

SOLOMON SON, COMPLAINANT, VS. ROLANDO C. LEYVA, SHERIFF IV, REGIONAL TRIAL COURT, BRANCH 74, ANTIPOLO CITY, RIZAL, RESPONDENT.

A.M. No. P-11-2968 [Formerly OCA I.P.I. No. 10-3535-P]. November 28, 2019

Ponente: LAZARO-JAVIER, J.

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LAZARO-JAVIER, J.:

The Case

This is an administrative complaint[1] filed by Solomon Son (Son), Finance and Operations Manager of Baclaran Marketing Corporation (BMC), charging respondent Rolando C. Leyva, Branch Sheriff of Regional Trial Court (RTC) Branch 74, Antipolo City with grave misconduct, gross neglect of duty, dishonesty, gross ignorance of the law, and conduct prejudicial to the best interest of the service for levying and selling at public auction BMC's property to satisfy the money judgment against BMC amounting to P765,159.55 in Civil Case No. 1218-A. At the time of auction, the property had an assessed value of P33,395,000.00[2] and market value of P19,890,000.00.

Antecedents

In his Letter Complaint[3] dated October 28, 2010, Son essentially alleged:

In Civil Case No. 1218-A, entitled "Mamerto Sibulo, Jr. vs. Ricardo Mendoza and Baclaran Marketing Inc.," for damages, the RTC Br. 74, Antipolo City, Rizal ruled in favor of BMC and dismissed the complaint against it. The complaint arose from a vehicular collision between Sibulo's car and BMC's truck.[4]

Aggrieved, Sibulo appealed to the Court of Appeals (CA) under CA--G.R. CV No. 17936, sans notice to BMC. Fifteen (15) years later or on May 9, 2005, the CA reversed the RTC through its Decision[5] dated May 9, 2005. Since BMC and Son were unaware of the said appeal, the aforesaid decision became final. Thereafter, a Writ of Execution[6] dated January 16, 2006 and Order dated February 23, 2006 ordering the levy of BMC's real properties, was issued.[7]

Without demanding cash payment from BMC or proceeding against its personal properties first, respondent, on April 17, 2006 immediately sold on public auction BMC's real property under TCT No. 34587. The money judgment against BMC amounted to P765,159.55. Subject property is a prime property located along Quirino Avenue, Parañaque City. It had an assessed value of P33,395,000.00 as of April 2008 and market value of P19,890,000.00 at the time of the auction. Clearly, there was an excessive levy in violation of Section 9, Rule 39 of the Rules of Court.

Respondent thus violated: (1) Section 15(d), Rule 39 of the Rules of Court which requires written notice of sale to the judgment obligor at least three (3) days before the sale; (2) Section 9(b), Rule 39 in relation to Section 7(a), Rule 57 of the same rules when he failed to leave a copy of the order, together with the description of the property and notice that was attached, with the occupants of the property; and (3) Section 14, Rule 39 of the Rules of Court when he did not make a return to the court immediately after the property was auctioned on April 17, 2006. He

only submitted his Sheriff's Report on January 17, 2007 or more than nine (9) months after the auction sale was completed. Yet, he peremptorily issued the Certificate of Sale on the day of the auction sale itself.[8]

In his Comment[9] dated January 5, 2011, respondent denied the charges. He countered that he simply performed his ministerial duty of implementing the Writ of Execution dated January 16, 2006 and the Order dated February 23, 2006.

He separately served BMC and its counsel of record, Atty. Isagani Rizon, copies of the notice of levy, writ of execution, and the February 23, 2006 Order on March 13, 2006 and March 21, 2006, respectively. But these notices were both returned unserved with corresponding notations "Baclaran Marketing does not exist" and "CNEE moved out as per S/G Tiquio."

He also sent both BMC and Atty. Rizon copies of the Notice of Sheriff's Sale at their respective addresses. These were also returned unserved with notation "returned to sender, moved."

