

**FRANCISCO VALENCIA, PETITIONER VS. GREGORIO PAMISARAN,
DEPUTY SHERIFF, CFI, OF QUEZON, BR. IV, CALAUAG, QUEZON,
RESPONDENT.**

A.M. No. P-131. March 29, 1974

Ponente: TEEHANKEE, J.

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TEEHANKEE, J.:

The three recorded instances of respondent's brazen misappropriation and conversion of funds of parties litigants which have been entrusted to and received by him by virtue of his official position of deputy sheriff as duly substantiated during the investigation of the administrative complaints at bar show his unfitness to continue in office and his dismissal is herein ordered.

In Case P-131, respondent Gregorio Pamisaran, a deputy sheriff of Branch IV (Calauag) of the Court of First Instance of Quezon Province is charged with converting to his own use the sum of P1,000.00 representing the proceeds of a money judgment collected by him on behalf of complainant Francisco Valencia as the prevailing party and turning over the amount six months afterwards only after the complainant had filed charges against him with the fiscal's office and with negligence in executing a judgment of unlawful detainer obtained by the same complainant.

In Case P-154, respondent is charged by another complainant Estrella A. Borlongan also with conversion to his own use of the sum of P4,600.00 delivered by complainant to him for payment by way of redemption of a lot of complainant in Lopez, Quezon which had been sold at public auction to Atty. Vicente A. Salumbides as the purchaser thereof.

The two complaints were separately investigated by Judge Leodegario L. Mogol as executive judge of the Quezon court of first instance.

In Judge Mogol's report of May 9, 1973 in Case P-131 while finding respondent's liability on the charge of negligence to be "not clear," he found the charge of misappropriation to be duly substantiated, stating that "with respect to the first count regarding the P1,000.00 connected with Civil Case No. 8, it is apparent that Deputy Sheriff Pamisaran neglected to deliver the amount for a period of more or less six (6) months in the face of repeated demands by the complainant for its delivery to him."

The investigating judge further reported that "on other occasions Deputy Sheriff Pamisaran has similarly failed to act with promptness in connection with funds proceeding out of court cases under him for official action," citing the complaint of Mrs. Borlongan in Case P-154 and respondent's condemnable action in another case "in Civil Case No. C-418, Dinglasan vs. Camama, Branch IV (Calauag) of the Court of First Instance of Quezon, where he neglected to deliver to the party concerned the amount of P2,910.00 from October 17, 1972. The said sheriff returned the partial amount of P2,210.00 to the plaintiff Dinglasan, leaving a balance of P700.00 still unpaid to date, for unknown reasons, only after the undersigned, at the request of the plaintiff, directly ordered the said sheriff to turn over the said amount to the plaintiff."

In Judge Mogol's report of July 10, 1973 in Case P-154, he found the charge of complainant to be likewise duly substantiated, finding that "it cannot be disputed that the redemption money of P4,600.00 was delivered to Deputy Sheriff Gregorio B. Pamisaran by Mrs. Estrella A. Borlongan on July 29, 1972 per the former's admission, for transmittal to Mr. Vicente A. Salumbides, in whose favor the property of Mrs. Borlongan located in Lopez, Quezon was sold at public auction subject to redemption within one (1) year from registration of said sale, but, that Mr. Pamisaran has not yet delivered the aforesaid redemption amount to the creditor-bidder which prompted the latter's counsel to petition the City Court of Quezon City to declare said Mr. Vicente A. Salumbides as owner in fee simple of the subject property registered in the name of Mrs. Estrella Argosino Borlongan." The judge further noted that respondent "on other occasions similarly failed to act with promptness in connection with funds proceeding out of court cases under him for official action," as reported by him in Case P-131.

We have reviewed the records and find the charges fully established without any mitigating circumstance in favor of respondent.

In Case P-131, respondent received as early as December 18, 1969 the sum of P1,000.00 as proceeds of the execution of the judgment in favor of complainant Valencia but actually turned over the amount to complainant through the latter's lawyer more than six months later on July 15, 1970. His claim that he kept and used the amount "with our mutual agreement" is belied by his own exhibit C, a certificate executed by him on January 3, 1970 acknowledging that he got ("kinuha ko") from complainant the said amount which he promised to pay within a period of two months but actually paid aid turned over after six months.

In Case P-154, his conversion and misappropriation of the sum of P4,600.00 entrusted on July 29, 1972 to him by the complainant Mrs. Borlongan as redemptioner-judgment debtor under Rule 39, section 31 of the Rules of Court was shown vividly at the hearing of the administrative case against him on June 25, 1973 when even at that late day almost a year later he could not produce the amount as requested by complainant's lawyer to effect the redemption and gave the feeble excuse that he was going to be out of town for fifteen days.

Such dishonesty and untrustworthiness as shown by respondent cannot be tolerated in the public service. Although respondent was not administratively charged in the third case involving P2,910.00, of which sum he still retained "for unknown reasons" the amount of P700.00 despite the court's order to turn it over to the party entitled thereto, the investigating judge has correctly noted how respondent's habituality may have seriously "impaired the public image in the administration of justice." To embroil litigants in further dispute and litigation for the recovery of their funds which were entrusted to the very officer of the court charged with the custody thereof, as respondent sheriff has done, is the worst form of abuse and the surest way of undermining the people's faith in our courts of justice. The three recorded instances of respondent's brazen misappropriation and conversion of funds of parties-litigants which have been entrusted to and received by him by virtue of his official position of deputy sheriff show his unfitness to continue in office.

ACCORDINGLY, respondent is hereby ordered dismissed from the service. The executive judge is directed to refer the pertinent records to the provincial fiscal for the filing of appropriate criminal actions against respondent as may be warranted by the evidence and to submit in due course a report of the action taken thereon.

SO ORDERED.

Makalintal, C.J., Ruiz Castro, Makasiar, Esguerra, and Muñoz Palma, JJ., concur.

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