

### Title:

\*\*Office of the Court Administrator vs. Jose M. Ramano\*\*

### Facts:

\*\*Initiation and Context:\*\*

- \*\*July 6, 1990:\*\* Jose S. Dela Riva filed a criminal case against Jose M. Ramano for violation of Section 3(f) of R.A. No. 3019 (Anti-Graft and Corruption Practices Act) before the Sandiganbayan. The case involved allegations of extortion, deliberate delay in serving court processes, and refusal to levy properties in relation to Civil Case No. 35349.

\*\*Administrative Proceedings:\*\*

- \*\*August 7, 1990:\*\* Pursuant to an En Banc Resolution dated March 12, 1981, Court Administrator Meynardo A. Tiro initiated an administrative case against Ramano based on the criminal allegations.

- \*\*August 27, 1990:\*\* The Supreme Court required Ramano to submit his Comment on the administrative complaint.

- In his response, Ramano denied the charges, attributing delays in executing a writ to Dela Riva's refusal to consult his lawyer and failure to point out properties to be levied. He denied allegations of extortion or demanding a 35% share of recoveries.

- \*\*October 10, 1990:\*\* The Supreme Court decided to hold the administrative proceedings in abeyance pending the outcome of the criminal case (Criminal Case No. 15166).

\*\*Criminal Case Outcome:\*\*

- \*\*November 4, 1991:\*\* The Sandiganbayan found Ramano guilty of violating R.A. 3019.

- Ramano's motion for reconsideration was denied on June 15, 1992.

- \*\*March 25, 1993:\*\* The Supreme Court dismissed Ramano's petition for certiorari, and an entry of judgment was issued.

- \*\*June 15, 1993:\*\* Ramano failed to appear for the promulgation of his judgment, resulting in an order for his arrest. He has remained at-large since.

\*\*Administrative Proceedings Resumed:\*\*

- \*\*February 13, 2008:\*\* The Supreme Court referred the administrative matter to the Office of the Court Administrator (OCA) for evaluation, report, and recommendation.

- \*\*May 19, 2008:\*\* The OCA found Ramano guilty of serious misconduct and recommended his dismissal from service, with forfeiture of all benefits except accrued leave credits.

### Issues:

1. **Whether Jose M. Ramano committed gross misconduct by deliberately failing to execute a writ of execution to extort money from Jose S. Dela Riva.**
2. **Whether his continuous absence without official leave since July 1993 and being at-large constituted additional grounds for administrative sanctions.**

### ### Court's Decision:

#### **Resolution of Issues:**

##### 1. **Gross Misconduct:**

- The Court affirmed that Ramano's failure to execute the writ of execution was deliberate and aimed at coercing Dela Riva into paying a 35% share of collections. Evidence established that Ramano did not take necessary steps to locate the properties despite being provided substantial leads, emphasizing his neglect of duty and misconduct.

##### 2. **Continuous Absence and Escape from Justice:**

- Ramano's absence without leave since July 1, 1993, and his continued evasion from arrest, were further indicative of his guilt and demonstrated gross misconduct. This failure to appear during the promulgation of the judgment solidified the verdict against him.

#### **Final Ruling:**

- The Supreme Court adopted the OCA's recommendation, finding Ramano guilty of gross misconduct. He was ordered dismissed from service, with forfeiture of all his retirement benefits and privileges, except for accrued leave credits, and with prejudice to re-employment in any government branch or instrumentality, including government-owned or controlled corporations.

### ### Doctrine:

- **"Misconduct in Office":** Intentional non-performance of a duty for unlawful purposes—here, to extort money—is gross misconduct.
- **"Public Trust and Accountability":** Court personnel, especially those executing court processes, must adhere to high ethical standards to maintain the judiciary's integrity.
- **"Ministerial Duty of Sheriffs":** Sheriffs have the duty to execute writs promptly and completely unless restrained by a court order. Delays or refusals to perform their duties are inexcusable and subject to severe penalties.

### ### Class Notes:

- **Key Elements/Concepts:**
- **Gross Misconduct:** Involves wrongful behavior, willful in character, and of grave

nature. It undermines the public's confidence in the judiciary (R.A. No. 3019).

- **Ministerial Duty:** Sheriffs must act with urgency and precision in executing court orders.
- **Accountability of Court Employees:** Including sanctions for misconduct and negligence (Sec. 52 (A) (3), Revised Rules on Administrative Cases in the Civil Service).

**Historical Background:**

- **Administrative Accountability for Judicial Personnel:** This case highlights the operational ethos of accountability and high ethical standards expected of judicial personnel in the Philippines. It reflects the judiciary's commitment to addressing and sanctioning misconduct within its ranks to preserve its integrity and public confidence.