On March 24, 2006, respondent received the certificate of posting, followed by the affidavit of publication and issues of the Truth Seekers News all pertaining to the notice of sheriff's sale. Only then did he proceed with the auction sale of the property. On April 21, 2006, he sent copies of the Certificate of Sale to BMC and Atty. Rizon. But the same were again returned to sender with corresponding notations "no such company" and "returned to sender, unclaimed." He, nonetheless, submitted his Sheriff's Report informing the court of the full satisfaction of the writ of execution and order.

At any rate, BMC was at fault when it failed to inform the court of its new address. BMC could not have expected him to serve on it a formal demand to pay in cash or to locate its personal properties when its address was in fact unknown. It was beyond his authority to determine if BMC was still conducting business on the levied property or that the levied property was in fact worth much more than BMC's obligation.[10]

In his Reply, complainant averred that respondent failed to exert all efforts to locate BMC's new office. In fact, its new office was just beside its former office. Respondent was duty-bound to determine the property's value to assess if it is sufficient to satisfy the judgment award.[11]

In his Rejoinder, respondent reiterated his arguments.

On June 16, 2011, the Office of the Court Administrator (OCA) recommended that the Letter Complaint be re-docketed as a regular administrative matter against respondent.[12]

In a Resolution dated August 17, 2011, the Court directed the parties to manifest if they were willing to submit the case for resolution on the basis of the pleadings filed. In his Manifestation dated November 16, 2011, complainant requested a formal hearing. Respondent, on the other hand, manifested that he was willing to have the instant case submitted for resolution on the basis of the pleadings submitted.[13]

On April 4, 2013, the OCA recommended to grant complainant's request for a formal hearing and referred the case to the Executive Judge of the RTC of Antipolo City, for investigation, report, and recommendation.

The Report and Recommendation
of the Investigating Judge[14]

In its Report dated May 23, 2014,[15] the Investigating Judge found that there was substantial evidence to hold respondent liable for: 1) failing to make a formal demand for payment of the judgment debt and computation of lawful fees; 2) levying on BMC's real property ahead of its available personal properties; and 3) excessively levying BMC's property.

The Investigating Judge found that respondent violated the procedure outlined in Section 9, Rule 39 of the Rules of Court. Respondent failed to demand payment of the monetary judgment from BMC before proceeding with the levy itself. He also failed to levy on BMC's personal properties first before proceeding against the subject real property. Hence, the levy thereon was premature. A sheriff who failed to limit the properties to be levied to the amount called for in the writ is guilty of misconduct,[16] viz:

Thus, the administrative charges against respondent Sheriff [were] proven and [have] more than sufficient basis for disciplinary action. In fact, in the hearing of this case before the OCA, the recommendation is to find respondent Leyva GUILTY of Gross Neglect of Duty, who should be meted the penalty of six (6) months and one (1) day suspension without pay.

RECOMMENDATION:

In view of the foregoing attendant facts, this Office adopts the recommended penalty of your Honorable Division[17] with addition of a fine of Ten Thousand (P10,000.00) Pesos with a stern warning that a repetition of the same or similar acts would be dealt with more severely.[18]

The Report and Recommendation of the Office of the Court Administrator (OCA)[19]

The OCA found respondent guilty of gross neglect of duty for failure to follow the mandatory procedure in the execution of a money judgment and for making an excessive levy on BMC's real property which had a fair market value of P19,890,000.00 as compared to the judgment debt in the amount of only P765,159.55. Thus, the OCA recommended:

Rule 10, Section 47 (items 1, 2 and 4) of the Revised Rules of Administrative Cases in the Civil Service treats of the penalty of fine in place of suspension and never as an additional or accessory penalty in view of modifying circumstances. An educated though limited review of existing jurisprudence reveals that the penalty of a fine is not imposed in addition to another penalty such as suspension but rather in lieu thereof. Hence, this Office is of the view that the recommendation of the Investigating Judge that respondent Sheriff Leyva be fined in the amount of P10,000.00 (emphasis ours) in addition [to] the six (6) months and one day suspension is not in order.

