CONCERNED TAXPAYER, COMPLAINANT, VS. NORBERTO V. DOBLADA, JR., SHERIFF IV, BRANCH 155, REGIONAL TRIAL COURT, PASIG CITY, RESPONDENT.

A.M. No. P-99-1342 (FORMERLY OCA IPI NO. 97-344-P). June 08, 2005

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PER CURIAM:

The instant administrative case arose from a letter-complaint dated December 8, 1993 filed by a "concerned taxpayer" with the Office of the Ombudsman, charging Norberto V. Doblada, Jr., Sheriff IV of the Regional Trial Court (RTC) of Pasig, Branch 155, of having acquired properties during his incumbency as sheriff, the values of which "are manifestly out of proportion to his salary as such public employee and to his other lawful income or incomes from legitimately acquired property."[1]

In an Indorsement dated August 22, 1997, the complaint was referred by the Office of the Ombudsman to the Office of the Court Administrator (OCA) of this Court.[2]

Upon report and recommendation of the OCA, dated February 8, 1999, this Court issued a Resolution dated March 17, 1999 requiring respondent to comment on the complaint. In the same resolution, the National Bureau of Investigation (NBI) was directed to conduct a discreet investigation of this case and to submit a report within thirty days from notice.[3]

On April 29, 1999, respondent filed his Comment contending that aside from the two parcels of land mentioned in the "Fact-Finding Report" of the Office of the Ombudsman which are registered in the name of his wife, the other real properties mentioned in said report are not actually his properties because they belong to his father, having been registered in the name of the latter. Respondent surmises that the instant complaint may have been politically motivated and may have been instigated by those who did not get his support in past local elections. Respondent claims that a similar anonymous complaint was filed against him in the 1980s wherein he submitted himself for investigation by the NBI.

In a Resolution dated September 20, 1999, respondent was required to inform this Court if he is willing to submit the case for resolution or to elect a formal investigation of the case.[4] On October 22, 1999, respondent submitted his Compliance to the above-cited Resolution, manifesting that he is willing to submit the case for resolution based on records available to this Court.[5]

On March 7, 2000, this Court received a report of the investigation conducted by the NBI, pertinent portions of which read as follows:

> - Analysis of the assets, liabilities, net worth and yearly salary of Subject for the period 1989, 1991, 1993, 1995, 1996 and 1998 shows that there is prima facie evidence that Subject acquired unexplained wealth (Annexes 'I' to 'I-13') during his tenure as Court Sheriff in 1995. Increase in salary and increase in liabilities are apparent. However, increase in assets far exceeds increase in salary. Net worth also increased after assumption to office as Deputy Court Sheriff in 1977.

Subject also failed to submit his sworn statement of assets and liabilities for the years 1975 to 1988, 1990, 1992, 1994 and 1997 as said documents were not submitted to the NBI by the Records Control Division of the Supreme Court.

A court order to secure the income tax returns of Subject NORBERTO DOBLADA, JR. and his spouse, EDITH, who is employed at the Department of Education, Culture and Sports, in Binangonan, as Superintendent would determine whether Subject had other legitimate sources of income.

Subject has to justify his acquisition of fishpens acquired at P2,500,000.00 in 1993 and Civic Honda at P435,000.00 in 1995 where his legitimate income as Court Sheriff is at P44,652 per annum and P65,496.00 per annum respectively. His earnings as jeepney operator with one unit as reported in 1982 would not suffice further acquisition of wealth such as residential lots 1982-1988 ranging from P8,670 to P125,000.00. Loans from creditors would not be sufficient to cover acquisition of real and personal properties in 1992, 1994, 1995, 1996 and 1998.

