

**JOSE GULFIN, COMPLAINANT, VS. CHRISOLDO SERRANO,
RESPONDENT.***Adm. Matter No. R-462-P. August 13, 1991*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/8fba86c5a01d/>

Per Curiam:

Complainant Jose Gulfin and others[1] were plaintiffs in Civil Case No. 1130 of the Regional Trial Court of Davao Oriental (Branch VI), for specific performance against a certain Narciso Gulaya. During the trial, the Court Interpreter, Chrisoldo Serrano, was appointed commissioner, entrusted with the administration of the property subject of the action. Serrano assumed that office and subsequently submitted a report to the Court of his receipts and disbursements as administrator of the property in which he declared inter alia that as of November 9, 1984 there was in his custody the amount of P40,587.72.

On May 15, 1985, the action having resulted in an amicable settlement, the Trial Court issued an order terminating Serrano's appointment as commissioner and requiring him to turn over all the money and income of the property under his administration to the Clerk of Court, Mrs. Milcah A. Noval. On July 8, 1985, the latter informed the Court that Serrano had failed to comply with the Order of May 15, 1985.

Jose Gulfin then filed with this court an administrative complaint dated September 16, 1985 against Serrano, charging him with "dishonesty, oppression, neglect of duty, partiality and corrupt practices." The complaint alleged that Serrano had allowed defendant Gulaya to harvest and sell the fruits of the property under administration without bothering to check "the accuracy of the number of sacks of palay, and tons of copra, nor the correctness of the purchase prices thereof, etc.;" and had moreover misappropriated and converted to his a personal benefit the shares due the plaintiffs.

The Court required Serrano to file his comment on the complaint, which he did under date of October 18, 1985. The case was thereafter referred by Deputy Court Administrator (now Supreme Court Associate Justice) Leo D. Medialdea to Executive Judge Jose C. Estrada, Regional Trial Court at Mati, Davao Oriental for "investigation, report and recommendation." Judge Estrada however inhibited himself. So the case was referred to and actually investigated by Judge Ricardo M. Berba (who has since been appointed Executive Judge).

Evidence, testimonial and documentary, was presented in due course by the parties before Judge Berba.

Among the proofs submitted by Chrisoldo Serrano was a certification dated October 21, 1985 drawn up by Celestino D. Cartagena, C.P.A., to the effect that based on the records and documents submitted by Serrano himself respecting the income and expenses of the property during his administration, there was a "total balance due the heirs" in the sum of P43,544.67 as of June 30, 1985. Serrano however tried to disprove this by submitting a "Second Amended Commissioner's Report" tending to show that the balance actually due the Gulfin heirs was only P3,870.67; but the receipts presented by him in substantiation thereof were all dated from March 21, 1984 up to and including March 15, 1985 and had already been taken up in his own accountant's certification just referred to. The evidence further establishes that despite having been given more than ample opportunity to prove that he had already delivered this amount of P43,544.67 to the Gulfin heirs, as was his clear duty, Chrisoldo Serrano has

failed to do so.

By his acts and omissions, by his violation of the trust reposed in him as well as his clearly unfounded and reprehensible efforts to escape liability therefor, the respondent Chrisoldo Serrano has demonstrated his unfitness to continue in service as a Court employee.[2] His obligation to deliver the money entrusted to him subsists, of course, and must be enforced.[3]

WHEREFORE, the Court orders the DISMISSAL of Chrisoldo Serrano from his employment as Court Interpreter, the FORFEITURE of all retirement gratuities or benefits which might otherwise be due him, and his DISQUALIFICATION for employment in any other branch or department of the Government. He is also COMMANDED forthwith to pay and deliver the amount of P43,544.67, with interest thereon at the legal rate from June 30, 1985 until full payment, to the Clerk of Court of Branch VI of the Regional Trial Court of Davao Oriental for disposition by said Court in Civil Case No. 1130.

IT IS SO ORDERED.

Fernan, C.J., Narvasa, Melencio-Herrera, Gutierrez, Jr., Cruz, Paras, Feliciano, Gancayco, Padilla, Bidin, Griño-Aquino, Medialdea, Regalado, and Davide, Jr., JJ., concur.
Sarmiento, J., on official leave.

[1] Referred to by him as “his co-heirs namely, Bibiana, Leoncio and Ana, all surnamed GULFIN”

[2] SEE Abejaron v. Panes, 84 SCRA (1978); Caballero v. Villanueva, 116 SCRA 140 (1982); Office of the Court Administrator v. Soriano, 136 SCRA 461 (1985); Bareno v. Cabauatan, 151 SCRA 293 (1987); Chingson v. Magbanua, 169 SCRA 873 in all of which cases, under substantially similar or analogous facts, this Court decreed the dismissal from the service of the erring employee with forfeiture of retirement benefits and with prejudice to re-employment in the Government

[3] SEE Garcia v. Asilo, 88 SCRA 606 (1979); Judge B. P. Pardo v. Manleo Academia, A.M. No. P-90-481, July 3, 1991

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