

**MARY ANN C. ITO, COMPLAINANT, VS. ERIC B. DE VERA, CLERK OF COURT VI, MAY NENE LAS PIÑAS, LEGAL RESEARCHER, VICENTE V. QUINICOT, SHERIFF IV, MAE VERCILLE H. NALLOS, CLERK II, AN...**

*A.M. NO. P-01-1478 (Formerly OCA IPI No. 00-789-P). December 13, 2006*

Ponente: SANDOVAL-GUTIERREZ, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/36a7dd953fd8/>

---

**SANDOVAL-GUTIERREZ, J.:**

For our resolution is the verified administrative Complaint[1] filed by Mary Ann C. Ito against the following: (1) Atty. Eric B. De Vera, clerk of court VI and ex-officio sheriff, Regional Trial Court (RTC), Silay City; (2) May Nene Las Piñas, legal researcher; (3) Mae Vercille H. Nallos, clerk II; and (4) Vicente V. Quinicot, sheriff IV, all employees of RTC, Branch 40, Silay City. They are charged with dishonesty, grave misconduct, and conduct prejudicial to the best interest of the service. Later, Lucia Santillan, stenographer of same court, was charged with dereliction of duty. These charges stemmed from Cadastral Case No. 186-40, entitled "Mary Ann C. Ito v. Spouses Analyn Nishio and Shigeo Nishio," for issuance of a writ of possession filed with the said court.

Mary Ann Ito alleged in her complaint that on March 25, 1998, spouses Analyn and Shigeo Nishio borrowed money from her. To secure the loan, they mortgaged to her their parcel of land situated in Barangay Mambulac, Silay City. The parties agreed that the obligation would be paid on or before March 25, 1999. On February 2, 1999, complainant left for Japan.

- Complaint against Eric de Vera, clerk of court, for dishonesty, grave misconduct, and conduct prejudicial to the best interest of the service and his comment --

Complainant alleged that on May 11, 1999, while she was in Japan, respondent Eric De Vera went to her residence in Barangay Mambulac, Silay City and told her aunt, Julieta Alve, to call her as he has a very important thing to say. During their telephone conversation, respondent advised complainant to immediately file a petition for extrajudicial foreclosure of mortgage as spouses Nishio are planning to sell the mortgaged property. When she replied that she cannot file the petition as she is still in Japan, respondent told her that there will be no problem provided she gives him the amount of P13,040.00 for the filing fee, publication fee, and sheriff's expenses. Immediately, upon complainant's instruction, her aunt delivered the amount to him.

When complainant arrived in Silay City on May 18, 1999, she found that respondent had not yet filed the petition for extrajudicial foreclosure of mortgage. Upon her inquiry, he advised her to give spouses Nishio a chance to settle their obligation. Complainant then came to know that Analyn Nishio is the cousin of respondent's wife. It was only after she demanded him to return her money, or on June 28, 1999, that respondent finally filed the petition. Being the sole and highest bidder in the foreclosure proceeding, complainant was declared the highest bidder and eventually, a Certificate of Sale was issued to her by the sheriff.

On August 17, 1999, complainant filed with the same court a petition for the issuance of a writ of possession. Again, respondent pleaded to her not to take possession of the mortgaged property.

On September 27, 1999, the trial court granted complainant's petition. Spouses Nishio filed a motion for reconsideration but it was denied.

In respondents' Consolidated Comment[2] on the instant complaint, respondent Eric De Vera admitted having visited the house of complainant but only for the purpose of serving on her a notice of hearing in Civil Case No. 2059 she filed against Judge Antonio L. Jayubo of the Metropolitan Trial Court in Cities (MTCC), Silay City. While there, complainant's aunt sought his advice about the unpaid loan of spouses Nishio. Respondent informed her that the mortgage can be foreclosed. A few days after, she informed him that complainant wants the mortgage foreclosed. Complainant's aunt asked him to determine the expenses involved. So he sent her an itemized list amounting to P13,040.00. Later, complainant's aunt delivered to him this amount.

- Complaint against Vicente Quinicot, sheriff, for dereliction of duty and his comment –

Complainant requested respondent Vicente Quinicot to serve the writ of possession on spouses Nishio. However, he refused because the case is "troublesome." This constrained complainant's lawyer[3] to write respondent May Nene Las Piñas, officer-in-charge of Branch 40, to endorse the writ to the sheriff of RTC, Bacolod City for implementation.

In his comment, respondent claimed that he could not immediately implement the writ of possession because he had to wait for the finality of the Order directing the issuance of the writ.