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F. AGENT'S FINDINGS

- The results of the investigation reveal that there is sufficient evidence to charge Subject for violation of Sec. 2 of RA 1379 (Law of Forfeiture of Ill-Gotten Wealth) and non-compliance with Sec. 8 of RA 6713 (Code of Conduct and Ethical Standards for Public Officials and Employees) for failure to accomplish and submit declarations under oath of the assets and liabilities, net worth and financial business interests for the above-mentioned years during tenure of Subject as Court Sheriff.[6]

In its Resolution of May 29, 2002, this Court referred the instant case to the OCA for evaluation, report and recommendation.[7] In compliance therewith, Deputy Court Administrator Christopher O. Lock submitted a report, dated April 29, 2003, with the endorsement of Court Administrator Presbitero J. Velasco, Jr., pertinent portions of which read as follows:

A careful examination of the NBI Investigation Report on respondent's alleged real properties enumerated in the Fact-Finding Report of the Office of the Ombudsman reveals that only one (1) property was found to be registered under respondent's name and this is as co-owner of an agricultural land along Janosa, Binangonan, Rizal covered by TCT No. 46607. TCT No. M-23480 and TCT No. M-17315 are both registered in the name of respondent's wife, Edith Doblada while Tax Declaration ARP #28-0032, covering a residential lot along Janosa, Binangonan, Rizal discloses the name Norberto Doblada as the owner. A perusal of respondent's Sworn Statement of Assets, Liabilities and Networth filed before this Office however discloses his ownership of several other properties, real and personal which, clearly, contributed to an unimaginable increase of his assets during his incumbency as court sheriff. With this information on hand, it cannot be ignored that such would be a factor in the proper evaluation of the instant administrative case. Respondent, therefore, should be accorded the opportunity to explain the increase of his assets from P6,000 in 1974 to P7 million, more or less, in 1995.

Respondent's records also disclose that he had not been submitting his Statement of Assets, Liabilities and Networth particularly for the years 1975, 1977 to 1988, 1990, 1992, 1994, 1999 and 2000 as mandated under R.A. 6713.

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Considering, therefore the gravity of the penalty imposed on a public officer who is found to have violated Sec. 7, R.A. 3019 and Sec. 8, R.A. 6713, respondent should be given the opportunity to explain his failure to submit his Sworn Statement of Assets, Liabilities and Networth.

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> IN VIEW OF THE FOREGOING, it is hereby respectfully recommended that respondent Sheriff Norberto Doblada, Jr. be DIRECTED to EXPLAIN within ten (10) days from notice his failure to submit his Sworn Statement of Assets, Liabilities and Networth for the years 1975, 1977 to 1988, 1990, 1992, 1994, 1999 and 2000, and the significant increase of his assets from P6,000.00 in 1974 to 7 million by 1995.[8]

This Court, in a Resolution dated July 16, 2003, directed respondent to explain in writing his failure to submit his Sworn Statement of Assets and Liabilities and Networth (SAL) for the years 1975, 1977 to 1988, 1990, 1992, 1994, 1999 and 2000, and the significant increase of his assets from P6,000.00 in 1974 to P7,000,000.00 in 1995.[9]

On September 5, 2003, respondent submitted his Explanation[10] contending that contrary to what had been stated in the Court's Resolution of July 16, 2003, he had been religiously filing his SAL, including the years mentioned in the Resolution when he supposedly failed to file said Statements. He admits that he does not have copies of these Statements and claims that he might have accidentally disposed of the same during the various times that he transferred office. As to the increase of his assets from P6,000.00 in 1974 to P7,000,000.00 in 1995, respondent explains that the significant improvement of his assets was brought about by inheritance and largely, through business ventures which are financed through loans.

On September 24, 2003, this Court issued a resolution referring the instant case to the OCA for evaluation, report and recommendation.[11]

On December 21, 2004, respondent filed a Motion for Early Resolution, alleging that he has complied with the directives of the Court and the case is now ripe for resolution.[12]

In a Memorandum dated February 3, 2005, the OCA submitted a report with the following findings:

