

**TERESA T. GONZALES LAÑO AND CO., INC., ETC., COMPLAINANT,
SHERIFF JADI T. HATAB, RESPONDENT.***A.M. No. P-99-1337. January 25, 2006*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/0aef5b8005de/>**PER CURIAM:**

Before us are the letters of respondent Jadi T. Hatab, retired Judge Lucia Violago-Isnani and Clerk of Court VII Engracio M. Escasinas, all dated November 17, 2005 and the letters of respondent's wife, Lorida A. Hatab, and those of his children, Benjar, Karizsa, and Jarlida, all dated November 14, 2005 pleading for judicial clemency relative to the Court's Resolution dated April 5, 2000 dismissing respondent from the service for grave misconduct, with forfeiture of all retirement benefits and leave credits, if any, and with prejudice to reinstatement or re-employment in any branch, instrumentality or agency of the government including government-owned or controlled corporations. [1] In said Resolution, the Court found respondent sheriff administratively liable for delaying without valid reason the execution of the decision of the Regional Trial Court in Civil Case No. 97-1067.

In his letter dated November 17, 2005, respondent Hatab contended that from the time the aforementioned Resolution was issued, or for a period of more than 5 years now, he had come to realize the value of his work as sheriff. He admitted having committed the error of failing to enforce the writ of execution issued by the court, but he emphasized that said error was not motivated by any improper consideration nor was it intended to tarnish the good reputation of the Judiciary. He also pointed out that he has rendered 17 long years to government service with dedication, good faith and faithful obedience to the exacting standards set for government employees.

He also brought to the attention of the Court the tremendous suffering that he and his whole family is enduring by reason of the loss of his employment in the court. One of his children had to stop going to school and his wife had to accept laundry work as he has no permanent income.

All of the foregoing was attested to by retired Judge Lucia Violago- Isnani who narrated that respondent, who is her godson, tried to rebuild his life by returning to his hometown in Sulu but he discovered that their place had been occupied by rebel groups, hence, he could not make a living there as a farmer.

Engracio M. Escasinas, Jr., Clerk of Court VII of the RTC of Makati, stated in his letter that he has known respondent for 10 years and from his assessment, he believes respondent has been reformed and is worthy of entering the government service again.

In her letter, respondent's wife stated thus:

. . . Si Jadi po and aking asawa ay pa extra-extra lang po sa pagmamaneho at ako po naman ay kumukuha lamang ng labahin sa aming mga kapitbahay.
Sana po ay bigyan pansin ninyo and aming kahilingan na makabalik and aking asawa sa kanyang trabaho, para po sa aming mga anak, na mga nag-aaral liban sa aking panganay na anak na nagsakripisyo huminto sa pag-aaral para lamang po huwag mapatigil ang kanyang dalawang kapatid sa pag-aaral.

Respondent's children also reiterated in their letters the sufferings narrated by their mother. They also stressed

their wish for their father to be able to return to government service so they could continue their education.

It is true that court officials are exhorted to be paragons of integrity. In *Gutierrez vs. Quitalig*, [2] we emphasized that:

Time and again, this Court has pointed out the heavy burden and responsibility which court personnel are saddled with in view of their exalted positions as keepers of the public faith. They should therefore be constantly reminded that any impression of impropriety, misdeed or negligence in the performance of official functions must be avoided. Those who work in the judiciary must adhere to high ethical standards to preserve the courts' good name and standing. They should be examples of responsibility, competence and efficiency, and they must discharge their duties with due care and utmost diligence since they are officers of the court and agents of the law. Indeed, any conduct, act or omission on the part of those who would violate the norm of public accountability and diminish or even just tend to diminish the faith of the people in the judiciary shall not be countenanced. [3]

However, respondent's letter constrained the Court to give this case another look. Closer scrutiny revealed significant facts that struck the Court as possible reasons to grant judicial clemency.

Respondent was found guilty of failing to enforce an Order of the RTC dated September 1, 1997, the decretal portion of which reads as follows:

Premises considered and finding the motion for execution to be meritorious and in order, the same is granted. Let the corresponding writ of execution in accordance with the decision of this Court, affirming in toto the decision of the trial court, in favor of the plaintiff-appellee be issued.