- Complaint against May Nene Las Piñas, legal researcher, and Mae Vercille H. Nallos, clerk II, for dishonesty, grave misconduct, and conduct prejudicial to the best interest of the service and their joint comment–

Complainant alleged that on November 22, 1999, she learned that Atty. Francisco Alisan, counsel for spouses Nishio, received a copy of the Order denying his motion for reconsideration on November 7, 1999. However, upon verification of the records, it appeared that Atty. Alisan received a copy of the said Order, not on November 7, 1999 but, on November 8. When she complained about this to respondent Mae Vercille H. Nallos, in charge of the record of the subject cadastral case, the latter replied that the change was approved by her superior, respondent May Nene Las Piñas. Complainant claimed that respondents committed falsification.

In their joint comment, both respondents explained that November 7, 1999 was a Sunday. Therefore, the Order could not have been served upon Atty. Alisan that day. They attached to their comment the affidavit dated February 10, 2000 of respondent Lucia Santillan, court stenographer, stating that she was personally present when respondent Nallos gave a copy of the Order to Atty. Alisan on November 8, 1999. There was thus no falsification when the date of receipt was changed to let the document reflect the true and correct date of its receipt by Atty. Alisan.

- Complaint against Lucia Santillan, court stenographer and her comment –

Complainant also claimed that when she asked respondent Lucia Santillan how the Order could be served upon Atty. Alisan, she answered that it can be served personally even on a holiday, Saturday or Sunday, for a fee of P500.00. Because of her assurances, complainant handed Lucia the amount. The Order was then personally served on Atty. Alisan on said date.

Upon recommendation of then Court Administrator Alfredo L. Benipayo, the Court, on March 21, 2001, issued a Resolution directing that the case be re-docketed as a regular administrative matter; that respondent Lucia Santillan, court stenographer, be impleaded as additional respondent and to require her to comment on the allegations against her; and that the case be referred to Executive Judge Reynaldo M. Alon, RTC, Silay City, for investigation, report and recommendation within 60 days from notice.

In her comment, respondent Lucia Santillan vehemently denied she received P500.00 from complainant. Being a stenographer, she has no business interfering in the work of a sheriff.

Before Executive Judge Alon could start his investigation, the complainant filed a Motion To Withdraw Complaint stating that for personal reasons, she is no longer interested in prosecuting this case against respondents.

Executive Judge Alon set the hearing of this case on June 18 and 20, 2001. During the June 18, 2001 initial hearing, all the parties appeared. Complainant reiterated her motion to withdraw the complaint, manifesting that she is fully aware of the consequences of such withdrawal.

In view of complainant's desistance from pursuing the complaint, Executive Judge Alon, in his Investigation Report, recommended the dismissal of the administrative charges against all respondents.

After evaluating the Investigation Report of Executive Judge Alon, the Office of the Court Administrator (OCA) issued a Memorandum[4] recommending that the administrative charges against respondents May Nene Las Piñas, Vicente V. Quinicot, Mae Vercille H. Nallos, and Lucia Santillan be dismissed for lack of merit. However, the OCA found respondent Eric De Vera guilty of misconduct in office and recommended that he be fined in the amount of Five Thousand Pesos (P5,000.00).

The OCA found that:

The charge against respondent clerk of court Eric de Vera basically pertains to his alleged act of soliciting the amount of P13,040.00 supposedly representing the expenses for the foreclosure of the property mortgaged to herein complainant. Respondent admitted having received the amount but sought to exonerate himself from liability by claiming that the same was for the purpose of defraying the expenses of the foreclosure proceedings. This is without merit. First, it is inconceivable that respondent, with all his duties and responsibilities as clerk of court would still find time to serve a notice in connection with any case pending before the RTC of Silay City, not to mention the fact that there are several sheriffs and process servers in the Office of the Clerk of Court and the RTC branches who could serve the notice. Second, granting that the amount of P13,040.00 was given to defray the expenses of the foreclosure proceedings, the manner by which the amount was paid is highly questionable. The payment was made at complainant's house and no receipt, official or otherwise, was issued by respondent.

x x x

In the case of respondent sheriff Vicente Quinicot, complainant did not present any evidence that the writ of possession had been placed in the hands of said sheriff for implementation when he allegedly refused to serve the same. In fact, not even a copy of the writ of possession had been submitted by complainant. There is thus merit in respondent's claim that at the time complainant requested the service of the writ to spouses Nishio, only the order for the issuance of the writ, not the writ itself, had been issued.