> The determination of whether or not respondent Doblada acquired properties with a valuation manifestly out of proportion to his salary and that of his wife and their additional earnings requires a comparison of the respective values of the properties with the salaries, benefits, other lawful income and additional revenues from legitimately acquired properties or businesses of the said spouses. The deficient and insufficient documents submitted to the OCA cannot serve as bases for such comparison. Absent complete documentation and information on the properties acquired by the spouses Doblada and their respective earnings, we are not ready to state that the allegations in the anonymous letter-complaint dated 8 December 1993 have been shown by sufficient and convincing proof.
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> However, our evaluation indicates that the incompleteness of the documents, in terms of filings of Statements and of entries therein, is attributable to respondent Doblada. The submitted Statements and information – or incomplete or lack of information – in these Statements fully evince violations of the provisions of the Anti-Graft and Corrupt Practices Act, the Code of Conduct and Ethical Standards for Public Officials and Employees and the CSC rules implementing the said Code. We find that respondent Doblada – as shown by the instances (not merely a single instance) herein discussed – contravened the provisions of the Anti-Graft and Corrupt Practices Act requiring the submission of a "true, detailed and sworn statement of assets and liabilities" (Section 7). As particular example, respondent Doblada excluded from Statements for 1974 and 1976 the real properties he already had during those years and which he claimed he acquired in 1965 in the 1989 Statement he filed. Respondent Doblada violated the provisions of the Code of Conduct and Ethical Standards for Public Officials and Employees and the CSC rules implementing the said Code when he did not include information on his business interest in and financial connection with ELXSHAR in the 1989, 1991 and 1993 Statements. The violations are not isolated episodes. They had been repeatedly committed by respondent Doblada as can be culled from the different Statements filed in various years.[13]
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and recommendations, to wit:

> - That Sheriff Norberto V. Doblada, Jr., be found administratively liable for violations of the Anti-Graft and Corrupt Practices Act, the Code of Conduct and Ethical Standards for Public Officials and Employees and the CSC rules implementing the provisions of the said Code; and
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> - That Sheriff Doblada be meted the penalty of removal from the service, with forfeiture of his retirement benefits, and with prejudice to re-employment in any branch of the government or any of its agencies or instrumentalities, including government-owned or controlled corporations and government financial institutions.[14]

We agree with the OCA.

After a perusal of the records on hand, we find that complainant's charge against respondent is not sufficiently substantiated. We agree with the observation of the OCA that the evidence presented in the instant case, consisting of the documents submitted by the complainant and those which were compiled by the investigating agent of the NBI, are not adequate to establish complainant's allegation that respondent had acquired assets which are manifestly out of proportion to his legitimate income.

Moreover, we find no sufficient evidence to prove that respondent failed to file his SAL for the years 1975, 1977 to 1988, 1990, 1992, 1994, 1997, 1999 and 2000. Respondent maintains that he has consistently filed his SAL for the said years. To prove his contention, respondent submitted a copy of a letter dated May 7, 2001 sent by Remegio C. Añosa, Acting Branch Clerk of Court of Branch 155, RTC, Pasig City, stating therein that attached to said letter are the sworn SAL of the staff of RTC Pasig City, Branch 155, including that of respondent's, for the year 2000. The letter was sent to and duly received by the OCA but the SAL of respondent for 2000 is one of those missing in the files of OCA. On this premise, one cannot readily conclude that respondent failed to file his sworn SAL for the years 1975, 1977 to 1988, 1990, 1992, 1994, 1997, 1999 and 2000 simply because these documents are missing in the files of the OCA. Even in the report of the Court Administrator dated February 3, 2005, there was no categorical statement that respondent failed to file his SAL for the years earlier mentioned. The report of the OCA simply stated that it does not have on its file the subject SAL of respondent.

Nonetheless, we agree with the OCA in finding that respondent is guilty of violating Republic Act Nos. 3019 (Anti-Graft and Corrupt Practices Act) and 6713 (Code of Conduct and Ethical Standards for Public Officials and Employees) for having failed to submit a true, detailed and sworn statement of his assets and liabilities.

Section 7 of R.A. No. 3019, as amended, provides:

> Sec. 7. Statement of Assets and Liabilities. – Every public officer, within thirty days after assuming office and, thereafter, on or before the fifteenth day of April following the close of every calendar year, as well as upon the expiration of his term of office, or upon his resignation or separation from office, shall prepare and file with the office of the corresponding Department Head, or in the case of a Head of Department or Chief of an independent office, with the Office of the President, a true, detailed and sworn statement of assets and liabilities, including a statement of the amounts and sources of his income, the amounts of his personal and family expenses and the amount of income taxes paid for the next preceding calendar year: Provided, That public officers assuming office less than two months before the end of the calendar year, may file their first statement on or before the fifteenth day of April following the close of the said calendar year.

