

**OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS.
LEANDRO ANQUILO, JR., DEPUTY SHERIFF, METROPOLITAN TRIAL
COURT, BRANCH 40, QUEZON CITY, RESPONDENT.**

A.M. No. P-92-701. November 08, 1993

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PER CURIAM:

On June 8, 1992, the Office of the Court Administrator filed an administrative complaint against Deputy Sheriff Leandro Anquilo, Jr., Metropolitan Trial Court, Branch 40, Quezon City, for grave misconduct.

By the En Banc Resolution dated September 3, 1992, the administrative case was referred to Executive Judge Pedro Santiago of the Regional Trial Court, Quezon City, for investigation, report and recommendation.

It appears that on April 20, 1989, the Municipal Trial Court, Branch 40, Quezon City, rendered a decision in Civil Case No. 50777 entitled "Traders Royal Bank v. Angel San Diego and Luzviminda Santos." In the decision, the trial court ordered the defendants to pay a sum of P14,953.09 plus interest, attorney's fees and costs. On August 8, 1989, as partial payment of the judgment debt, a sister of the defendant San Diego issued a check for P16,948.39 payable to Traders Royal Bank. The check was turned-over by respondent to Teofilo M. Pugeda, an assistant manager of Traders Royal Bank. Respondent collected the amount of P2,000.00 from Pugeda as partial payment for his services in implementing the writ of execution and for which he issued a receipt (Exh. "A-2").

In his Sheriff's Report dated August 14, 1989, respondent stated that he had collected the amount of P21,806.12 in "full satisfaction of [defendant San Diego's] monetary obligation to the plaintiff" (Exh. "A-4").

On August 15, 1989, defendant San Diego's sister issued another check, this time for P8,500.00, payable to cash, with the annotation at the back thereof as follows: "for payment to TRB for Angel T. San Diego obligation." Respondent encashed the check and kept the money.

Pugeda later learned of the payment of P8,500.00 by defendant San Diego. Thus, in the two letters to respondent, dated October 9, 1989 and November 6, 1989 (Exhs. "A-5" and "A-6"), Pugeda demanded that respondent remit to the Bank the P8,500.00 and the P2,000.00, which respondent allegedly got from the sister of the defendant San Diego, also as sheriff's fees.

As a consequence of respondent's failure to remit the P8,500.00, Pugeda filed a complaint against respondent with the Office of the Ombudsman.

In a resolution dated September 24, 1990, in OMB-0-90-1816, the Ombudsman recommended that respondent be charged with estafa under Article 315, par. 1(b) and with falsification by a public officer under Article 171, Revised Penal Code.

The subsequent Order dated September 24, 1991 of the Ombudsman dismissed the complaint at the request of Pugeda, who withdrew his complaint after respondent remitted the P8,500.00 to him.

In his Comment, respondent alleged that he tried to give the bank the P8,500.00, but the bank refused to accept

the money claiming that it was entitled to P35,000.00 under its computation of the judgment debt. He also alleged that he tried to give the money to the branch Clerk of Court for safe-keeping but the latter refused to accept the responsibility because there was no safety-deposit box in his office.

The Investigating Judge conducted hearings where Teofilo M. Pugeda and respondent testified. On August 16, 1993, the Investigating Judge submitted his Report and Recommendation, the pertinent part of which reads as follows:

"xxx The claim of respondent that the complainant-bank refused to accept the amount of P8,500.00 is far fetched from truth considering that the decision could not be interpreted in any other amount but P21,806.12. The bank had already accepted P16,948.39. There is no plausible reason why the bank should refuse to accept the P8,500.00 for the full satisfaction of a decision in his favor. He also did not deny that he filed his report on August 14, 1989 informing the Court that he had collected the total amount of P21,806.12 when in fact he had collected only P16,948.39 because he had an understanding with the defendant.

Based on the evidence, it is clear that Deputy Sheriff Leandro Anquilo, Jr. had the intention of defrauding and in fact defrauded complainant bank in the amount of P8,500.00 considering that he made a return on August 14, 1989 of the writ of execution to the effect that he had collected the full judgment debt of P21,806.12 when in truth respondent only transmitted P16,948.39 to complainant. Compounding his untruthful return, respondent did not remit to complainant the second check for P8,500.00 which he encashed. He kept the amount, evidently personally appropriating the same. Respondent admitted having offered to deliver the amount of P8,500.00 to complainant only when a complaint was lodged against him before the office of the Ombudsman. (TSN. June 22, 1993, p. 15) Respondent's other defense that he kept the P8,500.00 in his office desk because the Branch Clerk of Court refused to accept the amount does not find reason nor an iota of evidence to support his claim" (Rollo, pp. 132-133).

The Investigating Judge concluded his Report with the recommendation that respondent be found guilty and dismissed from the service.

Respondent places much reliance on the dismissal by the Ombudsman of the complaint for estafa and falsification against respondent, which he mentions in his Comment. The dismissal of the criminal case is not per se a bar to administrative sanctions when called for by the malfeasance, misfeasance or nonfeasance of a public officer (See *Hipolito v. Mergas*, 195 SCRA 6 [1991]). It appears that the dismissal of the Ombudsman case was based mainly on the desistance of the complainant therein, which desistance was made upon respondent's having remitted the P8,500.00. The payment by respondent after two years from the time he should have turned-over his collection to the Bank does not erase his administrative liability for misconduct. On the contrary, it even bolsters the charge that respondent withheld the turn-over of said funds and was forced to remit the same only when the Traders Royal Bank lodged a complaint against him with the Office of the Ombudsman.

We are in complete accord with the recommendation of the Investigating Judge. We find that the record supports the findings and conclusions embodied in the report. The facts indubitably establish respondent's acts of grave misconduct, warranting the extreme penalty of dismissal from the service with forfeiture of benefits.

WHEREFORE, the Court Resolved to DISMISS respondent from the service for gross misconduct, with forfeiture of all benefits, and with prejudice to his re-employment in any branch or service of the government, including government-owned and controlled corporations.

This decision is immediately executory.

SO ORDERED.

Narvasa, C.J., Cruz, Feliciano, Padilla, Bidin, Regalado, Davide, Jr., Romero, Nocon, Bellosillo, Melo, Quiason, Puno, and Vitug, JJ., concur.

Griño-Aquino, J., retired.

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