

**ACTING JUDGE REYNALDO B. BELLOSILLO, BRANCH 34,
METROPOLITAN TRIAL COURT, QUEZON CITY, COMPLAINANT, VS.
DANTE DE LA CRUZ RIVERA, SHERIFF III, BRANCH 34,
METROPOLITAN TRIAL COURT...**

A.M. No. P-00-1424. September 25, 2000

Ponente: PANGANIBAN, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/a4df49cc8406/>

PANGANIBAN, J.:

For resolution are two related complaints, namely, (1) the letter-complaint filed against respondent Dante C. Rivera, Sheriff III of Branch 34 of the Metropolitan Trial Court (MeTC) of Quezon City, by Judge Reynaldo B. Bellosillo, as the then presiding judge of the same court, for alleged misrepresentation/falsification of his Personal Data Sheet, earlier docketed as OCA IPI No. 96-208-P, and (2) the letter-complaint filed against Judge Bellosillo by Rivera for alleged conduct unbecoming of a judge, earlier docketed as OCA IPI No. 96-232-MTJ. These two (2) cases were ultimately re-docketed as Adm. Matter No. P-00-1424 and Adm. Matter No. MTJ-00-1316, respectively.

In his letter-complaint to the Office of the Court Administrator (OCA) dated September 27, 1996, Judge Bellosillo alleged that respondent Rivera was appointed Sheriff III solely on the basis of the educational and work qualifications stated in his Personal Data Sheet. Thus, Judges Joselito S.D. Generoso and Bellosillo favorably endorsed Rivera's application.

It was later discovered that Rivera did not disclose in his Personal Data Sheet that he worked in the Bureau of Fisheries and Aquatic Resources (BFAR) for twenty (20) years and that he was dismissed therefrom, with forfeiture of all benefits, pursuant to a decision of the Civil Service Commission. Judge Bellosillo claims that Rivera's misrepresentation is "undoubtedly an act of dishonesty which [he] will neither countenance nor tolerate by a mere offer of resignation and as such deserves to be meted with the severest penalty."^[1]

Judge Bellosillo further contended that Rivera's inefficiency and his whimsical, abusive and discourteous conduct aggravated his misrepresentation. In this regard, Judge Bellosillo attached to his letter-complaint photocopies of Atty. Marlo B. Campanilla's Motion to Cite Sheriff Dante Rivera and Clerk of Court Celestina Rota in Contempt^[2] and Complaint-Affidavit before the Office of the Ombudsman,^[3] all of which alleged that Rivera delayed the implementation of the order of execution issued by Judge Bellosillo in Civil Case No. 13930, entitled "Eulogio Policarpio vs. Ramiro Banay." Likewise attached to the letter-complaint of Judge Bellosillo was the Motion for Appointment of Special Sheriff^[4] filed by Atty. Melchor R. Flores, who claimed that Rivera attempted to extort P2,980.00 from his client, the plaintiff in Civil Case No. 4465 entitled "Baldwin B. Barit vs. Lorenzo Ramirez, et. al.," in order to serve a notice to vacate.

In his Comment/Explanation, respondent Rivera countered that prior to the filing of the instant complaint by Judge Bellosillo, he filed a complaint against the latter before the Supreme Court for conduct unbecoming of a judge. He alleged therein that Judge Bellosillo prevented him from discharging his duties as sheriff and signing

the office logbook and that the latter also refused to endorse his daily time record for the period August 1 to 31, 1996 and September 16, 1996. He also claimed that Judge Bellosillo withheld his salary from September 1 to 12, 1996 and deprived him of his amelioration and hazard pays for December 1996, productivity pay and salary differential for February 1997, and his share in the Judiciary Development Fund for March 1997.

Respondent Rivera further contended that Judge Bellosillo knew that he was previously employed at BFAR and was likewise informed of the administrative proceedings against him. He added that it was Judge Bellosillo "who told [him] not to put on [his] Personal Data Sheet [his] employment with the BFAR."^[5] Rivera denied the allegations of Judge Bellosillo that he was inefficient and manifested whimsical, abusive and discourteous conduct. He explained that Judge Bellosillo's animosity towards him started when he refused to arrest and incarcerate Attys. Ricardo Rivera, Bonifacio Alentajan and Juan Francisco.

Meanwhile, in his letter-complaint dated September 20, 1996, respondent Dante C. Rivera contends that on September 6, 1996 at about 5 o'clock in the afternoon, he was summoned to the chambers of Judge Bellosillo, and that the latter ordered him to sign a prepared resignation letter; and that Judge Bellosillo told him: "Mang Dan, mula sa araw na ito ay tinatapos ko na ang lahat." When Rivera asked why he was being ordered to resign, Judge Bellosillo allegedly offered no explanation and instead replied: "[P]ag hindi mo pinirmahan ito ay hindi ka na makakapasok." Apparently confused and threatened with losing his job, Rivera claimed he was constrained to sign the letter of resignation.

