

**RICKY HAO MONION, COMPLAINANT, VS. VICENTE S. SICAT, JR.,
SHERIFF IV, OFFICE OF THE CLERK OF COURT, REGIONAL TRIAL
COURT, ANGELES CITY, PAMPANGA, RESPONDENT.**

A.M. No. P-24-121 (Formerly OCA IPI No. 18-4890-P). July 30, 2024

Ponente: LEONEN, SAJ.

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LEONEN, SAJ.:

Court employees, as public servants, are bound to live up to the strictest standards in the performance of their duties. A recurring conduct of a court employee marked by numerous administrative violations, deserves nothing but the gravest penalty of dismissal from service.

Before this Court is an administrative case filed by Ricky Hao Monion (Monion) against Vicente S. Sicat, Jr. (Sicat), Sheriff IV stationed at the Office of the Clerk of Court, Regional Trial Court, Angeles City, Pampanga for abuse of authority and violation of Republic Act No. 3019.[1]

Monion is the private complainant in Criminal Case Nos. 15-241 and 15-244 against Bernadette Mullet Potts (Potts) for violation of Batas Pambansa Blg. 22 pending before the Municipal Circuit Trial Court of Mabalacat-Magalang, Pampanga.[2]

The Municipal Circuit Trial Court rendered a Decision based on a Compromise Agreement, which prompted the issuance of a Writ of Execution dated May 5, 2016.[3]

The Writ of Execution was addressed to the Sheriff and/or Deputy Sheriff of the Office of the Clerk of Court of the Regional Trial Court of Angeles City, Pampanga, ordering the latter to cause the execution of the judgment to levy the goods and chattels of Potts, and to make their sale in accordance with the procedure laid down in Rule 39 of the Rules of Court.[4]

Monion filed his Complaint Affidavit before the Office of the Court Administrator. He alleged that on January 4, 2018, Sicat willfully and purposely submitted to the Register of Deeds of Angeles City, Pampanga a Notice to Lift the Levy on the property of Potts without the necessary court order.[5] The property consists of a parcel of land covered by Transfer Certificate of Title No. 045-2015007354.

Monion claimed that Sicat deceived the Registry of Deeds when the latter provided misleading statements in the Notice stating that "Bernadette Potts has made several payments to Mr. Ricky Monion that would extinguish the levy of the property." [6]

The Notice sent by Sicat to the Registry of Deeds caused the cancellation of the levy and enabled the buyer, Glenn Facuri Garcia (Garcia), to transfer the said parcel of land to his name. Because of this, Transfer Certificate of Title No. 045-2015007354 was cancelled, and a new Transfer Certificate of Title No. 045-2018002601 under Garcia's name was issued.[7]

Monion also alleged that Sicat was always hesitant to act on his follow-ups regarding the levy of Potts's other

personal properties, and that he was only given alibis about the status of the execution.[8]

Finally, Monion believed that Sicat solicited an undisclosed significant amount of money to enable Potts to release her property from levy and transfer it to Garcia's name.[9]

In Sicat's Comment/Explanation, he stated that he has been in the Judiciary for almost 40 years, or since April 1980, carrying and upholding the vision of a good and dedicated public servant. He also stated that he would be retiring by 2020.[10]

Sicat vehemently denied the imputations against him for being supposedly false, malicious, and baseless. He claimed that his actions were purely based on procedural law, customs, and practice in effecting execution.[11]

Regarding the Notice of Lifting of Levy on Execution without court order, Sicat explained that Potts went to his office and informed him that he deviated from the established procedure in the execution of judgments when he levied, on a second lien, her real property to satisfy the ruling in favor of Monion. After finding basis in Rule 39 of the Rules of Court, which provides that personal property of the judgment debtor must first be exhausted before going after real property, Sicat made the necessary release of the levy on execution.[12]

Sicat also explained that every time Monion visited him to check on the execution, he would constantly go to the subject premises. Unfortunately, no person or resident was present every time he went since the property was always padlocked.[13]

Further, Sicat insisted that he was not aware of any subsequent sale and that he did not receive any amount in relation to or in consideration of his actions.[14]

