

**ANTONIO C. SY, COMPLAINANT, VS. MARLEO J. ACADEMIA, ET AL.
RESPONDENTS.***A.M. No. P-87-72. July 03, 1991*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/3a5e0fa59309/>**PER CURIAM:**

Within a period of three years and three months, the following administrative cases were filed against Marleo J. Academia, a Deputy Sheriff of the Regional Trial Court of Manila, National Capital Judicial Region:

I. ADM. MATTER NO. P-87-72, which is based on a Complaint-Affidavit of Antonio C. Sy filed on 8 April 1987 by complainant's counsel, Atty. Victorino R. Yabut, Jr. in the Office of the Court Administrator charging him and Atty. Alex Y. Tan of bribery, qualified theft, and violation of the Anti-Graft and Corrupt Practices Act (R.A. No. 3019, as amended) and praying that respondent Academia, as well as his sheriff guards or representatives and other deputy sheriffs who assisted him, be administratively dealt with and removed or suspended from office. Complainant alleges therein that he is the President of the PENTA COPYER CORPORATION, which was impleaded, together with him, Evangeline Borromeo, Benson Pe Chua, Juanito Co Sekbi, Santos Pablo, as defendants in Civil Case No. 87-39611 of the Regional Trial Court of Manila, Branch XXVII; a writ of preliminary attachment was issued ex-parte by the Court; on the last working day of the week, March 6, 1987, a three-pronged blitz was made against PENTA by a group of men led by respondent Academia, assisted by Atty. Alex Tan, some fully-armed members of PC-CAPCOM and other persons acting under the behest of the "marauding party's ringleaders"; the first group of respondent Academia pounced upon the premises of PENTA's main office and thereupon caused to be levied upon and seized personal properties of PENTA; the second group, composed of alleged deputy sheriffs of Manila, barged into PENTA's bodega in Intramuros, Manila and likewise levied upon and seized the corporation's properties; then, to cap the operation, respondent Academia, by and through his unnamed assistants, likewise served notices of garnishment to several banks in Manila, garnishing bank deposits not only of PENTA but also of the individual stockholders/defendants in the civil case.

Complainant further alleges that the dispossession was done without regard to the nature, value and quantity of PENTA's properties which, according to the law, should have been only for such as may be necessary to satisfy plaintiffs' demand; notwithstanding his sworn duty to keep the property under his own official custody to await judgment and execution in the action, Academia, in connivance with the plaintiffs, their representatives and counsel, Atty. Tan, entrusted and transferred the custody of and delivered the seized properties to the plaintiffs immediately after its seizure on 6 March 1987; they were hauled and brought to a dilapidated bodega with a "hole-infested roof", owned by plaintiffs or persons in cahoots with plaintiffs, located at Romy St., Maysilo, Malabon, Metro Manila, or outside the territorial jurisdiction of the court; on 26 March 1987 the court issued an Order directing the return of the attached properties and the recall of all notices of garnishment. Due to the continuous unexplained absence of Academia and the unavailability of the Presiding Judge of the court, the Order could not be enforced, prompting defendants to file an Urgent Ex-Parte Motion to Appoint a Sheriff, which was favorably acted upon by Judge Abelardo Dayrit who appointed sheriff Rolando Mariano to implement the release order.

In the bodega aforestated, it was discovered that, among others, most of the seized copying machines were cannibalized, their important parts and accessories either pilfered or substituted with junk parts; copying machines laid bare on watery floorings, some of the machines and parts were used as sleeping beds, dining tables and makeshift kitchen; worse, one ISUZU KC 20 van and other units of equipment which were seized could not be accounted for.

In the Resolution of 27 May 1987 this Court required respondents to Answer the complaint-affidavit.

Respondent Academia filed his Answer on 28 August 1987 denying the allegations in the complaint.

Complainant filed a Reply to the Answer on 15 September 1987 wherein he reiterated the charges and prayer in his complaint-affidavit.

