

VICENTE TO, COMPLAINANT, VS. ALFREDO DISTOR, DEPUTY SHERIFF OF MANILA, RESPONDENT.

Adm. Matter No. P-2529. December 19, 1981

Ponente: GUERRERO, J.

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GUERRERO, J.:

This administrative complaint was filed due to the disappearance of one (1) Chocolate Vendo Machine which was levied upon by respondent deputy Sheriff Alfredo Distor on March 2, 1981. The Chocolate Vendo Machine was one of the 12 items advertised for sale on March 11, 1981 in front of the City Court of Manila.

After the sale, complainant Mr. Vicente To, the buyer in the auction sale, discovered that the Chocolate Vendo Machine was missing. He reported the matter to Executive Judge Jose C. Colayco who, in turn, issued a memorandum order on April 9, 1981 to respondent Distor directing him to explain the alleged loss of the vendo machine.

Respondent admitted that the missing article was "lost" while in the custody of two (2) persons named Primo de Luna and Enrique Villavivo, appointed by him to guard it.

Before a hearing could be conducted, for the reception of evidence, complainant Vicente To, on September 16, 1981, submitted to Executive Judge Colayco a motion to dismiss alleging that "complainant and respondent have settled this case amicably and, therefore, no longer interested to prosecute the same."

The motion to dismiss, notwithstanding, Judge Colayco submitted the following recommendation: "It is clear that the respondent was guilty of negligence in the performance of his duties. His stubborn refusal to pay the value of the lost article shows lack of understanding of his responsibility as a public servant, which requires correction. It is respectfully recommended that the respondent be made to pay a fine equivalent to one month's salary, with a stern warning that the commission of irregularities in the performance of his duties in the future will be dealt with more severely."

While We agree that respondent was guilty of negligence in the performance of his duties, We do not subscribe to the recommended penalty of one month salary fine in view of the degree of negligence committed by the respondent.

It is well to remind that sheriffs and deputy sheriffs are officers of the court, and considered agents of the law. They form an integral part of the administration of justice because they are called upon to serve court writs, execute all processes, and carry into effects the orders of the court. As such, they should discharge their duties with due care and utmost diligence. This requisite, We find, is wanting in the actuation of the respondent in the case at bar. He failed to comply with the standard norm and demands becoming of a court officer. The loss of the Vendo Machine while in the custody of respondent Distor constitutes a serious breach of his legal duty to safe-guard the properties that come to his possession in the performance of his official duties.

The transgression amounts to gross negligence which, not only vitiated the integrity of the court personnel and

prejudiced the parties, but more importantly, under-mined the faith of the people in the effectiveness of the administration of justice.

ACCORDINGLY, respondent is hereby found guilty of gross negligence in the performance of his duties and is ordered suspended from office for a period of three (3) months without pay effective upon notice, which shall not be charged to his leave credits, with a stern warning that commission of irregularities in the performance of his duties in the future will be dealt with more severely.

SO ORDERED.

Teehankee, (Chairman), Makasiar, Fernandez, Melencio-Herrera, and Plana, JJ., concur.

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