benefits.

Procedural Posture:

- **Complaint Filed:** Administrative complaint filed by Judge Aquino-Simbulan against Sheriff Zabat.
- **Defense by Zabat:** Responded denying allegations and providing explanations for each incident.
- **Subsequent Analysis:** The Office of the Court Administrator (OCA) examined the evidence, finding insufficient basis for grave misconduct but determining simple misconduct.
- **Recommendation:** OCA recommended a fine equivalent to one-month salary, considering Zabat was retiring and suspension was no longer applicable.

Issues:

1. Whether Sheriff Edgardo Zabat committed grave misconduct justifying removal from

office.

2. Whether the accumulated infractions amounted to gross neglect of duty.

3. Appropriate penalty given the findings of administrative liability.

Court's Decision:

- Sheriff Edgardo Zabat found guilty of simple misconduct, not grave misconduct.
- **First Infraction (September 15, 2003)**: Court acknowledged illness as a valid reason but faulted Zabat for not informing his superior of his whereabouts.
- **Second Infraction (October 3, 2003)**: The court accepted Zabat's explanation but noted the procedural lapse of not logging out properly.
- **Third Infraction (March 24, 2004)**: The Court agreed with the OCA that Zabat failed to log out and had no official business at MTCC, showing procedural negligence.

Doctrine:

- **Public Office as Public Trust**: Public office entails strict observance of official duties and time, adherence to procedural requirements, and accountability in public service.
- **Misconduct**: Defined under CSC Resolution No. 99-1936, simple misconduct must result in penalties considering service length and openness to reformation.

Class Notes:

- **Misconduct**: Differentiates between simple and grave misconduct; impact of procedural lapses.
- **Absenteeism/Tardiness**: Defined under CSC rules, and the need for proper authorization and log entries.
- **Doctrine of Public Trust**: Reinforces accountability and efficient service delivery in public office.

Historical Background:

- During this period, Philippine judiciary aimed to enhance transparency and accountability, emphasizing strict adherence to procedural norms and regulations to elevate public trust in judicial processes.

In conclusion, the Supreme Court balanced procedural violations against mitigating factors, affirming accountability through a penalty commensurate with the offense's gravity.