Sicat also stated that Monion has filed several dubious complaints against other co-sheriffs and court employees allegedly without any point of satisfaction, always complaining and insisting why it cannot be done his way.[15]

On September 18, 2020, the Office of the Court Administrator submitted its report with the following recommendations:

- this administrative complaint be RE-DOCKETED as a regular administrative matter;
- respondent Vicente S. Sicat, Jr., Sheriff IV, Office of the Clerk of Court, RTC, Angeles City, Pampanga, be found GUILTY of simple neglect of duty; and
- considering that respondent Vicente S. Sicat, Jr. has been previously found guilty of simple neglect of duty and suspended for six (6) months with a stern warning that a repetition of the same shall be dealt with more severely and considering further that he has been adjudged guilty of various offenses, that he be DISMISSED from the service with forfeiture of all benefits and privileges, except accrued leave credits, with prejudice to re-employment in any branch or instrumentality of the government, including government-owned or controlled corporations.[16]

The Office of the Court Administrator found that Sicat cannot be held administratively liable for abuse of authority and violation of Republic Act No. 3019 due to Monion's failure to provide any substantial proof.[17]

On Monion's allegation that Sicat was hesitant and evasive and was always giving alibis, the Office of the Court Administrator found this to be unsubstantiated. It noted that the Complaint Affidavit did not show that Sicat was reluctant to give assistance to Monion, and that Sicat was evasive in answering Monion's queries. Also, it added that to regard Sicat's response of being on field work as an "alibi," without proof, is not evidence at all.[18]

On having solicited an undisclosed significant amount of money, the Office of the Court Administrator said the allegation must fail. It found that the records are bereft of any proof that Sicat received any amount in exchange

for the Notice he prepared and sent to the Registry of Deeds.[19]

Instead, it said that Sicat's act of lifting and canceling the levy without a court order is improper, making him liable for simple neglect of duty.[20]

The Office of the Court Administrator found that Sicat exhibited negligence when he failed to check on Potts's personal properties before levying her parcel of land. Likewise, it stated that Sicat was careless when he sent a notice to the Registry of Deeds without the requisite court order.[21]

The sole issue for this Court's resolution is whether respondent Vicente S. Sicat, Jr.'s act warrants disciplinary action.

The Court agrees with the findings of fact and recommendations of the Office of the Court Administrator. A review of the records would show that respondent admitted to making the necessary release of the levy on execution without a court order.[22]

A discharge of the levy on a property without court order is improper.[23] Section 5 of Rule 15 of the Rules of Court provides:

SECTION 5. Litigious motions. - (a) Litigious motions include:

...

7) Motion to cancel statutory lien;

...

(b) All motions shall be served by personal service, accredited private courier or registered mail, or electronic means so as to ensure their receipt by the other party.

(c) The opposing party shall file his or her opposition to a litigious motion within five (5) calendar days from receipt thereof. No other submissions shall be considered by the court in the resolution of the motion.

The motion shall be resolved by the court within fifteen (15) calendar days from its receipt of the opposition thereto, or upon expiration of the period to file such opposition.[24]

From the foregoing, a cancellation or discharge of a levy on a property is a litigious motion which requires receipt of the adverse party and a resolution from the court. However, the amended Rules of Court which provided the abovementioned rule was not yet in effect at the time of the commission of the subject infraction.

Nonetheless, Section 9 of Rule 39 of the Rules of Court is clear on the procedure in enforcing a money judgment that court sheriffs are duty-bound to follow:

SECTION 9. Execution of judgments for money, how enforced. - (a) Immediate payment on demand. - The officer shall enforce an execution of a judgment for money by demanding from the judgment obligor the immediate payment of the full amount stated in the writ of execution and all lawful fees. The judgment obligor shall pay in cash, certified bank check payable to the judgment obligee, or any other form of payment acceptable to the latter, the amount of the judgment debt under proper receipt directly to the judgment obligee or his authorized representative if present at the time of payment.

...