When respondent Rivera reported for work on September 9, 1996, Judge Bellosillo angrily shouted at him and said "Makapal ang mukha mo, ang tapang ng hiya mo, bakit ka pumirma sa logbook?" Rivera was also instructed not to report anymore to his sala. Rivera claimed that he was embarrassed by the utterances of Judge Bellosillo since other members of the staff heard them. Rivera reported for work on September 10 and 11, 1996 but he was prevented by Judge Bellosillo from signing the logbook. Thinking that Judge Bellosillo was merely in a bad mood, Rivera again reported for work on September 12, 1996. However, Judge Bellosillo allegedly told Rivera not to come back anymore as he was not loyal to him.

Rivera alleged that the said actuations of Judge Bellosillo were unbecoming of a judge; and that although he was merely a sheriff, he did not deserve to be humiliated in public, much less deprived of his job which is his only source of livelihood.

In his Comment, Judge Bellosillo denied having prevented Rivera from reporting for work and dismissed Rivera's allegations as odd, inappropriate and mere concoctions. As early as September 27, 1996, he filed a formal complaint against respondent Rivera and recommended his dismissal from the service for misrepresentation/falsification. Judge Bellosillo added that "upon discovery of his (Rivera's) misrepresentation and as a ploy to cover [it] up, [Rivera] offered to resign and has since then been and is still on Absence Without Leave."^[6]

In its Resolution dated August 11, 1997, the Court consolidated OCA IPI No. 96-232-MTJ with OCA IPI No. 96-208-P. Subsequently, these two cases were referred to Executive Judge Estrella T. Estrada of the Regional Trial Court (RTC) of Quezon City for investigation, report and recommendation.

Executive Judge Estrada returned the records of OCA IPI No. 96-208-P and OCA IPI No. 96-232-MTJ to the OCA, with the information that both Judge Bellosillo and Rivera were no longer connected with the MeTC of Quezon City and could not be served with notices as shown in the sheriff's return. The Court then referred the matter to the OCA for evaluation. The OCA later reported that the failure of the Sheriff of Quezon City to locate the present whereabouts of Judge Bellosillo and respondent Rivera should not be a bar to the investigation of the said cases especially since the deputy sheriff who was tasked to serve the notice did not quite exert all efforts to

find the parties. The OCA added that neither of the parties resigned from their positions but were merely reassigned to other courts and thus, did not divest Executive Judge Estrada of her duty to investigate. In light of the foregoing, the Court once again directed Executive Judge Estrada to proceed with her investigation. On June 22, 1999, Executive Judge Estrada submitted her report and recommendation.

Subsequently, in a Resolution dated January 26, 2000, the Second Division of this Court referred the said cases to the incumbent Executive Judge of the RTC of Quezon City for reinvestigation.

In her report dated July 17, 2000, the new Executive Judge, Hon. Perlita J. Tria Tirona, observed that respondent Rivera did not deny his failure to state in his Personal Data Sheet that he was previously employed at the BFAR and that he had been dismissed therefrom for cause. While Rivera alleged that it was Judge Bellosillo who suggested that he withheld the said information, Executive Judge Tirona dismissed the said allegation for being unsupported by the evidence, and added that:

But even assuming that it was Judge Bellosillo who suggested the same, it does not make respondent any less guilty. The fact is he committed an act of dishonesty when he withheld such important information when he accomplished his Personal Data Sheet. In his Personal Data Sheet, he not only withheld his previous employment with the BFAR but he also gave a false answer to a question in his Personal Data Sheet as to whether he has been dismissed from the service, forced to resign from employment or dropped from the roll. In answer to said questions he checked the box No.[7]

Executive Judge Tirona also sustained the allegation of Judge Bellosillo that respondent Rivera was inefficient and manifested a whimsical, abusive and discourteous conduct for being supported by the evidence on record. She observed that:

x x x [T]here is evidence however to show that respondent has been the subject of a "Manifestation" filed by Angeline Yutadco in the case entitled Angeline Yutadco vs. Irene L. Torres, et al., Civil Case No. 3445 MTC Branch 34 Quezon City regarding his alleged refusal to implement a Writ of Execution in favor of plaintiff because "Kulang ang bayad mo" referring to the plaintiff and further saying "Kaming mga sheriff ay may samahan at hindi sumisingil ng wala sa presyo." Because of this, Ms. Angeline Yutadco prayed for a designation of a special sheriff (Exh. "K").