Section 9(b) of the same Act provides:

> (b) Any public officer violating any of the provisions of Section 7 of this Act shall be punished by a fine of not less than one thousand pesos nor more than five thousand pesos, or by imprisonment not exceeding one year and six months, or by both such fine and imprisonment, at the discretion of the Court.

> The violation of said section proven in a proper administrative proceeding shall be sufficient cause for removal or dismissal of a public officer, even if no criminal prosecution is instituted against him. (emphasis supplied)

In the same manner, Section 8 of R.A. No. 6713 provides:

> SEC. 8. Statements and Disclosure. – Public officials and employees have an obligation to accomplish and submit declarations under oath of, and the public has the right to know, their assets, liabilities, net worth and financial and business interests including those of their spouses and of unmarried children under eighteen (18) years of age living in their households.
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> (A) Statements of Assets and Liabilities and Financial Disclosure. – All public officials and employees, except those who serve in an honorary capacity, laborers and casual or temporary workers, shall file under oath their Statements of Assets, Liabilities and Net Worth and a Disclosure of Business Interests and Financial connections and those of their spouses and unmarried children under eighteen (18) years of age living in their households.
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> The two documents shall contain information on the following:
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> (a) real property, its improvements, acquisition costs, assessed value and current fair market value;
> (b) personal property and acquisition cost;
> (c) all other assets such as investments, cash on hand or in banks, stocks, bonds, and the like;
> (d) liabilities, and;
> (e) all business interests and financial connections.
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> The documents must be filed:
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> (a) within thirty (30) days after assumption of office;
> (b) on or before April 30, of every year thereafter; and
> (c) within thirty (30) days after separation from the service.
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> All public officials and employees required under this section to file the aforestated documents shall also execute, within thirty (30) days from the date of their assumption of office, the necessary authority in favor of the Ombudsman to obtain from all appropriate government agencies, including the Bureau of Internal Revenue, such documents as may show their assets, liabilities, net worth, and also their business interests and financial connections in previous years, including, if possible, the year when they first assumed any office in the Government.
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> Husband and wife who are both public officials or employees may file the required statements jointly or separately.
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> Section 11 of R.A. No. 6713 provides for the penalties:
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> SEC. 11. Penalties. – (a) Any public official or employee, regardless of whether or not he holds office or employment in a casual, temporary, holdover, permanent or regular capacity, committing any violation of this Act shall be punished with a fine not exceeding the equivalent of six (6) months' salary or suspension not exceeding one (1) year, or removal depending on the gravity of the offense after due notice and hearing by the appropriate body or agency. If the violation is punishable by a heavier penalty under another law, he shall be prosecuted under the latter statute. Violations of Sections 7, 8 or 9 of this Act shall be punishable with imprisonment not exceeding five (5) years, or a fine not exceeding five thousand pesos (P5,000.00), or both, and, in the discretion of the court of competent jurisdiction, disqualification to hold public office.
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> (b) Any violation hereof proven in a proper administrative proceeding shall be sufficient cause for removal or dismissal of a public official or employee, even if no criminal prosecution is instituted against him. (emphasis

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> ours)
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As to the business interests and financial connections of public officials and employees, Section 1(a)(2), Rule VII of the Rules implementing R.A. No. 6713 states:

> (2) The Disclosure of Business Interests and Financial Connections shall contain information on any existing interests in, or any existing connections with, any business enterprises or entities, whether as proprietor, investor, promoter, partner, shareholder, officer, managing director, executive, creditor, lawyer, legal consultant or adviser, financial or business consultant, accountant, auditor, and the like, the names and addresses of the business enterprises or entities, the dates when such interests or connections were established, and such other details as will show the nature of the interests or connections.

In the present case, we find that there are discrepancies, inconsistencies and non-disclosures in the SAL filed by respondent for the years 1974, 1976, 1989, 1991, 1993, 1995 and 1998, to wit:

- In his SAL for 1989, respondent indicated therein that he owns a residential lot located in the province of Rizal which he acquired through inheritance in 1965. Respondent also declared in the same SAL that he owns a house which he inherited in 1967. He also acknowledged therein that he owns a residential lot in Baguio City which he acquired through purchase in 1965. However, in his SAL for the years 1974 and 1976, respondent did not declare ownership of any real property.