(b) Satisfaction by levy. - If the judgment obligor cannot pay all or part of the obligation in cash, certified bank check or other mode of payment acceptable to the judgment obligee, the officer shall levy upon the properties of the judgment obligor of every kind and nature whatsoever which may be disposed of for value and not

otherwise exempt from execution giving the latter the option to immediately choose which property or part thereof may be levied upon, sufficient to satisfy the judgment. If the judgment obligor does not exercise the option, the officer shall first levy on the personal properties, if any, and then on the real properties if the personal properties are insufficient to answer for the judgment.

The sheriff shall sell only a sufficient portion of the personal or real property of the judgment obligor which has been levied upon.

When there is more property of the judgment obligor than is sufficient to satisfy the judgment and lawful fees, he must sell only so much of the personal or real property as is sufficient to satisfy the judgment and lawful fees.

Real property, stocks, shares, debts, credits, and other personal property, or any interest in either real or personal property, may be levied upon in like manner and with like effect as under a writ of attachment.

(c) Garnishment of debts and credits. - The officer may levy on debts due the judgment obligor and other credits, including bank deposits, financial interests, royalties, commissions and other personal property not capable of manual delivery in the possession or control of third parties. Levy shall be made by serving notice upon the person owing such debts or having in his possession or control such credits to which the judgment obligor is entitled.[25]

This rule summarizes the duties of the sheriff: (1) to first make a demand from the obligor for the immediate payment of the full amount stated in the writ of execution and of all lawful fees; (2) to receive payment in the form of cash, certified bank check payable to the obligee, or any other form of payment acceptable to the latter; (3) to levy upon the properties of the obligor, not exempt from execution, if the latter cannot pay all or part of the obligation; (4) to give the obligor the opportunity to exercise the option to choose which property may be levied upon; (5) in case the option is not exercised, to first levy on the personal properties of the obligor, including the garnishment of debts due the obligor and other credits, i.e., bank deposits, financial interests, royalties, commissions, and other personal properties not capable of manual delivery or in the possession or control of third parties; and (6) to levy on real properties if the personal properties are insufficient to answer for the judgment.[26]

These duties underscore the ministerial nature of the functions of the sheriff's office. Sheriffs have no discretion on the manner of implementing a writ of execution and they must strictly abide by the prescribed procedure to avoid liability.[27]

Nowhere in the rules does it allow a sheriff to issue a notice to lift a property already levied for execution without the necessary court intervention.

In the present case, respondent Sicat clearly veered away from his duties when he: (1) failed to verify the personal properties of Potts before levying her real properties; and (2) sent the Notice to the Registry of Deeds without passing through the proper court proceedings.[28]

In *Civil Service Commission v. Catacutan*,[29] this Court characterized simple neglect of duty as "failure of an employee or official to give proper attention to a task expected of him or her, signifying a disregard of a duty resulting from carelessness or indifference."

Here, had respondent exercised proper attention in his expected task of verifying the personal properties of Potts, which could have been levied first before her real properties, the subject Notice would not have been issued in the first place.

Besides, his very act of issuing the Notice to lift and discharge the levy without the proper court order is not sanctioned by any rule and jurisprudence. Hence, a clear disregard of his duty.

This Court has previously held that a sheriff's deviation from the procedure laid down by the Rules warrants disciplinary action.[30] Thus, the Court finds respondent guilty of simple neglect of duty.

Time and again, the Court has emphasized that sheriffs play an important role in the administration of justice. As agents of the law, high standards are expected of them. Sheriffs must discharge their duties with utmost care and diligence because in serving the court's writs and processes and in implementing its orders, they cannot afford to make a mistake without affecting the administration of justice.[31]

At this juncture, it is timely to discuss respondent's 40-year service in the Judiciary as summarized by the Office of the Court Administrator:

