

**HON. JAMES B. PAJARES, COMPLAINANT, VS. DEPUTY SHERIFF
ELIZER ALIPANTE, RESPONDENT.***A.M. No. R-190-P. September 15, 1987*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/8360b6023abd/>**PER CURIAM:**

Elizer Alipante, Deputy Sheriff of Camarines Sur, was charged with dishonesty, dereliction of duty and conduct prejudicial to the best interest of the service under a sworn complaint filed on July 27, 1984 by Judge James Pajares, RTC Branch 19, Naga City. The case was referred for investigation, report and recommendation to the Executive Judge of the Regional Trial Court at Naga City. Hearings were held on the matter before Acting Executive Judge Juan Llaguno, at which respondent was represented by counsel.

On the basis of the evidence adduced before him, the Investigating Judge opined that the guilt of the respondent for neglect of duty and inefficiency and incompetence in the performance of official duties, had been sufficiently established. According to him, the evidence proved that respondent as deputy sheriff undertook to enforce a writ of preliminary attachment issued in Civil Case No. 1449 of the Court of First Instance entitled "Freshie Sta. Rosa-Yador v. Dario M. Javier, et al."; that pursuant to the writ he levied on several items of personality in the possession of two of the defendants on May 12, 1982; that he deposited the articles in a private warehouse owned by a Samson Cagonia, at Naga City; that somehow, and without respondent's knowledge, the plaintiffs were thereafter able to withdraw the property from the warehouse, and respondent sheriff has since been unable to locate and retrieve the same; and that respondent failed to file a return on the writ of preliminary attachment, bestirring himself to do so only when required to do so under threat of disciplinary action by the complainant Judge, by Order dated March 1, 1984. The Investigating Judge also rejected respondent's proffered excuse of pressure of work for his failure to file his report on his implementation of the writ of attachment, as well as his claim that his inability to retain official custody of the attached property was rendered inconsequential by the fact that an amicable settlement had been subsequently reached by the parties concerned and the plaintiffs had credited the defendants with the value of the property levied on.

The Investigating Judge however declared the other charges against respondent as not having been adequately substantiated by the evidence submitted.

We find no cogent reason after reviewing the record to disturb His Honor's findings. We agree that the respondent is guilty of gross negligence and conduct seriously prejudicial to the best interest of the service. The evidence shows respondent to have been completely unmindful of his duties, so indifferent to his responsibilities as to be scornful of them, and utterly uncaring of the rights of the parties. He has by his conduct shown himself to be unfit for public service, specially that connected with the administration of justice, which demands the highest sense of dedication and zeal in the protection and conservation of the rights and interests of litigants as well as in assuring the efficacy and integrity of the judicial process.

WHEREFORE, the Court declares respondent guilty of gross negligence and conduct gravely prejudicial to the service, and ORDAINS HIS DISMISSAL from employment as deputy sheriff, with perpetual disqualification to hold any other public office, and forfeiture of all benefits otherwise due him by reason of his service in the

Government.

Teehankee, C.J., Yap, Fernan, Narvasa, Melencio-Herrera, Gutierrez, Jr., Cruz, Paras, Feliciano, Gancayco, Padilla, Bidin, Sarmiento, and Cortes, JJ., concur.

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