

**ADELIA B. MACINAS, COMPLAINANT, VS. MANUEL L. ARIMADO,
SHERIFF IV, REGIONAL TRIAL COURT OF LEGASPI CITY, BRANCH 4,
RESPONDENT.**

A.M. NO. P-04-1869 (FORMERLY OCA I.P.I. NO. 03-1764-P). September 30, 2005

Ponente: PUNO, J.

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PUNO, J.:

The instant case stemmed from the letter-complaint[1] of Adelia B. Macinas against respondent Manuel L. Arimado, Sheriff IV of the Regional Trial Court (RTC) of Legaspi City, Branch 4, addressed to Honorable Judge Henry B. Basilla, alleging that:

(a) She gave respondent the amount of P10,000.00 upon the latter's promise that he would help secure her bail bonds for the criminal cases pending against her in Branch V of the RTC of Legaspi City, and Branch II of the Municipal Trial Court in Cities (MTCC) of Legaspi City;

(b) However, the title which respondent gave as property bond was rejected by the RTC of Legaspi City, Branch 5 and the bail bond for her case pending in the MTCC was also not secured; and

(c) She was in dire financial trouble and needed the money to pay for her bail bond, but could no longer contact respondent. Complainant sought the help of Judge Basilla for the return of the P10,000.00 from respondent. Attached to her letter-complaint was a receipt signed by respondent, acknowledging that he "[r]eceived from Adelia B. Macinas the amount of ... TEN THOUSAND [PESOS] (P10,000.00)... as payment for bail bond." [2]

Acting on the letter-complaint, Judge Basilla issued a Memorandum[3] to respondent, furnishing him a copy of complainant's letter-complaint and giving him seventy-two hours to explain why he should not be dealt with administratively for the complained act. Judge Basilla likewise summoned complainant for investigation,[4] during which, complainant reiterated that her only concern for bringing the matter to the attention of Judge Basilla was to recover her money.

Respondent submitted his Explanation,[5] admitting receipt of the P10,000.00 but interposing the defenses that: (a) his participation was only with respect to the receipt of the amount from complainant which, in turn, he gave in full to Ostiano Calleja, the bondsman, for the purpose of procuring the necessary papers and documents of the property bond for complainant; and (b) he did not benefit from the amount received by him as he turned over the same to the bondsman in full.

Judge Basilla forwarded complainant's letter-complaint, respondent's Explanation and other pertinent documents to the Office of the Court Administrator (OCA). They were treated as an administrative complaint and docketed as OCA I.P.I. No. 03-1764-P. Court Administrator Presbitero J. Velasco, Jr., directed respondent to file his Comment.[6]

In his Comment, respondent adopted his previous explanation and contended, in addition:

- That the amount of P5,000.00 was returned by bondsman OSTIANO CALLEJA personally to complainant which was the balance of the P10,000.00 after deducting the expenses paid in the procurement of the bonds in the total amount of P64,000.00;
- That unfortunately, the property bonds posted by said bondsman were not approved by the Honorable Court thus this complaint;
- That the intention of the undersigned was only to help the accused;
- That with regards to (sic) her allegation that respondent did not inform her of the non-acceptance of the bond as above-stated, was due to the fact that respondent is taking care of his ailing wife, the truth of the matter is that complainant confronted the respondent at Estevez Hospital while his wife was confined thereat.[7]

Upon the recommendation of the OCA, the complaint was re-docketed as an administrative matter. The OCA noted the undisputed fact that respondent received the amount of P10,000.00 from complainant to help secure bonds for her bail in two criminal cases pending against her. The OCA found it immaterial whether respondent benefited from the transaction. The mere fact that he received the money and made complainant believe that he would secure her bail bonds already amounted to conduct prejudicial to the interest of the service as it tended to create in the mind of the public the impression that he would benefit from the transaction. Thus, the OCA recommended that respondent sheriff be reprimanded and sternly warned.

We hold respondent administratively liable.