- On October 16, 1998, respondent was fined in the amount of PHP 1,000.00 for neglect of duty and incompetence in the performance of his official duties.[32]
- On September 19, 2002, respondent was fined in the amount of PHP 10,000.00 for abuse of authority, gross ignorance of the law, and manifest partiality, with a stern warning that a repetition of a similar infraction will be dealt with more severely.[33]
- On March 6, 2003, respondent was found guilty of simple misconduct and inefficiency and incompetence in the performance of official duties, which was meted with a penalty of suspension from the service for one month, without pay and other fringe benefits including leave credits. He was also fined in the amount of PHP 10,000.00, with a stern warning that a repetition of the same offense shall be dealt with more severely.[34]
- On November 14, 2007, respondent was again found guilty of simple misconduct, which was meted with a penalty of suspension from the service for six months, without pay and other fringe benefits including leave credits, with a severe warning that a repetition of the same offense shall be dealt with more severely.[35]
- On January 17, 2011, respondent was found liable for simple neglect of duty, which was meted with a penalty of suspension from the service for six months, without pay, with a stern warning that a repetition of the same act shall be dealt with more severely.[36]
- On July 27, 2016, respondent was meted with a penalty of reprimand, with stern warning for his habitual tardiness.[37]

In sum, respondent has been liable for six administrative complaints prior to this present Complaint.

The Office of the Court Administrator, in its report, turned to the 2017 Rules on Administrative Cases in the Civil Service as basis for the imposition of the penalty of dismissal. We disagree.

On October 2, 2018, the Court En Banc issued A.M. No. 18-01-05-SC, amending Rule 140 of the Rules of Court, and resolved to, among others, include personnel of the lower courts in its coverage. Subsequently, on February 22, 2022, the Court further amended Rule 140 and made its application retroactive. Thus, Rule 140, as amended, shall apply to all pending and future administrative cases concerning the discipline of officials, employees, and personnel of the Judiciary.[38]

Notably, under Section 15 of Rule 140, simple neglect of duty is categorized as a less serious charge and is given a penalty of: (a) suspension from office without salary and other benefits for not less than one month nor more than six months; or (b) a fine of more than PHP 35,000.00 but not exceeding PHP 100,000.00.[39]

In addition, Sections 19 and 20 of Rule 140 provide:

SECTION 19. Modifying Circumstances. – In determining the appropriate penalty to be imposed, the Court may, in its discretion, appreciate the following mitigating and aggravating circumstances:

(1) Mitigating circumstances:

- (a) First offense;
- (b) Length of service of at least ten (10) years with no previous disciplinary record where respondent was meted with an administrative penalty;
- (c) Exemplary performance;
- (d) Humanitarian considerations; and
- (e) Other analogous circumstances.

(2) Aggravating circumstances:

- (a) Finding of previous administrative liability where a penalty is imposed, regardless of nature and/or gravity;
- (b) Length of service facilitated the commission of the offense;
- (c) Employment of fraudulent means to conceal the offense; and
- (d) Other analogous circumstances.

SECTION 20. Manner of Imposition. – If one (1) or more aggravating circumstances and no mitigating circumstances are present, the Supreme Court may impose the penalties of suspension or fine for a period or amount not exceeding double of the maximum prescribed under this Rule.

If one (1) or more mitigating circumstances and no aggravating circumstances are present, the Supreme Court may impose the penalties of suspension or fine for a period or amount not less than half of the minimum prescribed under this Rule.

If there are both aggravating and mitigating circumstances present, the Supreme Court may offset each other.

As the rule now stands, respondent's six previous administrative liabilities are considered as an aggravating circumstance to the present charge. Regrettably, Section 20 was not able to contemplate a situation where the penalty of dismissal can be meted to a less serious charge despite the presence of multiple aggravating circumstances such as the case at bar. Considering the absence of any mitigating circumstance, the Court would have imposed the penalty of fine double the maximum amount prescribed under Section 15 of Rule 140.

Nonetheless, looking closely at the imposed penalty of respondent's previous administrative liabilities, this Court has repeatedly warned him that a repetition of similar infractions shall result in a penalty more severe than the payment of fines and suspension from office. In fact, after his first administrative case in 1998, the five that followed contained similar warnings in order for respondent to be wary of his ensuing functions as a court sheriff. However, the Court's warnings fell on deaf ears.

