

**OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS.
EDWIN N. LATAYAN, SHERIFF IV, REGIONAL TRIAL COURT, BRANCH
107, QUEZON CITY, RESPONDENT.**

A.M. NO. P-02-1665. September 13, 2006

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PER CURIAM:

Respondent Edwin N. Latayan ("respondent") is the Sheriff of Branch 107 of the Regional Trial Court of Quezon City ("RTC-Branch 107") while Judge Rosalina L. Pison ("Judge Pison") is that court's presiding judge. On 13 May 2002, Judge Pison ordered the issuance of a writ of execution against Summit Guaranty and Insurance Company, Inc. (SGIC) in Criminal Case No. 01-103713[1] for the full payment of a P30,000 bond. On 2 July 2002, Judge Pison ordered the issuance of another writ of execution against SGIC in Criminal Case No. 01-105257[2] for the full payment of a P50,000 bond. Accordingly, Atty. Maria Zoraida Zabat Tuazon ("Atty. Tuazon"), the Branch Clerk of Court, issued the corresponding writs of execution.

On 15 July 2002, respondent telephoned Jennifer Baldueza ("Baldueza"), the Marketing Officer of SGIC, and informed her that the trial court issued a writ of execution for P50,000 against SGIC. Respondent allegedly said that he could conceal the writ of execution if SGIC would give him P25,000. Baldueza replied that SGIC did not have that much money.

On 12 August 2002, respondent again telephoned Baldueza to ask if SGIC already had the money, otherwise he would enforce the writ of execution. Respondent told Baldueza that he would be at the SGIC office on 21 August 2002 at 2:30 p.m. to pick up from Baldueza the P4,000 and he would get the balance some other time.

On 20 August 2002, Baldueza and SGIC Clerk Maria Victoria D. Lim ("Lim") went to the Anti- Organized Crime Unit of the Office for Business Concerns, PNP Criminal Investigation and Detection Group (CIDG-AOCBCD) and lodged a complaint against respondent. The Chief of the Intelligence Branch of the CIDG-AOCBCD prepared two P1,000 bills for powder dusting mixed with four undusted P500 bills for use in the entrapment operation. Lim was assigned to give the money to respondent.

On 21 August 2002, at around 9:00 a.m., joint elements of CIDG-AOCBCD-Intelligence Branch and AFP-ACTAF led by PS1 Arnold Palomo ("PS1 Palomo") and D/Sgt. Noel C. Camada were dispatched to conduct the entrapment operation in Room 306, Aurelio Building, 9th Avenue, Grace Park, Kalookan City. Upon arrival of the team, PS1 Palomo coordinated with the employees of the insurance company while the rest of the team positioned themselves in strategic places within the vicinity and waited for respondent.

At around 3:00 p.m., respondent arrived and talked directly to Lim in a room with its door left open. A few seconds later, Lim handed over the marked money to respondent. The police operatives approached respondent and, then and there, placed him under arrest. When asked for the marked money, respondent reached for his right back pocket, took the marked money and surrendered the amount of P4,000 which included the powder-dusted P1,000-bills.

Respondent was detained and charged in an Information for robbery-extortion. The case was docketed as Criminal Case No. C-66090 (2002). The recommended bail was P100,000 and respondent was eventually released on bail.

During the last week of August 2002, Judge Pison noticed that respondent had not been reporting for work. Judge Pison's clerk of court informed her that respondent was caught in an entrapment operation in Kalookan City and was detained. Later, on a Saturday, Judge Pison received a telephone call in her house from respondent. When Judge Pison asked respondent about the entrapment, respondent allegedly admitted he was involved in an entrapment in Kalookan City and was detained. Judge Pison told respondent to see her at her office on Monday but respondent failed to do so. Thus, Judge Pison requested her clerk of court to tell respondent to tender his resignation.[3]

Meanwhile, in a letter dated 27 August 2002, Judge Pison wrote the Court Administrator recommending that respondent be suspended from the service. In her letter dated 10 September 2002, Judge Pison attached a certified true copy of the Information and requested the detail of respondent at the Office of the Clerk of Court ("OCC").

On 31 August 2002, respondent submitted his letter of resignation but on 2 September 2002, Judge Pison received a letter from respondent withdrawing this letter of resignation.

Acting on the letter of Judge Pison, the Court issued a Resolution dated 16 December 2002 docketing the case as a regular administrative matter and directing respondent to comment on the documents relative to the robbery and extortion charges against him. The Court suspended respondent pending the final outcome of the criminal case against him considering that the evidence against him was *prima facie* strong.

In his Comment dated 8 April 2003, respondent denies that he demanded money from SGIC in exchange for the non-service of the writ of execution. Respondent claims that the P4,000 he received on 21 August 2002 was part of the initial payment of P6,000 for collection pursuant to the order of Judge Pison. He further claims he called Baldueza of SGIC to remind her that SGIC's pending obligation was due. Respondent prays for the dismissal of this administrative case.[4]

On 29 April 2003, Judge Pison wrote a letter to the Court Administrator requesting that, whatever might be the outcome of the criminal case, respondent should not be detailed anymore in her sala as she could not allow respondent to work in her court because respondent admitted to her the entrapment.

In the Resolution dated 13 August 2003, the Court resolved to refer this case to Executive Judge Natividad A. Giron-Dizon ("Investigating Judge Giron-Dizon") of the RTC-Quezon City for investigation, report and recommendation. At the initial investigation, Judge Pison, Baldueza, Lim and respondent appeared. As prayed for, they were given 15 days within which to submit their respective affidavits and counter-affidavits. Judge Pison, Baldueza and respondent submitted their respective affidavits.