Recommendation: It is respectfully recommended for the consideration of this Honorable Court that respondent Rolando C. Leyva, Sheriff IV, Regional Trial Court, Branch 74, Antipolo City, Rizal be found GUILTY of gross neglect of duty and be meted the penalty of suspension for six (6) months and one (1) day without pay with a STERN WARNING that a repetition of the same or any similar act would be dealt with more severely.[20]

Ruling

The Court adopts the Report and Recommendation of the OCA.

Records show that respondent failed to follow the procedures laid down under Section 9, Rule 39 of the Rules of Court for the proper implementation of the writ of execution and Section 11, Rule 13 of the same rules for the proper service of notices as discussed by the Investigating Judge and the OCA. Respondent, therefore, is liable for gross neglect of duty and gross incompetence in the performance of his official duties.

First. Section 9, Rule 39 of the Revised Rules of Court prescribes the procedure for executing judgments for money, viz.:

Section 9. Execution of judgments for money, how enforced. —

(a) Immediate payment on demand. — The officer shall enforce an execution of a judgment for money by

demanding from the judgment obligor the immediate payment of the full amount stated in the writ of execution and all lawful fees. The judgment obligor shall pay in cash, certified bank check payable to the judgment obligee, or any other form of payment acceptable to the latter, the amount of the judgment debt under proper receipt directly to the judgment obligee or his authorized representative if present at the time of payment. The lawful fees shall be handed under proper receipt to the executing sheriff who shall turn over the said amount within the same day to the clerk of court of the court that issued the writ.

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(b) Satisfaction by levy. — If the judgment obligor cannot pay all or part of the obligation in cash, certified bank check or other mode of payment acceptable to the judgment obligee, the officer shall levy upon the properties of the judgment obligor of every kind and nature whatsoever which may be disposed, of for value and not otherwise exempt from execution giving the latter the option to immediately choose which property or part thereof may be levied upon, sufficient to satisfy the judgment. If the judgment obligor does not exercise the option, the officer shall first levy on the personal properties, if any, and then on the real properties if the personal properties are insufficient to answer for the judgment.

The sheriff shall sell only a sufficient portion of the personal or real property of the judgment obligor which has been levied upon.

When there is more property of the judgment obligor than is sufficient to satisfy the judgment and lawful fees, he must sell only so much of the personal or real property as is sufficient to satisfy the judgment and lawful fees.

Real property, stocks, shares, debts, credits, and other personal property, or any interest in either real or personal property, may be levied upon in like manner and with like effect as under a writ of attachment.

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(Italics and emphasis supplied.)

The rule commands that the executing officer shall enforce the judgments for money in this order: First, the officer must demand from the judgment obligor to pay in cash the judgment obligation; Second, if the judgment obligor fails to pay in cash, the officer shall proceed to levy on the personal properties of the judgment obligor; and Third, if there are no personal properties, the officer shall then levy on the real properties of the judgment obligor.

Here, respondent did not attempt to demand from BMC or complainant Son for payment of the judgment obligation nor levy on BMC's personal properties. Instead, respondent immediately sent BMC and its counsel on record, Atty. Isagani Rizon, copies of the notice of levy, writ of execution and Order, respectively. Albeit, they were all returned to sender.

Respondent, nonetheless, claims that it was futile to demand a cash payment from BMC allegedly because its address was unknown. In fact, the notices he sent were allegedly all returned to sender. Nothing here, however, justifies respondent's patent violation of the procedure in the execution of judgment for money. This only shows that respondent directly sent notice of levy, instead of demanding for cash payment first.