With respect to respondents May Nene Las Piñas and Mae Vercille Nallos, the charge of misconduct for "falsifying" the date of receipt by Atty. Alisan of the Order denying his motion for reconsideration is without merit. It must be pointed out that the change was done in order to correct a mistake in the date written by Atty. Alisan and to thus allow the document to reflect the true date of receipt of the Order. It was not a case of altering a correct entry in order to create a deception or falsity. The claim that Atty. Alisan personally received the Order on 7 November 1999, which is a Sunday, is of doubtful veracity. Personal service of court processes are not made on weekends, especially on Sundays, because the court is not open on those days.

Finally, in the case of respondent Lucia Santillan, it is worth noting that she was not included in the original complaint. Allegations against her were made by complainant only after she executed an affidavit to support the contentions of respondents Las Piñas and Nallos in their comment. It is thus highly probable that, as

claimed by Santillan herself, she was included in complainant's rejoinder only in retaliation as a result of her affidavit.

The OCA is correct in disregarding the Investigating Judge's recommendation dismissing the administrative charges against all respondents on the basis of complainant's desistance to prosecute her case. In a long line of cases, we have ruled that mere withdrawal of the administrative charges by complainant does not necessarily result in the dismissal of the complaint[5] and will not free respondent from his administrative liability if warranted by the evidence.[6] For administrative actions are not made to depend upon the will of the complainant who, for one reason or another, condones a detestable act.[7] The Court is not bound by the unilateral act of a complainant who desists from prosecuting a case involving the discipline of respondents under its administrative supervision.[8]

The complaint against respondents May Nene Las Piñas, Vicente Quinicot, Mae Vercille Nallos, and Lucia Santillan should be dismissed. As correctly found by the OCA, quoted earlier, complainant failed to substantiate her charges against them.

With respect to respondent Eric De Vera, the charges against him relate to his act of soliciting from complainant P13,040.00 representing the expenses for the foreclosure of the mortgaged. We agree with the OCA that his defense is not credible. Indeed, we find it hard to accept his claim that he went to complainant's house, not to solicit the said amount but, merely to serve on her the notice of hearing in Civil Case No. 2059 she filed against Judge Antonio L. Jayubo of the MTCC, Silay City. It is not the duty of a clerk of court, like him, to go out of his way and serve such notice upon the complainant considering that there are sheriffs and process servers to perform such function. Besides, if indeed, as he claimed, the P13,040.00 was intended to defray the expenses for the foreclosure proceedings, why did he receive the amount at complainant's residence; and why did he not issue the corresponding official receipts?

Respondent Eric De Vera's actuation undermines the people's faith in the judiciary. He is reminded that the delicate nature of work of those involved in the administration of justice, from the highest judicial official to the lowest personnel, requires them to live up to the strictest standard of honesty, integrity and uprightness,[9] in order to maintain public confidence in the judiciary.[10] The image of a court of justice is necessarily mirrored in the conduct of its personnel. It is their sacred duty to maintain the good name and standing of the court as a true temple of justice.[11]

Time and again, this Court has emphasized the heavy burden and responsibility of court personnel. They have been constantly reminded that any impression of impropriety, misdeed or negligence in the performance of their official functions must be avoided.[12] Thus, the Court does not hesitate to condemn and sanction such improper conduct, act or omission of those involved in the administration of justice that violates the norm of public accountability and diminishes or tends to diminish the faith of the public in the Judiciary[13]

We find respondent Eric De Vera guilty of conduct prejudicial to the best interest of the service. Under Section 52, paragraph A - 20, Rule IV of the Revised Uniform Rules On Administrative Cases In The Civil Service,[14] such offense is classified as grave, punishable as follows:

- Conduct prejudicial to the best interest of the service

- 1st offense – Suspension (6 mos. 1 day to 1 year)

- 2nd offense – Dismissal

The Civil Service law and rules, however, do not make a concrete description of what specific acts constitute such offense.[15] Our jurisprudence, though, is instructive on this point. We have considered the following acts or

omissions, inter alia, as conduct prejudicial to the best interest of the service: misappropriation of public funds, abandonment of office, failure to report back to work without prior notice,[16] failure to safe keep public records and property,[17] and making false entries in public documents and falsification of court orders.[18]Undoubtedly, these acts or omissions, like respondent's conduct, violate the norm of public accountability and diminish or tend to diminish the faith of the people in the Judiciary, thereby prejudicing the best interest of the administration of justice.

This being respondent Eric De Vera's first offense, he must be penalized with suspension of seven (7) months. WHEREFORE, respondent Eric B. De Vera, clerk of court VI, RTC, Silay City, is declared GUILTY of conduct prejudicial to the best interest of the service and is SUSPENDED for SEVEN (7) MONTHS without pay. He is sternly warned that a repetition of the same act will be dealt with more severely.