- In his SAL for 1989 and 1993, respondent declared that he owns a house and lot acquired through inheritance in 1965. However, in his SAL for 1991, 1995, 1996 and 1998, he declared that the house and lot he inherited was acquired in 1985.

- Respondent acknowledged in his SAL for 1991, 1993, 1995 and 1996 that he acquired a house and lot by purchase in 1985. However, he failed to declare said property in his SAL for 1989.

- In his Explanation submitted to the Court on September 5, 2003, respondent contends that one of the reasons why his assets increased significantly from 1974 to 1995 is that he was appointed as company director of ELXSHAR PTY LTD (ELXSHAR), a company based in Australia. He reasoned out that his appointment was brought about by his daughter's connections in Australia, wherein the latter is a resident. However, we agree with the observation of the OCA that nowhere in respondent's SAL for 1989, 1991 and 1993 did he declare his business and financial connections with ELXSHAR. It was only in his SAL for 1995, 1996 and 1998 that he included his directorship in ELXSHAR as part of his business and financial interests.

- Respondent also acknowledged in his Explanation that he constructed a two-hectare fish cage in January 1989 by obtaining a loan in the amount of P300,000.00. However, an examination of the SAL of respondent for 1989 and 1991 reveals that he failed to declare either his ownership of or his financial interests in the said fish pens. Respondent also explained that as security for his loan of P300,000.00, obtained in January 1989, he executed a real estate mortgage in favor of the person who loaned him the money. However, his SAL for 1989 does not contain any declaration of a real estate mortgage for the said amount.

- Respondent declared his ownership of a fish pen worth P2,500,000.00 in his SAL for 1995 and 1996. He claims that his ownership of the said fish pen was acquired in 1993. However, a perusal of his SAL for 1993 shows that while respondent declared his being a fish pen operator as part of his business interests, he failed to include said fish pen among his assets. It was only in 1995 that he began to declare the fish pen as part of his assets.

On the basis of the foregoing discrepancies, inconsistencies and omissions, we find respondent guilty of violating Section 7 of R.A. No. 3019 and Section 8 of R.A. No. 6713 for his failure to declare a true and detailed statement

of his assets and liabilities for the years 1974, 1976, 1989, 1991, 1993, 1995 and 1998 and should be meted out the penalty of dismissal from service pursuant to Section 9(b), R.A. No. 3019 and Section 11, R.A. No. 6713. Furthermore, in Rabe vs. Flores,[15] one of the reasons why the Court dismissed a court employee from the service is her failure to disclose her business interests for a continued period of four years. In this case, respondent failed to disclose his business interests from 1974 to 1994 or a period of twenty years.

WHEREFORE, respondent Norberto V. Doblada, Jr., Sheriff IV, Regional Trial Court of Pasig City, Branch 155, is found GUILTY of violation of Section 7, R.A. No. 3019 and Section 8, R.A. No. 6713 and is DISMISSED from the service, effective immediately, with FORFEITURE of all benefits, except accrued leave credits, if any, with prejudice to his reemployment in any branch or service of the government including government-owned and controlled corporations.

SO ORDERED.

Davide, Jr., C.J., Panganiban, Quisumbing, Sandoval-Gutierrez, Carpio, Austria-Martinez, Corona, Carpio-Morales, Callejo, Sr., Azcuna, Chico-Nazario, and Garcia, JJ., concur.
Puno, J., on official leave.
Ynares-Santiago, J., no part.
Tinga, J., no part. Close association with a party.

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[1] Rollo, p. 5.

[2] Id., p. 26.

[3] Id., p. 31.

[4] Rollo, p. 157.

[5] Id., p. 159.

[6] Rollo, pp. 167-168.

[7] Id., p. 281.

[8] Rollo, pp. 342-343.

[9] Id., p. 345.

[10] Id., p. 361.

[11] Rollo, p. 382.

[12] Id., p. 284.

[13] Rollo, pp. 403-404.

[14] Id., p. 405.

[15] A.M. No. P-97-1247, May 14, 1997, 272 SCRA 415.

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