

KENNETH S. NEELAND, COMPLAINANT, VS. ILDEFONSO M. VILLANUEVA, CLERK OF COURT, REGIONAL TRIAL COURT, BACOLOD CITY, AND NELSON N. ABORDAJE, SHERIFF III, MUNICIPAL TRIAL COURT IN C...

A.M. No. P-99-1316. August 08, 2000

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PER CURIAM:

This refers to a motion for reconsideration of the resolution of the Court promulgated on October 29, 1999, dismissing respondent Ildefonso M. Villanueva, clerk of court, Regional Trial Court, Bacolod City from the service and forfeiting all his leave credits and retirement benefits, if any, with prejudice to reinstatement or re-employment in any agency, branch or instrumentality of the government, including government-owned and controlled corporations.

On February 6, 1996, Sugarland Motor Sales placed the highest bid price in the amount of forty thousand (P40,000.00) pesos for a motor vehicle owned by Kenneth S. Neeland subject of an auction sale. Sheriff Nelson N. Abordaje, who conducted the public auction sale, turned over the amount of twenty thousand (P20,000.00) pesos, representing payment of the mortgage obligation of Kenneth S. Neeland, to mortgagee Sugarland Motor Sales. Clerk of Court Ildefonso M. Villanueva, as ex-officio Provincial Sheriff, issued a certificate of sale conveying the motor vehicle to Sugarland Motor Sales. However, the balance of twenty thousand pesos remained unaccounted for and was not turned over to the mortgagor. Consequently, an administrative complaint was lodged against Sheriff Abordaje and Clerk of Court Ildefonso M. Villanueva. Not satisfied with the explanation given by both respondents concerning the proceeds of the sale, after due hearing, on October 29, 1999, the Court meted out the penalty of dismissal to both Sheriff Abordaje and Clerk of Court Villanueva for gross misconduct.

Hence, this motion for reconsideration filed by respondent Villanueva.[1]

After a review of the records, we note that this is the first administrative complaint against respondent in his long years of service with the judiciary. He has also introduced various innovations in court to increase the efficiency of the employees.

Nevertheless, we remain convinced that respondent was remiss in his duty in this particular case. It cannot be overlooked that respondent failed to oversee the rightful turnover of the balance of the proceeds of auction sale to the corresponding party, and more, the payment of the sheriff's commission to the court. He merely signed the minutes of the sale without ensuring the accuracy of its contents and he signed the certificate of sale without checking the disposition of the balance of the proceeds and fees accruing to the court. Respondent must be held accountable for failure to exercise proper supervision over his subordinate.[2]

However, respondent's lack of previous derogatory record may be considered in his favor. Hence, we reduce the penalty.

WHEREFORE, the Court GRANTS the motion for reconsideration of respondent Ildefonso M. Villanueva, and

SETS ASIDE the resolution only insofar as it dismisses him from office. He is, however, held liable for neglect of duty and sentenced to pay a FINE in the amount of five thousand (P5,000.00) pesos, with warning that a repetition of the same or similar offense will be dealt with more severely.

SO ORDERED.

Davide, Jr., C.J., Melo, Puno, Vitug, Kapunan, Mendoza, Panganiban, Quisumbing, Purisima, Pardo, Buena, Gonzaga-Reyes, Ynares-Santiago, and De Leon, Jr., JJ., concur.

Bellosillo, J., on official leave.

[1] Dated November 23, 1999, Rollo, pp. 92-118.

[2] *Fabiculana vs. Gadon*, 239 SCRA 542 (1994).

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