The complaint against May Nene Las Piñas, legal researcher; Vicente V. Quinicot, sheriff IV; Mae Vercille H. Nallos, clerk II; and Lucia Santillan, court stenographer III, all of Branch 40, RTC, Silay City is DISMISSED for lack of merit.

Let a copy of this Decision be entered into respondent De Vera's personal file.

### **SO ORDERED.**

Puno, (Chairperson), Corona, Azcuna, and Garcia, JJ., concur.

[1] Dated November 26, 1999.

[2] Dated March 27, 2000; Rollo, pp. 67-75.

[3] See Annex "J."

[4] Submitted by Deputy Court Administrator Zenaida N. Elepaño and approved by then Court Administrator Presbitero J. Velasco, Jr. (now a Member of this Court).

[5] Sandoval v. Manalo, A.M. No. MTJ-96-1080, August 22, 1996, 260 SCRA 611; Agulan, Jr. v. Fernandez, A.M. No. MTJ-01-1354, April 4, 2001, 356 SCRA 162; Cacayoren v. Suller, A.M. No. MTJ-97-1133, October 24, 2000, 344 SCRA 159; Young v. Mapayo, A.M. No. RTJ-00-1552, May 31, 2000, 332 SCRA 289; Reyes-Domingo v. Morales, A.M. No. P-99-1285, October 4, 2000, 342 SCRA 6, citing Lapena v. Pamarang, 325 SCRA 308 (2000); Dagsa-an v. Conag, 290 SCRA 12 (1998); Ng v. Ulibari, A.M. No. MTJ-98-1158, July 30, 1998, 293 SCRA 342; Dela Cruz v. Curso, A.M. No. MTJ-89-315, April 7, 1993, 221 SCRA 66; Presado v. Genova, A.M. No. RTJ-91-657, June 21, 1993, 223 SCRA 489.

[6] Estreller v. Manatad, Jr., A.M. No. P-94-1034, February 21, 1997, 268 SCRA 608.

[7] Garciano v. Sebastian, A.M. No. MTJ-88-160, March 30, 1994, 231 SCRA 588; Cacayoren v. Suller, A.M. No. MTJ-97-1133, October 24, 2000, 344 SCRA 159.

[8] Reyes-Domingo v. Morales, MTC, Br. 17, Manila, A.M. No. P-99-1285, October 4, 2000, 342 SCRA 6, citing Lapena v. Pamarang, supra; Zamora v. Jumamoy, 238 SCRA 587 (1994); Sy v. Academia, 198 SCRA 705 (1991).

[9] Reyes-Domingo v. Morales, supra.

[10] Re: Report on the Judicial and Financial Audit in RTC, Br. 82, Odiongan, Romblon, A.M. No. 96-8-301-RTC, July 8, 1998, 292 SCRA 1.

[11] Yu-Asensi v. Villanueva, MTC, Branch 36, Quezon City, A.M. No. MTJ-00-1245, January 19, 2000, 322

SCRA 255.

[12] Office of the Court Administrator v. Sheriff IV Julius G. Cabe, RTC, Branch 28, Catbalogan, Samar, A.M. No. P-96-1185, June 26, 2000, 334 SCRA 348.

[13] Mendoza v. Mabutas, A.M. No. MTJ-88-142, June 17, 1993, 223 SCRA 411, citing Sy v. Academia, 198 SCRA 705 (1991).

[14] Memorandum Circular No. 19, s. 1999 of the Civil Service Commission.

[15] Philippine Retirement Authority v. Rupa, G.R. No. 140519, August 21, 2001, 363 SCRA 480.

[16] Id., citing In re Report of the Financial Audit Conducted on the Accounts of Zenaida Garcia, 303 SCRA 142 (1999).

[17] Philippine Retirement Authority v. Rupa, supra, citing Unknown Municipal Councilor of Sto. Domingo, Nueva Ecija v. Alomia, Jr., 212 SCRA 330 (1992).

[18] Philippine Retirement Authority v. Rupa, supra, citing Ponferrada v. Relator, 181 SCRA 698 (1990).

**ABOUT BATAS.ORG**

# Study smarter at BATAS.org

*The Philippine bar review and law-school companion built around how your brain actually remembers.*

**The complete Philippine law library - free for everyone.**

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

**Audio case-brief lectures.**

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

**Bar review built on the science of memory.**

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

**The full law-school curriculum.**

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

**Mock exams that tell you where you stand.**

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

**A study planner that keeps you on pace.**

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

**Start free at <https://batas.org>**

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.