Upon careful consideration of the attendant facts and the gravity of respondent's deliberate refusal to faithfully perform his duties over the course of his 40-year service as a court employee, the Court finds it apt to impose the penalty of dismissal from service. The Court will not shy from ridding its ranks of court employees "who undermine its efforts towards an effective and efficient administration of justice."^[40] In this case, respondent's deplorable track record in the Judiciary reveals a pattern of unwillingness to reform,^[41] deeming it worthy of the gravest penalty.

However, the Court finds it necessary to clarify the imposition of the penalty of dismissal from service for a less serious charge. First, as to the treatment of previous administrative liabilities where a penalty was imposed, regardless of nature and/or gravity, each liability should be treated individually as an aggravating circumstance. Second, as to the manner of imposition of the modifying circumstances, if five or more aggravating circumstances are present, regardless of any mitigating circumstance, the Court should impose the penalty of dismissal from service.

Thus, further amendments to Rule 140 is in order to address this gap and other possible nuances that may arise in the parameters of penalty application. Ultimately, strengthening Rule 140 will achieve a complete, streamlined, and updated administrative disciplinary framework for the entire Judiciary.

As a final note, the Court reiterates that court employees are part and parcel of the Judiciary, making them public servants in an office tasked to dispense justice. They are bound to live up to the strictest standards in the performance of their duties with a high degree of professionalism and responsibility.[42] The recurring conduct of a public employee, marked by frequent administrative cases leading up to multiple penalties, not only undermines the integrity of the Judiciary, but also contributes to diminishing the people's faith, trust, and confidence in our courts. This cannot be condoned.

ACCORDINGLY, this Court finds respondent Vicente S. Sicat, Jr., Sheriff IV of the Regional Trial Court, Office of the Clerk of Court, Angeles City, Pampanga, GUILTY of simple neglect of duty and is hereby DISMISSED FROM SERVICE, with forfeiture of all retirement benefits, except accrued leave credits, and perpetual disqualification from employment in any branch of the government or any of its agencies or instrumentalities, including government-owned and -controlled corporations.

SO ORDERED.

Gesmundo, C.J., Caguioa, Hernando, Lazaro-Javier, Inting, Zalameda, M. Lopez, Gaerlan, Rosario, J. Lopez, Dimaampao, and Singh, JJ., concur.

Marquez,[*] J., no part in view of prior participation as Court Administrator.

Kho, Jr., J., please see separate concurring opinion.

[*] No part due to prior participation as Court Administrator.

[1] Rollo, p. 2.

[2] Office of the Court Administrator Report dated September 18, 2020.

[3] Id.

[4] Rollo, pp. 14-15.

[5] Id. at 2.

[6] Id.

[7] Office of the Court Administrator Report dated September 18, 2020.

[8] Id.

[9] Id.

[10] Id. at 18.

[11] Id.

[12] Office of the Court Administrator Report dated September 18, 2020.

[13] Id.

[14] Rollo, p. 19.

[15] Id.

[16] Office of the Court Administrator Report dated September 18, 2020.

[17] Id.

[18] Id.

[19] Id.

[20] Rollo, pp. 3-6.

[21] Id.

[22] Id. at 19.

[23] *Roxas v. Sicat*, 824 Phil. 239 (2018) [Per Curiam].

[24] RULES OF COURT, Rule 15, sec. 5, as amended.

[25] RULES OF COURT, Rule 39, sec. 9.

[26] *Vicsal Development Corporation v. Dela Cruz-Buendia*, A.M. No. P-12-3097, November 26, 2012 [Per J. Brion, Second Division].

[27] Id.

[28] Office of the Court Administrator Report dated September 18, 2020.

[29] *Civil Service Commission v. Catacutan*, G.R. No. 224651, July 3, 2019 [Per J. Reyes, Jr., Second Division].

[30] *Vicsal Development Corporation v. Dela Cruz-Buendia*, 699 Phil. 284, 296 (2012) [Per J. Brion, Second Division].

[31] *Teodosio v. Somosa*, 612 Phil. 858, 875 (2009) [Per Curiam].

[32] *Sps. Amado and Lolita Pecson v. Sheriff Vicente Sicat, Jr.*, 358 Phil. 606, 616 (1998) [Per J. Romero, Third Division].

