

BONIFACIO ANCHETA AND EMILIA ANCHETA, COMPLAINANTS, VS. CRISTOBAL HILARIO, RESPONDENT.

A.M. No. P-1416-17. February 14, 1980

Ponente: TEEHANKEE, J.

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TEEHANKEE, J.:

These two administrative complaints charge respondent Cristobal Hilario, deputy sheriff of the Court of First Instance at Laoag City, with dishonesty in the discharge of his functions and were consolidated per the Court's resolution of September 8, 1978.

The pertinent facts of these two cases as gathered from the records are:

In Adm. Matter No. 1416

In their verified complaint, spouses Bonifacio Ancheta and Emilia Ancheta (hereinafter referred to as the Anchetas) allege that they were the plaintiffs in Civil Case No. 4198-11 filed with the Court of First Instance of Ilocos Norte against Baltazar Molina for ownership; that they won the case both in the Court of First Instance and in the Court of Appeals; that the amount of P1,000.00 which was awarded to them (the Anchetas) as damages was collected in November 1975 by respondent deputy sheriff from Baltazar Molina, the defendant in the aforementioned civil case; that respondent delivered only the amount of P150.00 to the Anchetas thereby converting and misappropriating the balance of P850.00; that notwithstanding the length of time (which was repeatedly extended) given to respondent, he failed to pay the same.

When required to comment on the complaint, respondent admitted having collected from defendant Baltazar Molina the sum of P1,000.00 and by way of explanation for his failure to deliver the full amount to the Anchetas alleged:

"That when I returned home, I was informed by my wife that our children studying in Manila, unexpectedly came home as they were in dire need of finances, so that, my wife gave them P800.00, and have already also spent P50.00 for the domestic needs of my family, thus leaving only a balance of P150.00, which amount I was able to give Mr. Bonifacio Ancheta, thru his counsel then, Atty. Jose C. Pilar. That I did really promise to Atty. Jose C. Pilar that I shall in the soonest possible time produce the amount of P850.00 in order to complete the amount of P1,000.00, but I have always been hard pressed with my finances that I am still short of said amount, but that I promise that in five (5) to ten (10) days from today, I shall be able to give Mr. Ancheta the full amount, in truth and in fact, I have even told Atty. Pilar that I was willing to authorize him to receive my monthly salary from the Clerk of Court, because I knew then that, that was the only possible way I could raise the P850.00, but he politely refused, saying that I need it for the support of my family, and advised me that somehow, I should try my best to save until I would be able to give the whole amount of P850.00 to Mr. Ancheta, but I do confess that it is really hard for me to raise said amount in a short time."

In Adm. Matter No. 1417

Complainant Mariano A. Miguel, in his affidavit-complaint in turn alleged that he was one of the plaintiffs in

Civil Case No. 1481, entitled "Emilio Miguel and Mariano Miguel vs. Nicolas Santos and Milagros Santos" for collection of a sum of money in the City Court of Laoag City; that a decision was rendered therein ordering the defendants to pay the plaintiffs the amount of P2,500.00; that on January 11, 1975, an Order of Execution[1] was issued by the Laoag City Court addressed to the sheriff to execute the judgment rendered against the aforementioned defendants; that on March 11, 1975, a sheriff's return[2] was received by the City Court of Laoag City signed by respondent Cristobal M. Hilario, deputy sheriff, acknowledging that on January 16, 1975, a copy of the Order of Execution was served upon the said defendants who paid in full their obligation in the amount of P2,500.00, as demanded in said Order and respondent issued the corresponding receipt[3] dated March 10, 1975; that on November 18, 1975, the Public Information Assistance Unit (PIAU) sent a telegram[4] to the respondent, thru the Chief of Police, Laoag City for him to appear to shed light on the complaint filed by herein complainants with the PIAU, DPI, Malacañang, Manila and under date of November 24, 1975 respondent executed in the presence of complainant and Rosita Miguel a document[5] dated November 24, 1975 stating, among others, that he would give the amount of P1,875.00 to Rosita Miguel on December 2, 1975 at the PIAU, DPI, Malacañang, Manila at 2:00 p.m. and that failure on his part to turn over said amount would render him liable for criminal, civil and administrative charges; that respondent failed to deliver said amount to complainant on December 2, 1975, the date set in the aforementioned document (Annex "E") nor on December and 20, 1975, the dates set in the telegrams[6] of the PIAU to respondent; that despite these repeated notices and demands, respondent failed to pay the said amount of P1,875.00 to herein complainant.