On 14 February 1990 We issued a resolution requiring complainant to specifically identify the other implicated unnamed respondents within ten days from notice, and referring the complaint against Atty. Alex Tan to the Office of the Bar Confidant for appropriate action within thirty days and against the other respondents to Executive Judge Bernardo Pardo of the Regional Trial Court of Manila for investigation, report and recommendation within three months.

On 3 April 1990 complainant filed a motion to dismiss his complaint alleging therein that he is no longer interested in pursuing this complaint against all respondents on the ground that the parties in Civil Case No. 87-39611 had entered into a Compromise Agreement wherein they agreed, inter alia, to dismiss all claims, counterclaims, charges and countercharges against each party and their respective counsel. The Compromise Agreement was made the basis of the decision of the trial court of 3 November 1989.

On 10 July 1990 Judge Pardo formally transmitted his Report and Recommendation dated 21 June 1990, pertinent portions of which read as follows:

x x x

“Respondent appeared on the date of the hearing in person without benefit of counsel. He was advised by the investigator that he could avail himself of the services of counsel. Due to the non-appearance of the complainant, respondent deputy sheriff stated that he was submitting the case for resolution on the basis of his comment dated August 21, 1987 filed in this case. He reiterated that the administrative case against him be dismissed for lack of merit as he was merely performing the duties vested in his position in carrying out the writ of attachment issued by the Regional Trial Court of Manila, Branch 27, in Civil Case No. 87-39611, entitled *Spouses Rolando V. Mendoza, et al., Plaintiffs, versus Penta Copyer Corporation, et al., Defendants*.

On April 18, 1990, complainant filed a motion to dismiss dated March 26, 1990, praying that the above-entitled administrative case be dismissed for the reason that the parties had settled Civil Case No. 87-39611 by a compromise agreement filed with the court on September 2, 1989.

Notwithstanding such motion to dismiss which was filed before the Supreme Court, we submit that there is more than adequate basis for administrative action to be taken against Deputy Sheriff Marleo J. Academia on the basis of indubitable facts appearing on the record which the court may take judicial notice of and on admissions made by respondent deputy sheriff in his comment above-mentioned. *Res ipsa loquitur*.

Thus, the record shows that:

(1) Respondent Marleo J. Academia is the duly appointed deputy sheriff, Regional Trial Court, Manila, Branch 27, qualified and performing his functions as such:

(2) On February 27, 1987, there was filed with the Regional Trial Court of Manila a complaint for recovery of

the sum of P1.5 million as principal obligation plus unspecified amount of moral and exemplary damages and 25% of the principal obligation as attorney's fees, entitled Spouses Rolando V. Mendoza and Narcisa M. Mendoza, plaintiffs versus Penta Copyer Corporation and/or Evangeline (sic) A. Borromeo, Benson Pe Chua, Antonio C. Sy, Juanito Co Sekbi and Santos A. Pablo, defendants, docketed as Civil Case No. 87-39611. The case was assigned to Branch 27 presided over by Judge Ricardo D. Diaz.

(3) On March 3, 1987, Judge Diaz, acting on the complaint, issued a writ of preliminary attachment upon the filing of (sic) the plaintiffs of an attachment bond in the amount of P1.5 million.

(4) On March 4, 1987, plaintiffs filed an attachment bond subscribed by Interworld Assurance Corporation duly approved by Judge Diaz and on March 5, 1987, the corresponding order of attachment was issued by Judge Diaz. The order of attachment was addressed to Deputy Sheriff Marleo J. Academia, commanding him to attach the estate, real and personal, of defendants to the value of the demand amounting to P1.5 million.

(5) In the morning of March 6, 1987, with prepared notice of levy pursuant to a writ of attachment (already mimeographed attachment), Deputy Sheriff Marleo J. Academia together with a group of men including Atty. Alex Y. Tan, counsel for plaintiffs, fully armed soldiers of the PC/CAPCOM and policemen of the Western Police District and other men hired by him went to the premises of Penta Copyer Corporation at its main office at 677 Carlos Palanca St., San Miguel, Manila, to carry out the levy on attachment on personal properties of defendant Penta Copyer Corporation. Simultaneously, another group composed of other deputy sheriffs of Manila whose identities were not revealed to complainant, but who were admittedly acting as deputies of Sheriff Marleo J. Academia without any express court order, went to defendant Penta Copyer Corporation's bodega in Intramuros, Manila, and likewise carried out the writ of attachment against personal properties of the defendants.