Well-settled is the rule that when writs are placed in the hands of sheriffs, it is their ministerial duty to proceed to execute them in accordance with the rules. A purely ministerial act or duty is one which an officer or tribunal performs in the context of a given set of facts, in a prescribed manner and without regard to the exercise of his own judgment upon the propriety or impropriety of the act done. Where a requirement is made in explicit and unambiguous terms, no discretion is left to the sheriff – he must see to it that its mandate is obeyed.[21]

Second. Even respondent's service of the notices was also improper. Under Section 5[22] of Rule 13 of the Revised Rules of Court, service of notices shall either be done personally[23] or by registered mail.[24] Here, aside from failing to demand cash payment first from BMC, respondent also erroneously served the notices through LBC without any explanation why personal service or service by registered mail was not made in violation of Sections 8 and 11, Rule 13 of the Rules of Court, viz.:

Section 8. Substituted service. — If service of pleadings, motions, notices, resolutions, orders and other papers cannot be made under the two preceding sections, the office and place of residence of the party or his counsel being unknown, service may be made by delivering the copy to the clerk of court, with proof of failure of both personal service and service by mail. The service is complete at the time of such delivery.

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Section 11. Priorities in modes of service and filing. — Whenever practicable, the service and filing of pleadings and other papers shall be done personally. Except with respect to papers emanating from the court, a resort to other modes must be accompanied by a written explanation why the service or filing was not done personally. A violation of this Rule may be cause to consider the paper as not filed.

Respondent failed to explain why he served the notice of levy through LBC, a private courier. A party who resorts to service through private courier should have justifiable reason and should explain why proper modes of services were not availed of.[25] As it was, respondent failed to provide justification for his resort to service via private courier. Both the Investigating Judge and the OCA, thus, correctly observed that respondent did not exert diligent efforts to locate BMC's new address. Had respondent resorted to personal service, he could have easily located complainant and BMC's new address because it is just beside their previous office address.

The requirement of notice is based on the rudiments of justice and fair play. It frowns upon arbitrariness and oppressive conduct in the execution of an otherwise legitimate act. It is an amplification of the provision that every person must, in the exercise of his rights and in the performance of his duties, act with justice, give everyone his due, and observe honesty and good faith.[26] An immediate enforcement of a writ does not mean the abdication of the notification requirement.[27]

Finally, even granting that levy can be made directly on BMC's real property, the sheriff is mandated to sell only such portion of the personal or real property of the judgment obligor sufficient to satisfy the judgment and lawful fees.[28]

Here, the judgment debt was only P765,159.55, while the property levied upon had a fair market value of P19,890,000.00. Undeniably, respondent made an excessive levy on the property in question. On this score, respondent cannot negate liability by simply asserting that he did not have any authority to even ascertain how much the property actually cost. Paragraphs 2 and 3, item b, Section 9, Rule 39 of the Revised Rules of Court provides:

The Sheriff shall sell only a sufficient portion of the personal or real property of the judgment obligor which has been levied upon.

When there is more property of the judgment obligor than is sufficient to satisfy the judgment and lawful fees, he must sell only so much of the personal or real property as is sufficient to satisfy the judgment and lawful fees.

Real property, stocks, shares, debts, credits, and other personal property, or any interest in either real or personal property, may be levied upon in like manner and with like effect as under a writ of attachment.

Evidently, the executing officer is duty-bound to determine the value of the property being levied to determine if

it is sufficient to satisfy the money judgment and lawful fees.

Hence, whichever way it goes, respondent committed illegal procedural shortcuts in the enforcement of the writ of execution. A sheriff cannot just unilaterally and whimsically choose how to enforce the writ without observing the proper procedural steps laid down by the rules, otherwise, it would amount to gross neglect of duty.