In a 1st Indorsement, dated January 12, 1976, the Executive Officer of this Court required respondent deputy sheriff Cristobal M. Hilario to comment on the charges against him. After two (2) tracers, dated April 5, 1976 and October 11, 1976, were sent to him, respondent filed his comment[7] thru Executive Judge Florentino de la Pena of the Court of First Instance, Laoag City, dated June 15, 1976, alleging, among others, that he admits paragraphs 1 to 6, inclusive, of the affidavit executed by the complainant but vigorously and vehemently denies the allegations contained in paragraphs 7 to 9 thereof, having no knowledge of the same; that he has not misappropriated or any slight intention to misappropriate the amount due to the plaintiffs by virtue of the Order of Execution in Civil Case No. 1481 of the City Court of Laoag; that the amount of P1,000.00 deposited with Atty. Ernesto Asuncion and the amount of P875.00 after deducting legal fee, service fee, etc., in his possession are ready for delivery to the plaintiffs (one of whom is the complainant therein) any time they would want to receive the same; and that in case of a formal investigation, he is ready to prove his defense and to divulge other facts pertaining to this instant case.

Considering the admissions contained in the comments of respondent to the two (2) complaints at bar against him that he carried out the execution of the judgments in Civil Case No. 4198-11 of the Court of First Instance of Ilocos Norte and Civil Case No. 1481 of the City Court of Laoag City, and received from the judgment debtors the full amounts awarded to the recreative plaintiffs therein, but failed to deliver the full amounts due to said plaintiffs, as supported by the documentary evidence on record, there can be no question as to the truth of the two (2) charges against respondent and there is no need of further ordering a formal investigation thereof.

Whatever may have been respondent's dire personal needs and those of his family cannot justify his condemnable act of misappropriating for his personal use the funds collected by him in trust on behalf of the complainants as judgment creditors. His conduct constitutes gross dishonesty which renders him unfit to hold a responsible position in the judicial branch of the government and betrays the people's faith and trust in the courts for the redress of their grievances. (*Abejaron vs. Panes*, 84 SCRA 494).

As the Court held in *Ganuden vs. Bolasco* (64 SCRA 50), "(The acts and/or omissions of respondent are patent violation of law. They disturb the ethics of public life and vitiate the integrity of the court personnel as well as the

court itself. Public service requires utmost integrity and strictest discipline. A public servant must exhibit at all times the highest sense of honesty and integrity. This yardstick has been imprinted in the New Constitution under Section 1 of Article XIII which stressed that 'Public office is a public trust. Public officers and employees shall observe with the highest degree of responsibility, integrity, loyalty and efficiency and shall remain accountable to the people.' xxx Respondent's conduct is highly prejudicial to the interest of the service. It is classified as a grave offense under sub-paragraph A. paragraph III of Civil Service Memorandum Circular No. 8, series of 1970."

WHEREFORE, the Court finds respondent Cristobal M. Hilario guilty of gross dishonesty and neglect of duty (Rule XVII, Section 19 [c & g] of the Civil Service Rules and Regulations and Section 1 [a & d], Presidential Decree No. 6) and hereby orders his DISMISSAL from the service, effective immediately, with prejudice to his reinstatement and reemployment in the government or any of its local political subdivisions or agencies, including government-owned or controlled corporations but without prejudice to his criminal prosecution. This decision is immediately executory.

SO ORDERED.

Makasiar, Fernandez, Guerrero, De Castro, and Melencio-Herrera, JJ., concur.

- [1] Annex "A", pages 4-5, Rollo.
- [2] Annex "B", page 6, Rollo.
- [3] Annex "C", page 7, Rollo.
- [4] Annex "D", page 8, Rollo.
- [5] Annex "E", page 9, Rollo.
- [6] Annexes "F" and "G", pages 10, 11, respectively, Rollo.
- [7] Pages 17-19, Rollo.

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