It is recognized that court personnel, from the lowliest employee to the clerk of court or any position lower than that of a judge or justice, are also involved in the dispensation of justice and parties seeking redress from the courts for grievances look upon court personnel as part of the judiciary.[8] In performing their duties and responsibilities, court personnel serve as sentinels of justice and any act of impropriety on their part immeasurably affects the honor and dignity of the judiciary and the people's confidence in it.[9] Thus, the conduct of court personnel must be, and also perceived to be, free from any whiff of impropriety, not only with respect to their duties in the judiciary but also in their behavior outside the court.[10]

In the case at bar, respondent sheriff clearly stepped beyond the bounds of propriety in asking for and receiving from complainant the amount of P10,000.00 on the assurance that he would secure her bail bonds in the two criminal cases pending against her. In so doing, respondent sheriff created the wrong impression that he had such power and authority. Thus, when the bail bond was denied and complainant could no longer contact respondent, complainant naturally assumed that he had gone with the money. Respondent's claim that he did not benefit from the transaction does not exculpate him. At the very least, respondent sheriff should have known that as a court employee, the mere act of asking for and receiving money from a party of a pending case to facilitate the issuance of a court process, even if said case was pending before another branch of the same court, would raise eyebrows.

We cannot overemphasize that the conduct required of court personnel must always be beyond reproach and circumscribed with the heavy burden of responsibility as to let them be free from any suspicion that may taint the judiciary.[11] They shall endeavor to discourage wrong perceptions of their roles as dispensers or peddlers of undue patronage.[12] As a court employee, it therefore behooves respondent sheriff to act with more circumspection and to steer clear of any situation which may cast the slightest suspicion on his conduct.

As to the penalty, we find the recommended penalty of reprimand with stern warning as too light, considering that the offense of conduct grossly prejudicial to the best interest of the service is a grave offense punishable by suspension for six (6) months and one (1) day to one (1) year.[13] However, considering that respondent's act was not shown to be of such gravity as to cause gross prejudice or to manifest corruption, clear intent to violate the

law or flagrant disregard of established rule, respondent is only found guilty of simple misconduct.[14] Under the Omnibus Civil Service Rules and Regulations,[15] simple misconduct is penalized with suspension for one (1) month and one (1) day to six (6) months for the first offense. Considering that this is respondent sheriff's first offense and there is no aggravating circumstance present, we deem as sufficient the minimum penalty of suspension for one (1) month and one (1) day.

IN VIEW WHEREOF, respondent Manuel L. Arimado, Sheriff IV of the RTC of Legaspi City, Branch 4, is SUSPENDED for one (1) month and one (1) day with a stern warning that commission of the same act in the future would be dealt with more severely.

SO ORDERED.

Austria-Martinez, Callejo, Sr., Tinga, and Chico-Nazario, JJ., concur.

[1] Rollo, p. 2.

[2] Id. at 3.

[3] Dated August 11, 2003; Id. at 4.

[4] Transcript of Stenographic Notes dated August 12, 2003; Id. at 6-9.

[5] Dated August 19, 2003; Id. at 10.

[6] Id. at 13.

[7] Id. at 15.

[8] 3rd Whereas Clause; Code of Conduct for Court Personnel, A.M. No. 03-06-13-SC, April 13, 2004.

[9] 4th Whereas Clause; Id.

[10] Francisco vs. Laurel, 413 SCRA 327, 332 (2003) (citation omitted); Ratti vs. Mendoza-De Castro, 435 SCRA 11, 17 (2004), citing Acebedo vs. Arquero, 399 SCRA 10 (2003).

[11] Balajadia vs. Gatchalian, 441 SCRA 82, 86 (2004).

[12] Sec. 4 (B), RA 6713, otherwise known as the Code of Conduct and Ethical Standards for Public Officials and Employees.

[13] Sec. 23, Rule XIV, Omnibus Civil Service Rules and Regulations.

[14] See CSC vs. Belagan, 440 SCRA 578, 599 (2004), citing Civil Service Commission vs. Lucas, 361 Phil. 486 (1999).

[15] Supra Note 13.

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