In another case, the case of Eulogio Policarpio vs. Ramiro C. Ranay, et al., Civil Case No. 13930, Plaintiff Policarpio filed a Motion to Cite Respondent Rivera and Clerk of Court Celestino Rite in contempt for alleged irregularities in the performance of [their] duties regarding the services [sic] of processes and implementation of [the] order/judgment of the Court. As a matter of fact, a case was even filed against respondent with the Ombudsman.

x x x [I]n the case of Baldwin B. Barrt [sic] vs. Lorenzo Ramirez, et al., A Motion for Appointment of Special Sheriff was filed because respondent refused to implement the Writ of Execution in favor of plaintiff in said case unless plaintiff's counsel gave him the sum of P2,900 only for the purpose of serving the Notice to Vacate (Exh. M) to defendant.[8]

As regards the complaint against Judge Bellosillo, Executive Judge Tirona reported that:

Complainant Rivera further stated that it all started when one lunchtime, without any intention of intruding, he opened the door (which was slightly open) of the chambers of Judge Bellosillo for the purpose of bringing in his lunch which he bought as he usually buys his lunch. As he opened the door, he saw Judge Bellosillo and an officemate Ms. Virginia Fernandez. Ms. Fernandez was fixing the judicial robe of Judge Bellosillo. What he did was to retreat and he went instead to his table.

Complainant Rivera stated that because of said incident, respondent Judge Bellosillo became very angry at him and when he reported for work the next day, Judge Bellosillo had already prepared a typewritten letter of

resignation for him to sign which letter states that he (Rivera) was resigning because he was migrating to Australia. Judge Bellosillo allegedly asked him to sign said letter of resignation as a sign of loyalty to him (Judge Bellosillo). What he allegedly did was to call up his wife and tell her about it, but he did not tell her about the incident when he saw Judge Bellosillo and their officemate inside the Judge's chambers. According to Rivera, it was only during the investigation that he recalled said incident. His wife allegedly told him that Judge Bellosillo must have a grudge against him (Rivera) knowing him, and she (wife) told Rivera to sign to show his loyalty but he was instructed by his wife to get a copy of the same which he allegedly did.

After signing said letter of resignation he was able to keep a copy of the same. Rivera later on heard from his officemates that they had a meeting and that he was excluded. Judge Bellosillo allegedly stated that he no longer has a job. Upon learning this, he immediately "revoked" the letter of resignation and informed the Supreme Court that said letter of resignation was prepared by Judge Bellosillo himself.

Because Judge Bellosillo refused to let him report to [work], he sought the help of Judge Legasto to be assigned to the Office of the Clerk of Court. After reporting in the office of the Clerk of Court for several days he was called by Judge Legasto to her office, and he was told that Judge Bellosillo was angry at her. Judge Legasto told him to request the Supreme Court that he be allowed to report [to] the Office of the Clerk of Court. However, it took several months before a memo-resolution was sent to Judge Bellosillo for comment on his request for detail.

Respondent Rivera stated that the next thing he knew was that there would be an administrative investigation of these two cases before Judge Estrada.

Respondent Rivera further stated that it was only during the investigation conducted by Judge Estrada that he came to know of the resolution of the Supreme Court dated June 18, 1997 detailing him to the Office of the Clerk of Court. Respondent Rivera claimed that even their branch clerk of court did not inform him about it.[9]

Executive Judge Tirona, however, did not give credence to respondent Rivera's claim that Judge Bellosillo prepared a letter of resignation for his signature. It was not even shown that Judge Bellosillo forwarded the said letter to the OCA. Neither was there any showing that Judge Bellosillo was responsible for withholding Rivera's salary and benefits.

This notwithstanding, Executive Judge Tirona found that Judge Bellosillo prevented Rivera from reporting to work. She states that:

x x x [Judge Bellosillo] prevented complainant Rivera from reporting for work. He prevented him [Rivera] from signing the log book, he was excluded from the staff meetings. It was for this reason that complainant had to report to the Office of the Clerk of Court because he had nowhere to go, and Judge Bellosillo even objected to this despite the fact that complainant Rivera was allowed by their then Executive Judge Rosemarie Legasto to report to the office of the clerk of court.

The resolution of the Supreme Court dated June 18, 1997 could have been issued because respondent Rivera requested for authority to report to the Office of the Clerk of Court.

A judge has no authority or power to prevent an employee from reporting for work. If indeed complainant Rivera committed falsification in the accomplishment of his personal data sheet, the most that Judge Bellosillo could have done was to file an administrative charge against complainant Rivera, which he later on did but after the complainant Rivera filed an administrative charge against him (Judge Bellosillo) for conduct unbecoming.