Gross neglect of duty or gross negligence "refers to negligence characterized by the want of even slight care, or by acting or omitting to act in a situation where there is a duty to act, not inadvertently but willfully and intentionally, with a conscious indifference to the consequences, insofar as other persons may be affected. It is the omission of that care that even inattentive and thoughtless men never fail to give to their own property." It denotes a flagrant and culpable refusal or unwillingness of a person to perform a duty. In cases involving public officials, gross negligence occurs when a breach of duty is flagrant and palpable.[29]

The OCA stressed that respondent has been a sheriff since 1987, his long years in the service should have equipped him already with the requisite knowledge in the execution of money judgments.[30] Despite the clear provisions of the law, respondent insists on the correctness of his action in directly levying on BMC's real property.

Undoubtedly, respondent exhibited arrogance, if not incompetence in the performance of his official duties.

Sheriffs and deputy sheriffs, as officers of the Court and, therefore, agents of the law, must discharge their duties with due care and utmost diligence because in serving the court's writs and processes and in implementing the orders of the court, they cannot afford to err without affecting the efficiency of the enforcement process of the administration of justice. With due acknowledgment of the vital role they play in the administration of justice, sheriffs should realize that they are frontline officials of whom much is expected by the public. Charged with the execution of decisions in cases involving the interest of litigants, they have the duty to uphold the majesty of the law as embodied in those decisions.[31]

Further, public officers, as recipients of public trust, are under obligation to perform the duties of their offices honestly, faithfully and to the best of their ability. As trustees for the public, they should demonstrate courtesy and civility in their official actuations with the public. Every public officer is bound to use reasonable skill and diligence in the performance of his official duties, particularly where rights of individuals may be jeopardized by his neglect. In sum, he is bound *virtute officii*, to bring to the discharge of his duties that prudence, caution and attention which careful men usually exercise in the management of their own affairs.[32]

Penalty

Respondent committed two (2) offenses: a) gross neglect of duty; and b) gross incompetence in the performance of official duties.

The OCA recommended the penalty of suspension from the service for six (6) months without pay.

Canon IV, Section 6 of the Code of Conduct for Court Personnel provides that court personnel shall expeditiously enforce rules and implement orders of the court within the limits of their authority.[33] Gross Neglect of Duty is punishable under paragraph (A), Section 50, Rule 10 of the 2017 Rules on Administrative Cases in the Civil Service with dismissal. While inefficiency and incompetence in the performance of official duties is punishable with suspension of six (6) months and one (1) day to one (1) year for the first offense and dismissal from service for the second offense.[34]

The Court had in certain instances dismissed government employees found guilty of gross neglect of duty in the performance of official duties, viz.:

In *Roxas v. Sicat*,^[35] the Court dismissed the respondent sheriff for gross neglect of duty and inefficiency in the performance of official duties and for misconduct due to the irregularities in the conduct of the auction sale and his circumvention of the established rule on motions.

In *Araza v. Garcia, et al.*,^[36] the Court dismissed respondent sheriff from the service for not strictly following the terms of the writ and failing to take actual physical possession of the hardware materials levied upon and leaving them in the custody of the judgment debtor.

On the other hand, Section 48, Rule 10 of the Revised Rules on Administrative Cases in Civil Service (RRACCS) provides that in the determination of the penalties to be imposed, mitigating and/or aggravating circumstances attendant to the commission of the offense shall be considered. The following shall be considered, viz:

- a. Physical illness;
- b. Good faith;
- c. Malice;
- d. Time and place of offense;
- e. Taking undue advantage of official position;
- f. Taking advantage of subordinate;
- g. Undue disclosure of confidential information;
- h. Use of government property in the commission of the offense;
- i. Habituality;
- j. Offense is committed during office hours and within the premises of the office or building;
- k. Employment of fraudulent means to commit or conceal the offense;
- l. First offense;
- m. Education;
- n. Length of service; or
- o. Other analogous circumstances.^[37]

Notably, respondent sheriff has been in the service for more than twenty (20) years. He is about to reach the mandatory retirement age as manifested in his several motions for early resolution. Also, respondent is a first-time offender. Thus, imposition of his dismissal from service would be too harsh. While the Court is duty-bound to sternly wield a corrective hand to discipline its errant employees and to weed out those who are undesirable, the Court also has the discretion to temper the harshness of its judgment with mercy.^[38]

