LETICIA S.A. RESURRECCION, COMPLAINANT, VS. RUSTICO I. IBUNA, JR., SHERIFF IV, REGIONAL TRIAL COURT, BINANGONAN, RIZAL, RESPONDENT.

A.M. NO. P-04-1783 (FORMERLY OCA IPI NO. 02-1519-P). August 07, 2006

Ponente: CORONA, J.

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CORONA, J.:

In an affidavit-complaint dated November 19, 2002, Leticia S.A. Resurreccion charged respondent Rustico I. Ibuna, Jr., sheriff IV of the Regional Trial Court of Binangonan, Rizal, with violation of RA 6713.[1]

Resurreccion alleged that she purchased from one Liberty Aralar bighead carp fingerlings worth P450,000 which she paid in full. On November 8, 2002, respondent sheriff wrote, for and in behalf of Aralar, a letter demanding payment of about P250,000 that complainant allegedly still owed Aralar. Complainant claimed that Ibuna used his office to harass her.

Respondent denied the allegations against him. He denied harassing complainant but admitted preparing the letter and personally serving it on her. He explained that Aralar sought his assistance on the matter and he helped her without getting anything in return. He pointed out that, instead of being condemned for what he did, he should be "commended for an exemplary act."

Quoting the provisions of RA 6713, Section 5 (d)[2] and Section 4 (e),[3] he claimed that public officials and employees must attend to anyone who wants to avail himself of the services of their office and must, at all times, act promptly and expeditiously. He added that in his 19 years of government service, this was the first time he was slapped with an administrative complaint.

The complaint was referred to the Office of the Court Administrator (OCA) for investigation, report and recommendation. In its report dated July 3, 2003,[4] the OCA found that respondent sheriff acted beyond the scope of his office when he prepared the demand letter. The OCA declared that respondent had no business giving counsel to parties and preparing demand letters, which was often done in anticipation of litigation. According to the OCA, the job rightly pertained only to persons or professionals engaged in the private practice of law. Thus, the OCA found respondent guilty of conduct unbecoming of his office, a light offense, and recommended:

> [T]hat the present administrative complaint be RE-DOCKETED as a regular administrative matter and that respondent sheriff, Rustico I. Ibuna, Jr., be REPRIMANDED for conduct unbecoming his office with a WARNING that the commission of the same or similar acts in the future will be dealt with more severely.[5]

We disagree.

Respondent's act constituted misconduct which was not a light offense. Indeed, respondent sheriff went way beyond the scope of his authority when he prepared the demand letter and served it personally on complainant. The preparation of a demand letter is not one of the sheriff's duties and functions set forth in the 2002 Revised Manual for Clerks of Court, particularly Chapter VI, Section D (2.5.1):

2.1.5.1

Serves and/or executes all writs and processes of the Courts and other agencies, both local or foreign;

2.1.5.2

Keeps custody of attached properties or goods;

2.1.5.3

Maintains his own record books on writs of execution, writs of attachment, writs of replevin, writs of injunction, and all other processes executed by him;

2.1.5.4

Submits periodic reports to the Clerk of Court;

2.1.5.5

Does related tasks and performs other duties that may be assigned by the Executive Judge and/or Clerk of Court.

What respondent did was definitely not included in the foregoing enumeration. Worse, he used his position to advance the interests of one person over that of another by acting as "counsel" and collecting agent for Aralar. He was oblivious to the fact that the misunderstanding between Aralar and complainant could have reached the court of which he was an employee. The integrity of the court could have thus been compromised.

The silliness of respondent's defense that he was merely extending "free public assistance" to Aralar stretches our patience to the limit. His invocation of RA 6713 was completely wrong, considering that these provisions referred to services offered by the office and alluded to public officials and employees exercising their duties within the ambit of their authority. Here, what respondent did was neither a service of his office nor done within the ambit of his authority.

Respondent proudly heralds his 19 years of "unblemished" government service yet is totally ignorant of the fact that, as a public official, he ought to have conducted himself in a manner that was beyond suspicion and reproach. By preparing the demand letter which he served personally and in a harassing manner on complainant, respondent compromised the integrity of his office and brought it to disrepute.

WHEREFORE, Rustico I. Ibuna, Jr., sheriff IV, Regional Trial Court of Binangonan, Rizal, is hereby found guilty of simple misconduct and conduct unbecoming of his office and is hereby SUSPENDED for a period of six (6) months, with a stern warning that the commission of the same or similar acts in the future will be dealt with more severely.
SO ORDERED.

Puno, (Chairperson), Sandoval-Gutierrez, Azcuna and Garcia, JJ., concur.

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[1] An Act Establishing a Code of Conduct and Ethical Standards for Public Officials and Employees, to Uphold the Time-Honored Principle of Public Office Being a Public Trust, Granting Incentives and Rewards for Exemplary Service, Enumerating Prohibited Acts and Transactions and Providing Penalties for Violations Thereof and for Other Purposes.

[2] Duties of Public Officials.

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[3] Norms of Conduct of Public Officer.

[4] Rollo, pp. 22-24.

[5] Id., p. 24.

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