On 22 January 2004, Investigating Judge Giron-Dizon submitted her report finding respondent guilty of dishonesty in the performance of his duties. She recommended that respondent be dismissed from the service with perpetual disqualification from re-employment in government service.

Investigating Judge Giron-Dizon noted that if respondent's contention that he was just collecting SGIC's obligation on forfeited bonds were true, he should have issued the corresponding receipt immediately after receiving the money. According to Investigating Judge Giron-Dizon, execution of forfeited bonds is paid directly to the OCC which issues clearances. It is not the practice of the sheriff to enforce a writ on forfeited bonds. The bonding company settles its obligation with the OCC and the court does not allow staggered payments on forfeited bonds. Investigating Judge Giron-Dizon stated that respondent had no authority to collect partial payment since respondent was not an accountable officer.

Investigating Judge Giron-Dizon further noted that if respondent really believed he was innocent, he should have immediately called the branch clerk of Judge Pison during the entrapment instead of allowing himself to be detained and charged.

On 1 March 2004, the Court referred this case to the Office of the Court Administrator ("OCA") for evaluation, report and recommendation.

The OCA adopted the findings and recommendation of Investigating Judge Giron-Dizon and stated that persons involved in the dispensation of justice must live up to the strictest standards of integrity, probity, uprightness, honesty and diligence in the public service. Sheriffs, as frontline representatives of the justice system, should be imbued with a sense of professionalism in the performance of their duties. Thus, the OCA found respondent guilty of dishonesty and recommended his dismissal from the service, with forfeiture of retirement benefits, except accrued leave credits, and perpetual disqualification from re-employment in the government service.

We find the reports and recommendations of Investigating Judge Giron-Dizon and the OCA well- taken.

Respondent admitted having received the P4,000 allegedly as partial payment of the SGIC obligation, but claimed he was surprised when PNP-CIDG operatives accosted and apprehended him. Respondent denied extorting money from SGIC or violating his duties as sheriff. He admitted calling SGIC on 21 August 2003 to remind them of the court's order directing SGIC to pay, "in staggered basis." He then went to the SGIC office to receive the P4,000. As he further admitted in his Affidavit, respondent informed Judge Pison on 24 August 2002 of his plight and relayed to her the circumstances pertaining to his arrest.[5]

It took respondent some time to inform his superiors of his whereabouts. As correctly pointed out by Investigating Judge Giron-Dizon, if respondent believed himself to be innocent, he could have called his superiors or Judge Pison for assistance.[6] Under a situation where respondent's honesty, credibility and integrity are at stake, respondent should have exerted his best effort to prove his innocence. As it stands, respondent simply allowed himself to be arrested and detained.

As pointed out by Investigating Judge Giron-Dizon, it is not the practice of a sheriff to enforce the writ on forfeited bonds. The bonding company simply settles its obligation with the Office of the Clerk of Court. Moreover, courts do not allow staggered payments on forfeited bonds and respondent had no authority to collect partial payment because he is not an accountable officer.[7] Even if respondent had such an authority, still he did not issue a receipt immediately after receiving the money.

In the implementation of a writ of execution, only the payment of sheriff's fees may be received by sheriffs. Sheriffs are not allowed to receive voluntary payments from parties in the course of the performance of their duties. To do so would be inimical to the best interest of the service because even assuming arguendo such payments were indeed given and received in good faith, this fact alone would not dispel the suspicion that such payments were made for less than noble purposes. Corollary, a sheriff cannot just unilaterally demand sums of money from a party-litigant without observing the proper steps; otherwise, it would amount to extortion.[8]

High standards are expected of sheriffs, who play an important role in the administration of justice.[9] At the grassroots of our judicial machinery, sheriffs and deputy sheriffs are indispensably in close contact with litigants. Hence, their conduct should be geared towards maintaining the prestige and integrity of the court.[10] The Court condemns and would never countenance any conduct, act or omission on the part of all those involved in the administration of justice which would violate the norm of public accountability and diminish the faith of the people in the judiciary.[11]

Under Section 52, Rule IV of the Uniform Rules on Administrative Cases in the Civil Service, dishonesty is a

grave offense which carries with it the penalty of dismissal, even if committed for the first time. Under Section 58 of the same rule, the penalty of dismissal carries with it the cancellation of eligibility, forfeiture of retirement benefits, and the perpetual disqualification from re-employment in the government service.

WHEREFORE, we find respondent Edwin N. Latayan, Sheriff IV of Branch 107 of the Regional Trial Court of Quezon City, GUILTY of DISHONESTY. Accordingly, we DISMISS respondent from the service, with forfeiture of retirement benefits, except accrued leave credits, and perpetual disqualification from re-employment in the government service.

Let a copy of this decision be attached to respondent's records with this Court.

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.
Velasco, J., no part due to prior action.

[1] Entitled People of the Philippines v. Patrick Mangit-es y Nget-Teg.

[2] Entitled People of the Philippines v. Ric Sigen y Daes, et al.

[3] Rollo, pp. 50-51, Affidavit, pp. 2-3.

[4] Rollo, p. 26.

[5] Id. at 65-67.

[6] Report and Recommendation, p. 6.

[7] Id.

[8] Tan v. Peredes, A.M. No. P-04-1789 and A.M. No. RTJ-04-1841, 22 July 2005, 464 SCRA 47; Rizal Commercial Banking Corp. v. Quilantang, 413 Phil. 13 (2001).

[9] Ignacio v. Payumo, A.M. No. P-00-1396, 24 October 2000, 344 SCRA 169.

[10] Canlas v. Balasbas, A.M. No. P-99-1317, 1 August 2000, 337 SCRA 41.

[11] Madrid v. Quebral, A.M. Nos. P-03-1744 and P-03-1745, 7 October 2003, 413 SCRA 1.

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