The complaint of Dante Rivera was filed with the Office of the Court Administrator on September 20, 1996, while the answer/complaint of Judge Bellosillo against Dante Rivera was dated September 27, 1996 and received by the Office of the Court Administrator on October 1, 1996.

While a judge may have supervision over his employees, he should not however exercise his authority over them in an oppressive or despotic manner.

True, complainant Rivera's act in falsifying entries in his personal data sheet is serious and needs administrative sanction, but the fact is it is not within the prerogative of a judge to prevent an employee or subordinate from reporting for work amounting to his dismissal from service. There is such a thing as administrative due process.

By and large, respondent Judge Reynaldo Bellosillo's actuation is indeed unbecoming of a judge who is expected to exercise proper restraint and decorum in his dealings with his employees. His position may be intimidating enough and to use his position in an oppressive and vindictive manner is certainly unwarranted (*Macuse vs. Lopena* 202 SCRA 347).[10]

We agree with the findings and recommendation of Executive Judge Tirona.

We have said time and again that persons involved in the administration of justice, from the highest official to the lowest clerk, must live up to the strictest standards of honesty and integrity in the public service,[11] especially since the image of a court of justice is necessarily mirrored in the conduct, official or otherwise, of the personnel who work thereat.[12] In the case of respondent Rivera, he failed to live up to this standard from the outset of his employment in the judiciary. By failing to state in his Personal Data Sheet his previous employment with the BFAR and the fact of his separation for cause therefrom, Rivera obtained gainful employment in the Judiciary under false pretenses and misrepresentation. Considering that truthful completion of Personal Data Sheet is a requirement for employment in the Judiciary, the importance of answering the same with candor need not be gainsaid. Rivera's deliberate omission to disclose material facts relating to his previous employment in BFAR coupled by the complaints lodged against him by litigants regarding his work as Sheriff III of the MeTC of Quezon City, leads us to seriously doubt his ability to perform his duties with the competence and integrity demanded of his position as Sheriff.

On the other hand, Judge Bellosillo should have realized that it is the Supreme Court, and not he as the then presiding judge of Branch 34 of the MeTC of Quezon City, which has the authority to discipline and/or dismiss his subordinate, the herein respondent Rivera. Despite the fact that Judge Bellosillo may have lost his trust and confidence in respondent Rivera on account principally of the latter's misrepresentation in his Personal Data Sheet, he should not have prevented the latter from reporting for work and discharging his duties as Sheriff III assigned to Branch 34 of the said court. Being the dispenser of justice, a judge must observe the same rules of due process in dealing with members of his staff. We therefore agree with Executive Judge Tirona that Judge Bellosillo should have confined himself to filing an administrative complaint against Rivera and allowed this Court to investigate the matter and to impose the proper penalty. Hence, Judge Bellosillo's said actuation in dealing with Rivera was unbecoming of a judge who is expected to exercise proper restraint and decorum in dealing with members of his staff.

WHEREFORE, in Administrative Matter No. P-00-1424, respondent Dante De La Cruz Rivera is hereby **DISMISSED** from the service with prejudice to re-employment in any government agency and government-owned or controlled corporation, and with forfeiture of unused leaves, if any, and retirement benefits.

In Administrative Matter No. MTJ-00-1316, respondent Judge Reynaldo B. Bellosillo is hereby **REPRIMANDED** with a warning that a repetition of the same or similar acts complained of will be dealt with more severely.

SO ORDERED.

Davide, Jr., C.J., Melo, Puno, Vitug, Kapunan, Mendoza, Panganiban, Quisumbing, Purisima, Buena, Gonzaga-Reyes, and De Leon, Jr., JJ., concur.

Bellosillo, J., no part.

Pardo, J., concur only in A.M. P-00-1424. No part in A.M. MTJ-00-1316.

Ynares-Santiago, J., on leave.

[1] Rollo, for Adm. Matter No. P-00-1424, p. 1.

[2] Id. at 7-11.

[3] Id. at 12-15.

[4] Id. at 16-18.

[5] Id. at 41.

[6] Rollo for Adm. Matter No. MTJ-00-1316, p. 10.

[7] Report and Recommendation of Executive Judge Perlita J. Tria Tirona for Adm. Matter No. P-00-1424 and Adm. Matter No. MTJ-00-1316, p. 6.

[8] Id. at 6-8.

[9] Id. at 10-12.

[10] Id. at 12-14.

[11] *Mendoza v. Tiongson*, 265 SCRA 653, 660 (1996).

[12] *Dicdican v. Fernan, Jr.*, 268 SCRA 69, 72 (1997).

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.