In *OCA v. Ret. Judge Chavez, et al.*,^[39] the Court cited instances where the imposition of penalties have been tempered due to the presence of mitigating circumstances, viz.:

In *Judge Isidra A. Arganosa-Maniego v. Rogelio T Salinas*,^[40] the Court suspended the respondent who was guilty of grave misconduct and dishonesty for a period of one (1) year without pay, taking into account the mitigating circumstances of: first offense, ten (10) years in government service, acknowledgment of infractions and feeling of remorse, and restitution of the amount involved.

In *Alibsar Adoma v. Romeo Gatcheco and Eugenio Taguba*,^[41] the Court suspended one of the respondents for one (1) year without pay, after finding him guilty of grave misconduct, dishonesty, and conduct prejudicial to the best interests of the service. The respondent was a first-time offender.

And, in *Horacio B. Apuyan, Jr. and Alexander O. Eugenio v. Alfredo G. Sta. Isabel*,^[42] the Court imposed the same penalty of one (1)-year suspension without pay to the respondent who was a first-time offender of the offenses of grave misconduct, dishonesty, and conduct grossly prejudicial to the best interests of the service.^[(Italics in the original, citations omitted.)] As regards judges, in *Office of the Court Administrator v. Aguilar*,^[43] we imposed the penalty of six months suspension instead of dismissal from service after taking into consideration the mitigating circumstances of dismissal of related criminal cases for lack of probable

cause, good faith, respondent judge's strong credentials for appointment as judge, length of government service, first time offense, and remorse and promise to be more accurate and circumspect in future submissions before us.

In Re: Petition for the Dismissal from Service and/or Disbarment of Judge Baltazar R. Dizon,[44] the Court reconsidered our earlier Decision dismissing from service the respondent judge and lowered the penalty to suspension from February 23, 1988 until the date of promulgation of the Resolution on May 31, 1989 after considering the mitigating circumstances of length of government service, lack of corrupt motives, environmental difficulties such as overloaded docket, unceasing strain caused by hearings on complex cases and lack of libraries, decent courtrooms, office equipment, supplies and other facilities, and humble repentance.

In Rubin, et al. v. Judge Corpus-Cabochan,[45] the Court considered the mitigating circumstances of first offense in respondent judge's almost twenty-three (23) years of government service, frail health, case load and candid admission of infraction in determining that the appropriate penalty to be imposed on respondent judge who was found guilty of gross inefficiency was admonition.

In Fernandez v. Judge Vasquez,[46] the Court appreciated the mitigating circumstances of unblemished judicial service and first offense in imposing the penalty of fine of P50,000 against respondent judge who was held guilty of dishonesty, an offense punishable with dismissal even on the first commission. The fine was imposed in lieu of suspension from office which can no longer be imposed due to respondent judge's retirement.

In Perez v. Abiera,[47] the Court imposed the penalty of fine equivalent to three-month salary of respondent judge, deductible from his retirement benefits, after appreciating the mitigating circumstances of length of service and poor health.

On humanitarian and equitable considerations here, i.e., respondent's advanced age, and, in view of the mitigating circumstances of: a) being a first-time offender, and b) respondent's considerable length of government service, we adopt the OCA's recommendation to impose the penalty of suspension from the service for six (6) months and one (1) day without pay.

ACCORDINGLY, respondent Rolando C. Leyva, Sheriff IV of the Regional Trial Court-Branch 74, Antipolo City is found GUILTY of gross neglect of duty and gross incompetence in the performance of official duties. He is meted the penalty of SUSPENSION of six (6) months and one (1) day without pay with STERN WARNING that a repetition of the same or any similar act would be dealt with more severely.

SO ORDERED.