(6) After listing the personal properties levied upon in the aforesaid prepared notice of levy dated March 2, 1987, Deputy Sheriff Marleo J. Academia and his men immediately seized the various personal properties in the two (2) premises, pulled them out and boarded them into several trucks supplied by plaintiffs, deposited them on the same day at plaintiffs' bodega situated at Romy St., Maysilo, Malabon, Metro Manila under sheriff guard. Among the personal properties seized were several units of new Ricoh Copier machines, and included one (1) unit Isuzu KC 20 van with plate No. KPG-631 in good running condition and one (1) unit Suzuki motorcycle, model B-120, with plate No. 1418. The Malabon bodega was dilapidated and was owned by plaintiffs (sic) Mendoza.

(7) Sheriff Marleo J. Academia even required plaintiff spouses Mendoza through their counsel, Atty. Alex Y. Tan to acknowledge receipt of the personal properties seized from the two (2) premises aforesaid of the defendant Penta Copyer Corporation.

(8) Also on March 6, 1987, respondent Deputy Sheriff Marleo J. Academia served upon several banking institutions notice of garnishment against the bank account of defendants and worse, respondent even garnished the accounts of stockholders of the corporation.

(9) Even though the value of the properties seized by Deputy Sheriff Marleo J. Academia from defendant Penta Copyer Corporation is about P1.8 million, which is more than the amount sought to be recovered in the action, on March 10, 1987, at the instance of Atty. Alex Y. Tan, counsel for plaintiffs, respondent deputy sheriff Marleo J. Academia went to the address of defendant Evangeline Borromeo at 23 Mabolo, Malabon, Metro Manila, served her a copy of the writ of attachment, summons with complaint and bond, then levied upon personal properties found inside the said premises consisting of six (6) units of generating sets.

(10) Again, the generating sets seized from the premises of defendant Evangeline Borromeo were pulled out from the said address and deposited for safekeeping at plaintiff's bodega situated at Romy St., Maysilo, Malabon, Metro Manila and turned over to the custody of the plaintiff spouses Mendoza through lawyer Alex Y. Tan.

(11) On March 26, 1987, the court (Judge Diaz) discharged the writ of preliminary injunction issued on March 5, 1987 and ordered deputy sheriff Marleo J. Academia and the plaintiffs Mendoza to forthwith return the levied properties of the defendants and likewise set aside the notices of garnishment issued pursuant to said writ of attachment.

(12) However, due to the absence of respondent deputy sheriff Marleo J. Academia, the return of the seized properties could not be effected and the then executive judge appointed a special sheriff in order to secure the return of the levied properties to the defendants.

(13) At the time the return of the levied properties was to be carried out, many of the seized items were missing or parts thereof cannibalized causing substantial loss to the defendants. What is more, the Isuzu KC 20 van with plate No. KPG 631 could no longer be located in the bodega. This van was reported missing or carnapped to the police and constabulary authorities but despite all efforts, the van could not be located until it was intercepted on July 3, 1987 in front of City Bank Building, Paseo de Roxas, Makati, driven by a driver of a certain Atty. Cristino Abasolo, Jr. who claimed that the vehicle was lent to his wife in June, 1987 by her friends, a former ranking official of the Tanodbayan.