[33] *Pepito I. Torres and Marta M. Torres v. Vicente Sicat, Jr.*, 438 Phil. 109, 117 (2002) [Per J. Ynares--Santiago, First Division].

[34] *Eulogio B. Guevarra v. Vicente Sicat, Jr.*, 446 Phil. 872, 880 (2003) [Per J. Sandoval-Gutierrez, Third Division].

[35] Office of the Court Administrator Report dated September 18, 2020.

[36] *Raquel Pacheco v. Sheriff Vicente Sicat, Jr.*, A.M. No. P-06-2189.

[37] Office of the Court Administrator Report dated September 18, 2020.

[38] RULES OF COURT, Rule 140, sec. 24, as amended.

[39] RULES OF COURT, Rule 140, sec. 17(2), as amended.

[40] *Cabanatan v. Molina*, 421 Phil. 664, 676 (2001) [Per Curiam, En Banc].

[41] Office of the Court Administrator Report dated September 18, 2020.

[42] Dela Rama v. De Leon, A.M. No. P-14-3240, (March 2, 2021) [Per Curiam].

SEPARATE CONCURRING OPINION

KHO, JR., J.:

I concur in the result, particularly, that herein respondent Vicente S. Sicat, Jr. (respondent) should be meted with the penalty of dismissal from the service, with forfeiture of all retirement benefits, except accrued leave credits, and perpetual disqualification from employment in any branch of the government or any of its agencies or instrumentalities, including government-owned and -controlled corporations.

However, and as will be explained hereunder, I respectfully opine that respondent should be found administratively liable for Gross Neglect of Duty and not mere Simple Neglect of Duty as found by the ponencia.

In *Trinidad, Jr. v. Ombudsman*,^[1] the Court, speaking through Associate Justice Mario V. Lopez, elucidated on the difference between Gross and Simple Neglect of Duty, as follows:

Dereliction of duty may be classified as gross or simple neglect of duty or negligence. Simple negligence is defined as the failure of an employee to give proper attention to a required task expected of him, or to discharge a duty due to carelessness or indifference. On the other hand, gross negligence is characterized by want of even the slightest care, or by acting or omitting to act in a situation where there is a duty to act, not inadvertently but willfully and intentionally, with a conscious indifference to the consequences, or by flagrant and palpable breach of duty. It denotes a flagrant and culpable refusal or unwillingness of a person to perform a duty.

Gross negligence, thus, involves an element of intent, more than mere carelessness or indifference to do one's duty. To be held liable for gross negligence, a public official must have intentionally shirked his duty, fully aware that he is duty-bound to perform. Simply, gross negligence involves consciously avoiding to do one's work. . . .^[2]

Furthermore, in *Office of the Court Administrator v. Del Rosario*,^[3] the Court En Banc, in a Per Curiam ruling, reiterated that "[g]ross neglect is such neglect that, from the gravity of the case or the frequency of instances, becomes so serious in its character as to endanger or threaten the public welfare."^[4]

As aptly pointed out by the ponencia, respondent "clearly veered away from his duties when he: (1) failed to verify the personal properties of Potts before levying her real properties; and (2) sent the Notice to the Registry of Deeds without passing through the proper court proceedings."^[5] Further, the ponencia lamented that "had respondent exercised proper attention in his expected task of verifying the personal properties of Potts, which could have been levied first before her real properties, the subject Notice would not have been issued in the first place."^[6] Given these, the ponencia concluded that "his very act of issuing the Notice to lift and discharge the levy without the proper court order is not sanctioned by any rule and jurisprudence. Hence, a clear disregard of his duty."^[7]

