SPS. ARTHUR & LEONORA STILGROVE, COMPLAINANTS, VS. ERIBERTO SABAS, IN HIS CAPACITY AS CLERK OF COURT AND EX-OFICIO SHERIFF, AND ERNESTO SIMPLICIANO, IN HIS CAPACITY AS DEPUTY SH...

A.M. NO. P-06-2257 (Formerly OCA I.P.I. No. 01-1212-P). May 29, 2007

Ponente: TINGA, J.

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TINGA, J.:

Before this Court is a Motion for Reconsideration filed by respondent Sabas of this Court's Resolution promulgated on 29 November 2006. Let it be said at the outset that respondent's motion for reconsideration presents no substantial matters that would warrant a reversal of this Court's finding that he is guilty of Grave Abuse of Authority and Conduct Unbecoming of a Court Personnel.

The fact that the spouses Stilgrove were subsequently found in Civil Case No. 1681 to have encroached on the property where the demolished structure was erected does not render moot and academic the administrative case against respondent. What is important for purposes of determining respondent's administrative liability is that, at the time of the demolition, the spouses Stilgrove were at least the presumptive owners of Lot No. 18556.

However, for purposes of clarity, the dispositive portion of the 29 November 2006 Resolution has to be recast to the end that the fine imposed on respondent Sabas shall be in an amount equivalent to his salary for six (6) months plus the amount corresponding to fifteen (15) days of leave credits, deductible from his retirement pay.

IN VIEW OF THE FOREGOING, the Court hereby RESOLVES to PARTIALLY GRANT respondent's motion for reconsideration. The dispositive portion of this Court's 29 November 2006 Resolution is hereby modified to read:

> "WHEREFORE, premises considered, respondent Eriberto Sabas, former Clerk of Court and Ex-Officio Sheriff of the Municipal Trial Court of Puerto Princesa City, Palawan, is found GUILTY of Grave Abuse of Authority and Conduct Unbecoming of a Court Personnel, and accordingly FINED in an amount equivalent to his salary for six (6) months plus the amount corresponding to fifteen (15) days of leave credits, deductible from his retirement pay.
>
> The charges of grave abuse of authority and conduct unbecoming a court officer against Ernesto Simpliciano, former Deputy Sheriff of the Municipal Trial Court of Puerto Princesa City, Palawan, is hereby DISMISSED for lack of merit.
>
> The charge of violation of Sections 3(a), 3(e) and 4(b) of Republic Act No. 3019 against Eriberto Sabas and Ernesto Simpliciano is REFERRED to the Executive Judge of the Regional Trial Court of Puerto Princesa City for investigation, report and recommendation on respondents' administrative liability within sixty (60) days from receipt of the record.
>
> SO ORDERED."

SO ORDERED.

Quisumbing, (Chairperson), Carpio, and Velasco, Jr., JJ., concur.
Carpio-Morales, J., on official leave.

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