On the basis of the facts disclosed above which are incontrovertible, we are of the opinion that respondent deputy sheriff Marleo J. Academia is guilty of serious misconduct in office for having acted with abuse of authority in the manner in which the writ of attachment was carried out. Thus, even assuming the regularity of the procedure in carrying out the seizure of defendants' properties in (sic) virtue of the order of attachment, respondent deputy sheriff Marleo J. Academia grossly violated the law and the Rules of Court in carting away the seized items, boarding them in trucks and depositing them in plaintiffs' own bodega at Romy St. Maysilo, Malabon, Metro Manila, inadequately secured from pilferage and exposed to elements in a place outside the territorial jurisdiction of the court and the enforcing sheriff. Respondent Academia failed to adequately secure and safekeep the items which are very delicate and can be easily stolen. In fact, with respect to the Isuzu KC 20 van, the vehicle could have been easily parked at the parking area of the Manila Regional Trial Court and its keys kept in the possession of the sheriff. But respondent deputy sheriff turned over to plaintiffs' counsel possession of the vehicle which was illegally lent to and used by unauthorized persons, and was recovered only after about three (3) months with much effort.

What is more, respondent deputy sheriff Marleo J. Academia gravely abused his authority by making excessive levy on property of the defendants, simultaneously attaching such property situated in different places, in addition to garnishment of bank accounts, worth far in excess of plaintiffs' demand in the complaint. (*Padolina vs. Henson*, 173 SCRA 269).

As a deputy sheriff, respondent Marleo J. Academia has no authority without an express order of the court which issued the writ to designate other sheriffs as his deputies in order to carry out simultaneous seizures of defendants' properties situated at different places and the garnishment of defendants' bank accounts in several banks.

The seriousness of the illegal acts committed by respondent deputy sheriff call for the imposition of the most severe penalty in the civil service which is dismissal (sic) from the service with forfeiture of retirement rights, if any.

WHEREFORE, we find the respondent deputy sheriff Marleo J. Academia guilty of grave misconduct in office and accordingly, recommend that the Supreme Court dismiss him from the service with forfeiture of his retirement rights, if any.

In connection with the second part of the resolution dated February 14, 1990, referring the complaint against Atty. Alex Y. Tan to the Bar Confidant for appropriate action, we respectfully recommend that the investigation be extended to Atty. Cristino Abasolo, Jr. in whose possession the Isuzu LV (sic) 20 van, subject of levy, was found."

II. ADM. MATTER NO. P-90-481, which is based on the verified letter, dated 13 July 1990, of Executive Judge Bernardo Pardo of the Regional Trial Court of Manila wherein he charges Marleo J. Academia with dishonesty committed as follows:

“1. In Civil Case No. 83-21859 entitled Vicente T. Ang, Plaintiff, versus Admiral Investment and Financing Co., Inc., et al., Defendants, and Deputy Sheriff of Branch 27, Respondent Marleo J. Academia received the amount of P219,023.16 as the bid for the sale at public auction of property levied upon. The bid price was paid for by RCBC Manager’s Check No. UN003261-0128 dated April 5, 1984, in the amount of P210,000.00, payable to the Clerk of Court, Regional Trial Court, Manila, and cash in the amount of P9,023.16. Deputy Sheriff Academia delivered the check to then Clerk of Court Cesar P. Javier who deposited the same with the Philippine National Bank but Deputy Sheriff Academia pocketed the cash in the amount of P9,023.16”.

“2. By failing to deposit with the Clerk of Court the cash amounting to P9,023.16 received by him constituting part of the proceeds of an auction sale, respondent deputy sheriff committed an act of dishonesty.”

and prays that respondent be ordered dismissed from the service with forfeiture of retirement rights, if any, and to pay to the Clerk of Court, Regional Trial Court of Manila on account of Civil Case No. 83-21859, the amount of P9,023.16 with interest at the legal rate from 7 March 1984, until fully paid.

In the Resolution of 1 August 1990 this Court directed Deputy Court Administrator Juanito A. Bernad to investigate the complaint and to submit his report and recommendation after the termination thereof.

In a Notice of Hearing dated 14 September 1990, Deputy Court Administrator Bernad set the hearing on 28 September 1990 and furnished respondent with a copy of the letter complaint requiring him to submit his Comments thereon on or before the scheduled hearing. He further informed respondent that he may appear with counsel at such hearing.

