

****Title:**** Eddie M. Tiu, represented by Romano M. Gutierrez vs. Romeo A. Dela Cruz, Sheriff, RTC Branch 23, Naga City (A.M. No. P-06-2223)

****Facts:****

1. ****Case Initiation:**** On February 8, 2006, Romano M. Gutierrez, acting as attorney-in-fact for Eddie M. Tiu, filed a special civil case for damages against the Camarines Sur Electric Cooperative II (CASURECO II). The case with a prayer for a temporary restraining order (TRO) and writ of injunction was docketed as Special Civil Case No. 2006-0014.
2. ****Issuance of TRO:**** Executive Judge Pablo Paqueo, Jr., of RTC Naga City issued a 72-hour TRO to prevent CASURECO II from disconnecting electricity supply to Tiu's plant, Mapro Air Products (MAPRO), and set the hearing for its extension on February 13, 2006.
3. ****Service of TRO:**** Complainant Gutierrez personally drove respondent Sheriff Romeo A. Dela Cruz to serve the TRO and other documents to CASURECO II. Gutierrez claimed that upon respondent's insistence, he gave the respondent an additional PHP 3,000 to expedite service.
4. ****Incident at CASURECO II:**** Respondent allegedly spent an extended period in the office of Engr. Rodelo Pasumbal. Subsequently, he claimed to have served the TRO, although he did not show the documents to Gutierrez.
5. ****Disconnection of Service:**** CASURECO II cut off MAPRO's electricity supply on February 9, 2006, leading Gutierrez to file a police blotter entry and confront respondent, who later admitted uncertainty about serving the TRO.
6. ****Procedural Deficiency:**** It was revealed that the Sheriff's Return indicated the service of the summons, complaint, and notice of raffle but omitted the TRO, suggesting it was not served.
7. ****Administrative Complaint:**** On March 8, 2006, Gutierrez filed an administrative complaint against Dela Cruz for dereliction of duty, gross dishonesty, and fraud.
8. ****Respondent's Defense:**** Dela Cruz claimed that he followed proper procedures but inadvertently missed that the TRO was not returned to him after another employee had served it. He denied extorting PHP 3,000 or acting dishonestly.
9. ****OCA Investigation:**** The Office of the Court Administrator conducted a probe, wherein

the investigating officer found no proof of dishonesty but recommended respondent be reprimanded for failing to serve the TRO personally and verify document receipt.

10. **Court Hearings:** The complainant did not appear during the scheduled hearings, leading to further investigation based on existing documents.

Issues:

1. Whether Sheriff Dela Cruz committed dereliction of duty, gross dishonesty, and fraud.
2. The sufficiency of the evidence to prove the allegations against the respondent.
3. The appropriate penalty for respondent's conduct.

Court's Decision:

1. **Complainant's Authority:** The court affirmed that Gutierrez, under the Special Power of Attorney granted by Tiu, was authorized to file the administrative complaint.
2. **Dishonesty and Fraud:** There was no extant evidence to substantiate the claims of dishonesty and fraud. The allegations could not be proven beyond complainant's absence and statements, thus respondent was absolved of these charges.
3. **Neglect of Duty:** Substantial evidence supported that there was indeed simple neglect of duty. The respondent failed in his duty by trusting documents to an unidentified person and not personally verifying their service.
4. **Imposed Penalty:** Given the neglect in service and resulting damage to the complainant's principal, a reprimand was deemed too light. Instead, the court imposed a fine equivalent to one month's salary on the respondent and warned of more severe consequences for similar future infractions.

Doctrine:

- **Gross Dishonesty and Fraud:** Requires substantial evidence which was not present in this case, leading to absolution based on the absence of proof (*Aquino v. Lavadia*, 417 Phil. 770 (2001)).
- **Simple Neglect of Duty:** Defined as a failure to give proper attention to a task duty owing to carelessness or indifference, not necessarily with bad faith. This carries more serious administrative penalties on first and additional offenses (Uniform Rules on

Administrative Cases in the Civil Service).

****Class Notes:****

- ****Simple Neglect of Duty:**** Failure to give proper attention to a task through carelessness or indifference; administrative penalties include suspension or fines.
- ****Sheriff's Duty:**** Obligation to exercise reasonable care, diligence, and honesty in performing tasks such as serving court orders.
- ****Reprimand and Fines:**** Applied where neglect does not arise to gross misconduct but demonstrates failure in duty performance sufficient to warrant correction.

****Historical Background:****

This case arose from procedural and administrative conduct issues within the Philippine judiciary. It underscores the importance of diligence and personal accountability for sheriffs and court personnel in executing court orders, exemplifying the broader judicial effort to maintain public confidence and ensure justice administration is uncompromised by indolence or procedural lapses.