Peralta, C.J., (Chairperson), Reyes, J., Jr., and Inting,[*] JJ., concur.
Caguioa, J., on official leave.

[*] Additional member per Special Order No. 2726 dated October 25, 2019.

[1] Letter Complaint dated October 28, 2010, rollo, p. 1.

[2] As of April 2008.

[3] Rollo, pp. 1-8.

[4] Id. at 535.

[5] Id. at 14-28.

[6] Id. at 93-94.

[7] Id. at 535-536.

[8] Id. at 537.

[9] Id. at 88-92.

[10] Id. at 537-538.

[11] Id. at 538-539.

[12] Id. at 323.

[13] Id. at 539 and 653.

[14] Id. at 648-657.

[15] Id. at 7-10.

[16] Id. at 656-657; citing *Policarpio v. Fajardo*, 78 SCRA 2010 (1977).

[17] This refers to the OCA and its Memorandum dated June 16, 2011.

[18] Rollo, p. 657.

[19] Penned by Deputy Court Administrator Raul Bautista Villanueva; rollo, unnumbered page.

[20] OCA Recommendation, April 25, 2015.

[21] *Teodosio v. Somosa, et al.*, 612 Phil. 858, 873 (2004).

[22] Section 5. Modes of service. — Service of pleadings motions, notices, orders, judgments and other papers shall be made either personally or by mail. (3a)

[23] Section 6. Personal service. — Service of the papers may be made by delivering personally a copy to the party or his counsel, or by leaving it in his office with his clerk or with a person having charge thereof. If no person is found in his office, or his office is not known, or he has no office, then by leaving the copy, between the hours of eight in the morning and six in the evening, at the party's or counsel's residence, if known, with a person of sufficient age and discretion then residing therein. (4a)

[24] Section 7. Service by mail. — Service by registered mail shall be made by depositing the copy in the post office in a sealed envelope, plainly addressed to the party or his counsel at his office, if known, otherwise at his residence, if known, with postage fully prepaid, and with instructions to the postmaster to return the mail to the sender after ten (10) days if undelivered. If no registry service is available in the locality of either the senders or the addressee, service may be done by ordinary mail. (5a; *Bar Matter No. 803*, 17 February 1998).

[25] *PNB Marketing v. Deang Marketing Corp. et al.*, 593 Phil. 703, 712-713 (2008).

[26] *Raymundo v. Calaguas*, 490 Phil. 320, 325 (2005).

[27] Id., citing *Manuel v. Escalante*, 436 Phil. 10 (2002).

[28] RULES OF COURT, Rule 39, Sec. 9, Par. B.

[29] *Office of the Ombudsman v. De Leon*, 705 Phil. 26, 37-38 (2013).

[30] Rollo, unnumbered page.

- [31] V.C. Ponce Co., Inc. v. Judge Eduarte, 397 Phil. 498, 510 (2000).
- [32] Id.
- [33] CODE OF CONDUCT FOR COURT PERSONNEL, Canon IV, Section 6.
- [34] RULES ON ADMINISTRATIVE CASES IN CIVIL SERVICE, Section 50, Rule 10, (2017).
- [35] A.M. No. P-17-3639, January 23, 2018.
- [36] 381 Phil. 808, 818 (2000).
- [37] Italics and emphasis supplied.
- [38] OCA v. Ret. Judge Chavez, et al., 815 Phil. 41, 46 (2017).
- [39] Id.
- [40] 608 Phil. 334, 349 (2009).
- [41] 489 Phil. 273, 282 (2005).
- [42] 474 Phil. 1, 20 (2004).
- [43] 666 Phil. 11, 29 (2011).
- [44] A.C. No. 3086, May 31, 1989, 173 SCRA 719.
- [45] 715 Phil. 318, 334-335 (2013).
- [46] 669 Phil. 619, 638 (2011).
- [47] A.C. No. 223-J, June 11, 1975, 64 SCRA 302.

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