At the hearing on 28 September 1990 complainant testified and offered documentary evidence. Respondent appeared alone and openly declared that he did not need time to secure the services of counsel. He waived his right to cross-examine the complainant, and when asked if he had anything to say about the testimony of complainant, he just answered:

“If I have committed a mistake, Sir, please forgive me, anyway I have paid already the amount complained of.” (TSN, p. 5; Rollo, p. 28)

Respondent chose not to testify, and offered as his only evidence the official receipt (O.R. No. 12986) for his payment on 26 September 1990 of the amount of P9,023.16. (Exh. “1”).

After the hearing Deputy Court Administrator Bernad submitted the following report, dated 19 October 1990, which was duly concurred in by Court Administrator Meynardo A. Tiro:

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“Judge Bernardo P. Pardo, while taking the witness stand propounded the questions to himself and testified that he knows respondent being one of the Deputy Sheriffs of RTC, Manila, assigned to Branch 27; that as Executive Judge of RTC, Manila, he ordered an inventory of the contents of the safety deposit box of the outgoing Clerk of Court Atty. Cesar Javier who was newly appointed judge of the RTC of Pampanga; that among the papers he found, was PNB passbook no. 010-686608-2 marked as Exhibit “C-1” in the name of the Clerk of Court, RTC, Manila in trust for Branch 27, Civil Case No. 83-21859 where there was a balance of P210,000.00 on April 27, 1984, and a withdrawal on June 6, 1984 of P50,000.00; that he asked for the record of Civil Case No. 83-21859 and after examining the record he discovered from the Sheriff’s Return that the actual money received by the Deputy Sheriff as bid money was P219,023.16 but the money deposited at the PNB was only P210,000.00; that he was convinced that on the basis of the record, there was a discrepancy in

the amount of P9,023.16 which was unaccounted for; that in the same order, he had the PNB update the bank book, Exhibit “C-1”, and it was so updated showing a balance of P228,975.48 as of March 26, 1990 because of the interests that had accumulated from June 6, 1984. From the last entry of the balance of P160,000.00, the amount had increased to P228,975.48 as of March 26, 1990; that in the same order, he required the Asst. Clerk of Court who had already taken over the position of Clerk of Court in a temporary manner to close this account no. 010-686608-2 in the name of the Clerk of Court, RTC, Manila in trust for Branch 27, Civil Case No. 8321859, and to transfer the balance of the account to the Fiduciary Account of the RTC, Manila under account no. 068-576012-6; that on July 13, 1990, he filed an administrative case against Deputy Sheriff Marleo J. Academia for dishonesty which is now the subject of this investigation;

Judge Pardo offered as evidence, Exhibit “A”, the Certificate of Sale dated March 6, 1984 consisting of 2 pages, the second page marked as Exhibit “A-1”, showing that Deputy Sheriff Marleo J. Academia conducted an auction sale of the property of the defendants by virtue of an Order of Attachment and that the highest bid was in the amount of P219,023.16;

Exhibit “B”, the manifestation/motion dated March 12, 1984 of the Deputy Sheriff Marleo J. Academia wherein he acknowledged that he received the amount of P210,000.00 in check of the Rizal Banking Corporation and cash in the amount of P9,023.16 as full payment of the said bid;

Exhibit “C”, is the manifestation of Clerk of Court appearing in the record dated March 27, 1984 showing that he deposited the amount of P210,000.00 with the PNB under account no. 010-686608-2 in the name of Clerk of Court, RTC, Manila in trust for Branch 27 in Civil Case No. 83-21859;

Exhibit “C-1” is the passbook itself of account no. 010-686608-2;

Exhibit “D” is the order dated April 2, 1984 in Civil Case No. 83-21859 showing that the court has authorized the withdrawal of P50,000.00 to be remanded to the plaintiff in said case from the account deposited with the PNB under Exhibit “C-1”;

Exhibit “D-1”, the entry in the passbook, withdrawal of P50,000.00 on June 6, 1989, leaving a balance of P160,000;