On September 17, 1997, or barely 16 days after the RTC ordered the issuance of a writ of execution, complainant Teresa T. Gonzales La'O & Co., Inc. filed an administrative complaint against herein respondent for the latter's delay in enforcing said writ. Respondent stated in his defense that he held in abeyance the execution of the RTC judgment because he learned of the pendency of a motion for reconsideration of the September 1, 1997 Order and because the case was re-raffled to another sala. Records also reveal that the defendant in Civil Case No. 97-1067 filed with the Court of Appeals a petition for certiorari, prohibition and mandamus assailing the RTC Order dated September 1, 1997.

The Court held that there was no valid reason for respondent's delay in the execution of the decision of the RTC because Section 21, Rule 70 of the 1997 Rules of Civil Procedure explicitly provides that the judgment of the regional trial court in ejectment cases appealed to it shall be immediately executory and can be enforced despite the perfection of an appeal to a higher court. The Court also stated that the new rule is a departure from the previous procedure under Rule 70 of the 1964 Rules of Court where the defendant could prevent the immediate execution of the judgment by taking an appeal and making periodic deposit of monthly rentals during the pendency of the appeal.

The Court notes, however, that the RTC Order dated September 1, 1997, directing the issuance of the writ of execution, was issued merely 2 months from July 1, 1997, the date of effectivity of the 1997 Rules of Civil Procedure, which changed the previous rule where execution of the judgment may be stayed, as stated above. It is quite understandable for respondent, who is not even a lawyer, to be confused regarding such changes in the Rules of Court. The period of 2 months between July 1, 1997, the effectivity of the 1997 Rules of Civil Procedure, and September 1, 1997, the date the RTC issued its order of execution, may have been too short for respondent to learn of the changes in procedure introduced by the new Rules. Respondent should have been given a little more leeway for mistakenly believing that execution may be held in abeyance because of the pendency of a motion for reconsideration of the RTC Order dated September 1, 1997 and the re-raffle of the case to another sala.

Moreover, there is no finding that respondent's delay in the execution was in bad faith, with malice or for monetary consideration.

Thus, the following circumstances impel us to grant respondent's present plea for judicial clemency:

- Respondent has rendered seventeen (17) years of government service.
- This is the first and only administrative charge for which he was found guilty.
- He was dismissed from the service more than five (5) years ago and has since then been reformed.
- The fact that respondent may have been confused about the significant changes in legal procedure brought about by the 1997 Rules of Civil Procedure which took effect only two months before his commission of the offense.
- Lack of evidence that the offense was committed in bad faith, with malice or for monetary consideration.

In *Junio vs. Judge Pedro C. Rivera, Jr.*, [4] the Court saw it fit to reconsider the penalty imposed on an erring judge after he exhibited sincere repentance:

. . . we believe that extending to him our judicial clemency is in order. Let us "give him the chance to redeem himself," as we so aptly declared in *State Prosecutors vs. Judge Manuel T. Muro*. Let us not be heartless when we see a repentant respondent grieving over the wrong he committed. Justice without compassion is no justice at all.

Similarly, the Court finds merit in herein respondent's plea that he be allowed to find gainful employment in the government service. The Court also deems it just to grant him whatever monetary benefits he is entitled to for his long service in government as this will aid him and his family.

WHEREFORE, the request of respondent *Jadi T. Hatab* for judicial clemency is GRANTED. The prohibition for his "re-employment in any part of the government service including government-owned or controlled corporations" mandated in our Resolution dated April 5, 2000 is LIFTED. He is authorized (1) to be employed (if qualified) in any government office including government-owned or controlled corporations; and (2) to receive whatever monetary benefits due him for his long service in the government.

SO ORDERED.

Panganiban, C.J., Puno, Quisumbing, Ynares-Santiago, Sandoval-Gutierrez, Carpio, Austria-Martinez, Corona, Carpio-Morales, Callejo, Sr., Azcuna, Tinga, Chico-Nazario, and Garcia, JJ., concur.

[1] A.M. No. P-99-1337, April 5, 2000, 386 Phil. 88, 93.

[2] A.M. No. P-02-1545, April 2, 2003, 448 Phil. 469.

[3] *Id.*, pp. 478-479.

[4] A.M. No. MTJ-91-565, October 5, 2005.

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