At this juncture, it is significant to point out that prior to the instant administrative matter, respondent had previously been found administratively liable and consequently meted with sanctions for a total of six times, to wit: (a) on October 16, 1998, he was found guilty of neglect of duty and incompetence in the performance of his official duties, and was meted the fine of PHP 1,000.00; (b) on September 19, 2002, respondent was found administratively liable for abuse of authority, gross ignorance of the law, and manifest partiality, and thus, was meted a fine of PHP 10,000.00, with a stern warning that a repetition of a similar infraction will be dealt with more severely; (c) on March 6, 2003, he was found guilty of simple misconduct and inefficiency and

incompetence in the performance of official duties, and accordingly, was suspended without pay and benefits for one month and ordered to pay a fine of PHP 10,000.00, with stern warning that a repetition of the same offense shall be dealt with more severely; (d) on November 16, 2007, respondent was found guilty of simple misconduct, and accordingly, was meted the penalties of suspension without pay and benefits for six months, and a fine of PHP 10,000.00, again with a stern warning that a repetition of the same offense shall be dealt with more severely; (e) on January 17, 2011, he was found administratively liable for simple neglect of duty, and hence, was meted with the penalty of suspension without pay and benefits for six months, with a stern warning that a repetition of the same act shall be dealt with more severely; and (f) on July 27, 2016, respondent was found administratively liable for habitual tardiness, and consequently, was given a reprimand with stern warning.[8]

Having been previously found administratively liable for a total of six instances—with two of those for simple neglect of duty, both of which had a stern warning that a repetition of the same offense shall be dealt with more severely—it behooves upon respondent to be more circumspect with not only the way he performs his official duties, but with his general conduct as well. However, he miserably fell short in this regard when he committed the afore--described acts constitutive of his administrative liability in the instant administrative case. In my considered view, his commission of these acts exhibits his utter incorrigibility to be reformed, and to live up to the strictest standards required of Members, officials, employees, and personnel of the Judiciary. Thus, and further considering the frequency of his commission of administrative offenses, I respectfully opine that he should be found administratively liable for Gross Neglect of Duty, which under Rule 140 of the Rules of Court, as further amended: (a) is classified as a serious charge;[9] and (b) is punishable by, inter alia, dismissal from service, forfeiture of all or part of the benefits as the Supreme Court may determine, and disqualification from reinstatement or appointment to any public office, including government-owned or -controlled corporations. Provided, however, that the forfeiture of benefits shall in no case include accrued leave credits.[10]

"As a final note, it must be emphasized that 'those in the Judiciary serve as sentinels of justice, and any act of impropriety on their part immeasurably affects the honor and dignity of the Judiciary and the people's confidence in it. The Institution demands the best possible individuals in the service and it had never and will never tolerate nor condone any conduct which would violate the norms of public accountability, and diminish, or even tend to diminish, the faith of the people in the justice system. In this light, the Court will not hesitate to rid its ranks of undesirables who undermine its efforts towards an effective and efficient administration of justice, thus tainting its image in the eyes of the public,'" as in this case.[11]

ACCORDINGLY, I VOTE to find respondent Vicente S. Sicat, Jr., Sheriff IV, Office of the Clerk of Court, Regional Trial Court of Angeles City, Pampanga, GUILTY of Gross Neglect of Duty and, accordingly, impose on him the penalty of DISMISSAL from the service, with forfeiture of all retirement benefits, except accrued leave credits, and perpetual disqualification from employment in any branch of the government or any of its agencies or instrumentalities, including government-owned and -controlled corporations.

[1] 891 Phil. 268 (2020) [Per J. M. Lopez, Second Division].

[2] Id. at 274.

[3] 884 Phil. 18 (2020) [Per Curiam, En Banc].

[4] Id. at 33, citing Alleged Loss of Various Boxes of Copy Paper during their Transfer from the Property Division, Office of Administrative Services (OAS), to the Various Rooms of the Philippine Judicial Academy, 744 Phil. 526, 537-538 (2014) [Per J. Bersamin, En Banc].

[5] Ponencia, p. 7.

[6] Id.

[7] Id.

[8] See id. at 8.

[9] See RULES OF COURT, Rule 140, Section 14(d), as further amended.

[10] See RULES OF COURT, Rule 140, Section 17(1)(a), as further amended.

[11] Office of the Court Administrator v. Presiding Judge Hermes B. Montero, A.M. No. RTJ-20-2582, August 16, 2022 [Per Curiam, En Banc].

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