Exhibit “E”, the receipt dated June 6, 1984 showing that the plaintiff Victor P. Ang, received the amount of P50,000.00 from Deputy Sheriff Marleo J. Academia;

Exhibit “F” and “F-1”, the Sheriff’s return in Civil Case No. 83-21859, entitled “Victor P. Ang vs. Admiral Investment Financing Company, Inc.” consisting of 2 pages;

Exhibit “G”, the order dated February 28, 1990 of the Executive Judge in Civil Case No. 83-21859 (p. 3, Rollo);

Exhibit “G-1” (p. 4, *ibid.*) is the second page of that order.

With the admission of all these exhibits, the complainant rested his case.

On the part of the respondent, he offered Official Receipt No. 129186 (sic) dated September 26, 1990 in the amount of P9,023.16 showing that he has refunded the aforesaid amount to the court marked as Exhibit “1” (p. 22, Rollo); that when the undersigned investigator asked him if he had any other evidence, he said he had none and that with the admission of his solitary exhibit, he rested his case throwing himself to the mercy of this Court asking forgiveness and that he had already paid the amount complained of.

From the foregoing, the complainant Judge Bernardo P. Pardo, Executive Judge of Manila has duly proved his case for dishonesty against the respondent beyond reasonable doubt. The respondent perhaps realizing that the case against him is indefensible, paid the amount to the court on September 26, 1990 as shown by Official Receipt No. 1212986 (sic) for the sum of P9,023.16 marked as Exhibit “1”. Upon his plea of mercy to the

Investigator, the undersigned told him that it was not in his power to grant mercy but from the Honorable Court.”

We shall decide both cases jointly.

ADM. MATTER NO. P-87-72

Judge Pardo correctly disregarded the motion to dismiss on the ground that “there is more than adequate basis for administrative action to be taken against” respondent Academia “on the basis of indubitable facts appearing on the record which the court may take judicial notice of and on admissions made by” him. We would go further by saying that complaints against public officers and employees relating or incidental to or in connection with the performance of their duties are necessarily impressed with public interest. By express Constitutional mandate, a public office is a public trust (Section 1, Article XI, 1987 Constitution of the Philippines) and the holder thereof is a servant of the people to whom he is accountable at all times. He is not relieved of that accountability by the benevolence of a private party. Thus, a complaint for misconduct, malfeasance or misfeasance against a public officer or employee cannot just be withdrawn at any time by the complainant simply because he has lost interest in the prosecution of the case. Where, as in the instant case, the charges are very serious and are supported by sufficient evidence attached to the sworn complaint itself, and the complainant vigorously reiterated such charges in his reply to the answer of the respondent, any withdrawal or dismissal thereof upon motion of complainant would not only be suspect but would be inimical to public interest. If the charges are in fact true, the grant of a motion to dismiss by complainant would hide the evil deed committed with the disciplining authority being used therefor.

Public interest and the need to maintain the faith and confidence of our people in the Government and its agencies and instrumentalities demand then that proceedings in administrative cases against public officers and employees should not be made to depend on the whims and caprices of complainants.

In a real sense, the complainants in such cases are just witnesses, and therefore, regardless of their motions to dismiss and/or to withdraw the complaints, the proceedings thereon may continue.

We agree with Judge Pardo that the acts committed by respondent Academia in relation to the execution or implementation of the writ of preliminary attachment constituted serious misconduct in office which would warrant the imposition of the penalty he recommended.

ADM. MATTER NO. P-90-481

In this case this Court agrees with the investigator that the complainant has duly proved beyond reasonable doubt his case for dishonesty against respondent.

The same act of respondent, however, also constitutes grave misconduct and conduct prejudicial to the best interest of the service.

Respondent’s refund of the amount he misappropriated and his plea for forgiveness are of no moment and do not serve to mitigate his administrative liability. The refund was made only on 26 September 1990, or two days short of seven (7) months after he was ordered by complainant to account for the amount misappropriated (Order of 28 February 1990, Exh. “G”) and a little over two (2) months after complainant prepared his letter-complaint. He received the amount from the highest bidder on 7 March 1984 yet (Exh. “F”). Were it not for the extraordinary diligence and zeal of complainant Executive Judge, the misappropriation would have remained concealed in the safe deposit box of the Clerk of Court.

Respondent's plea for forgiveness is insincere and does not proceed from a voluntary admission that his misappropriation was "a mistake" and from a repentant heart. The plea is conditioned on a prior determination that what he did was "a mistake". Without a tinge of sorrow and unaffected by even a twinge of remorse, he merely nonchalantly stated:

"If I have committed a mistake, Sir, please forgive me, anyway I already paid the amount complained of."
(TSN, Testimony of Judge Pardo, p. 5; Rollo, p. 28).

Yet, he ought to know from the very beginning that what he did was not just a mistake; it was a well-planned, wrongful, and illegal act. It should be noted that the bid price was P219,023.16. However, only P210,000.00 thereof was covered by the Manager's Check of RCBC, payable to the Clerk of Court. The remaining amount of P9,023.16 was paid in cash, which respondent did not turn over to the Clerk of Court. No reason had been advanced as to why the full amount of the bid price was not covered by the Manager's check. It is logical to assume that the splitting of the payment of the bid price into a Manager's Check and cash was made at the instance or upon instruction of respondent Sheriff so that, without the slightest difficulty, he could withhold the cash and keep it for himself. He could not have done so had the full amount been covered by the Manager's check.

CONCLUSION

The administration of justice is a sacred task. By the very nature of their duties and responsibilities, all those involved in it must faithfully adhere to, hold inviolate, and invigorate the principle solemnly enshrined in the 1987 Constitution that a public office is a public trust; and all public officers and employees must at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty and efficiency, and act with patriotism and justice, and lead modest lives. (Sec. 1, Article XI).[1]

This 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 would diminish or even just tend to diminish the faith of the people in the Judiciary. In *Jereos, Jr. vs. Reblando, Sr.* (71 SCRA 126, 131-132), We laid down the rule that the conduct and behavior of every one connected with an office charged with the dispensation of justice, like the courts below, from the presiding judge to the lowliest clerk, should be circumscribed with the heavy burden of responsibility. His conduct, at all times, must not only be characterized by propriety and decorum but above all else must be above suspicion.

Indeed, every employee of the judiciary should be an example of integrity, uprightness and honesty. (*Ablanida vs. Intia*, Adm. Matter No. R-770-P, May 17, 1988).

The acts complained of in the aforesaid two cases show beyond doubt the unfitness of respondent to continue to hold any government position. They are indicia of a character that resists reform or reconstruction to meet the strict demands of a public office or refuses to be bound by the ethical standards which public officers and employees must uphold.

WHEREFORE, in the light of the foregoing, the Court resolved to DISMISS respondent MARLEO J. ACADEMIA from the service for dishonesty, grave misconduct and conduct prejudicial to the best interest of the service, with forfeiture of all benefits and with prejudice to re-employment in any branch or service of the government, including government-owned or controlled corporations.

In Adm. Matter No. P-90-481, respondent is further ordered to pay to the Clerk of Court of Branch 27, RTC, Manila, which the latter shall deposit in the Fiduciary Account of the RTC of Manila (Account No. 068-576012-6), the interests, at the legal rate, on the amount of P9,023.16 from 7 March 1984 until 25 September

1990, within ten (10) days from notice hereof.

SO ORDERED.

Fernan, C.J., Narvasa, Melencio-Herrera, Gutierrez, Jr., Cruz, Paras, Feliciano, Padilla, Bidin, Sarmiento, Griño-Aquino, Medialdea, Regalado, and Davide, Jr., JJ., concur.
Gancayco, J., on leave.

[1] To implement this provision the new Congress of the Philippines passed Republic Act No. 6713, otherwise known as the Code of Conduct and Ethical Standards for Public Officials and Employees, which the President approved on 20 February 1989.

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