SPOUSES NORMANDY AND RUTH BAUTISTA, COMPLAINANTS, VS. ERNESTO L. SULA, SHERIFF IV, REGIONAL TRIAL COURT, BRANCH 98, QUEZON CITY, RESPONDENT.

A.M. No. P-04-1920. August 17, 2007

Ponente: CARPIO, J.

Read online (full-text search, related cases, audio case brief): https://batas.org/library/dc900ff70e1a/

CARPIO, J.:

The Facts

On 6 December 2003, Ruth B. Bautista (Ruth) borrowed P300,000 from Ceniza C. Glor (Glor). The loan, payable in three months, bore a monthly interest of five percent. The three-month period commenced on 6 December 2003 and expired on 6 March 2004. To secure the loan, Ruth executed a chattel mortgage over her Honda CRV in favor of Glor.[1]

Upon maturity of the loan, Glor repeatedly demanded payment from Ruth. Despite the repeated demands, Ruth refused to pay her debt, or surrender possession of the vehicle.[2] Thus, on 6 May 2004, Glor filed with the Regional Trial Court, Branch 98, Quezon City (trial court), a civil case[3] for judicial foreclosure of chattel mortgage with prayer for the issuance of a writ of replevin.

Thereafter, the trial court issued a writ of replevin[4] dated 14 May 2004 directing Ernesto L. Sula (respondent), Sheriff IV of the trial court, to take possession of the vehicle and keep it in his custody:

> WHEREAS, plaintiff Ceniza C. Glor, in the above-entitled case, having filed an application with this Court praying for the seizure and delivery to Ceniza C. Glor of the property, more particularly described hereafter, and having filed the affidavit required by the Rules of Court and executed to the defendant a bond in the sum of EIGHT HUNDRED THOUSAND PESOS ONLY (P800,000.00).
>
> You are hereby ordered to take immediate possession of the following property which is now detained by the defendant, to wit:
>
> MAKE & TYPE : Honda CRV (Station Wagon)
>
> MOTOR NO. : PEWD7P100308
>
> CHASSIS NO. : PADRD1830WV000347
>
> PLATE NO. : HRS-555
>
> FILE NO. : 1320-00000161749
>
> and to keep the said property in your possession for five (5) days. At the expiration of the said period, you shall deliver, subject to the provisions of Sections 5, 6 and 7 of Rule 60 of the Rules of Court, to the plaintiff the said property, provided that your legal fees and all the necessary expenses are fully paid.

Respondent enforced the writ on 17 May 2004.[5] On 20 May 2004, spouses Normandy R. Bautista and Ruth B.

Bautista (complainants) filed with the trial court an urgent motion[6] for the return of the vehicle and submission of counter-bond. On 21 May 2004, complainants filed a motion[7] to withdraw the urgent motion, attaching thereto an omnibus motion[8] for entry of appearance, urgent setting of hearing, and redelivery of the vehicle to them. Pursuant to Section 5 of Rule 60, complainants required the return of the vehicle to them by filing a counter-bond and serving Glor a copy of the counter-bond.[9]

Because the trial court failed to approve complainants' counter-bond within the five-day period provided in Section 6 of Rule 60, Glor, in a letter[10] dated 24 May 2004, asked respondent to deliver the vehicle to her. In a letter[11] dated 26 May 2004, complainants asked respondent not to deliver the vehicle to Glor because (1) pursuant to Section 5, they had required the return of the vehicle to them and filed the corresponding counter-bond; (2) the vehicle's delivery to Glor was not justified under Section 6; and (3) there was no order from the trial court directing the delivery to Glor. In a letter[12] dated 26 May 2004, Glor reiterated her demand on respondent to deliver the vehicle to her; otherwise, she would be constrained to pursue legal actions against him.

On 26 May 2004, complainants alleged that respondent approached them in the Quezon City Hall of Justice building asking them to wait for him by the benches at the back of the second floor. There, respondent told them that he was willing to ignore Glor's request in exchange for P20,000. With a little hesitation, they offered him P3,000 and promised to give the balance on the following day. Respondent agreed and immediately received the P3,000. On the next day, however, complainants did not give the balance. They asked respondent if he could give them more time to raise the money. Respondent was irked by this. Complainants alleged that:

> At 4:50 P.M. he came to us at the designated place and while we were reading his Sheriff's Manifestation, he said he had not eaten lunch yet because in his words "dahil sa paggawa ko ng Manifestation at sama ng loob dahil ako ang naipit dito sa kaso nyo, si judge kasi ang bagal mag-release ng order. Kakasuhan na ko sa Ombudsman ng plaintiff." Trying to clarify what he meant about this, we ask [sic] him what we on our part need [sic] to do so that the property will be ensured that its [sic] under the custody of the court or "custodia legis" until such time that the Honorable Court could resolve our motion. However we were totally surprised when he said that "Nasa sa inyo yan pero yun kasing kabila talagang desidido na makuha ang property, kung makapagbigay kayo ng kahit Twenty (20) Thousand sa akin magagawan natin yan ng paraan na di makuha ng plaintiff, yun ay kung gusto nyo lang, kasi pag napunta yan sa kanila baka di nyo na makita yan".
>
> [With] those words from Sheriff IV Ernesto L. Sula it became clear to us that he was asking money to favor us in the disposition of the property, I replied that the only cash we have [sic] at the time was only Three (3) Thousand Pesos and ask [sic] him if he could accept it for the meantime and that we will come up with the balance on the following morning. He said "Cge pero siguraduhin nyo lang maibigay nyo ang balanse bukas ng maaga kasi meron din akong bibigyan para safe din ako. Ganito kasi dito kailangan may nakakaalam na mas mataas para may proteksiyon tayo." At this point I asked my wife, Ruth B. Bautista what she thought about it and she said its [sic] up to me and thereafter I gestured to give him the Three (3) Thousand Pesos which he said "Isimple mo lang ang abot para walang makapansin" and I simply slipped the money in his hand and after he received the money put his hand immediately in his pocket. x x x
>
> [O]n the following day 27th May 2004 at 8:10 A.M. We met him at the benches at the back of the 3rd floor of the Justice Hall Bldg. We immediately apologized and told him that we failed to borrow money for the balance of our agreement and ask [sic] if he could wait until at [sic] Friday 29[th] May 2004 to come up with the balance of our agreement because it might take some time before we can raise it. x x x He answered that "Medyo mahirap pala kayong kausap" and left us.[13]

On 27 May 2004, respondent filed a sheriff's manifestation asking the trial court's guidance on whether he should deliver the vehicle to Glor or keep it in custodia legis:

> [T]his Manifestation is respectfully filed before the Honorable Court, in order that he maybe [sic] guided on

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

> whether he should release the vehicle as demanded by plaintiff or hold its release until such time that the Motions and Counter[-]bond filed by defendants is [sic] resolved as requested by the defendant.[14]

Without waiting for the trial court's instructions regarding the vehicle, respondent filed his sheriff's return on 28 May 2004 stating that he had already delivered the vehicle to Glor:

> [O]n May 27, 2004, after the expiration of the five (5) days [sic] period and in the absence of any Court Order/s, undersigned turned-over the possession of the motor vehicle to the Plaintiff as per Court/Sheriff's Receipt hereto attached.[15]

On 31 May 2004, complainants alleged that they went to the trial court to check on the vehicle and to look for respondent. There, respondent admitted to them that he had already delivered the vehicle to Glor -- he acted on his own discretion. Complainants asked respondent how much he received from Glor and why he did not give them a chance to fulfill their agreement. He just said "pasensiyahan na lang tayo."[16]

On 2 and 7 June 2004, complainants filed with the Office of the Ombudsman and the Office of the Court Administrator (OCA), respectively, a joint affidavit-complaint[17] against respondent. Since the acts complained of were related to respondent's functions as an officer of the court, the Office of the Ombudsman, in its 1st Indorsement[18] dated 20 July 2004, referred the matter to the OCA.

> In his comment[19] dated 4 August 2004, respondent prayed that the instant case be dismissed because:
>
> - Complainants' accusations against him were malicious and unfounded. They filed the instant case against him because they "amassed so much anxiety and wrath against respondent to the point of even telling telltales." They felt aggrieved because of the vehicle's delivery to Glor and its subsequent foreclosure.
>
> - He was only guided by the orders of the court and, in their absence, by the Rules of Court particularly Rule 60. Under Section 6 of the said Rule, the vehicle's delivery to Glor followed as a matter of course because she posted a bond which was approved by the court. On the other hand, up to the time of the delivery, complainants' counter-bond had not been approved by the court.
>
> - Complainants' accusation that he asked for P20,000 was incredulous and a total lie. He never dealt clandestinely with complainants, much less demanded money from them. He did not personally know Glor, nor was he acquainted with complainants.
>
> - Complainants had no evidence to support their accusation. If it were true that he asked and received money from them, it would have been easy for them to entrap him, yet, they did not do so.
>
> - He enjoyed the presumption of regularity in the performance of his duties.

In their comment[20] to respondent's comment dated 4 August 2004, complainants prayed that respondent be preventively suspended pending the investigation of the case. They alleged that they had a witness who was willing to testify on the circumstances surrounding respondent's demand and receipt of the money from them. However, the witness did not want to testify unless respondent was placed under preventive suspension because she was afraid that her testimony would endanger her means of livelihood inside the Hall of Justice building.

The Office of the Court Administrator's Report and Recommendations

In its memorandum[21] dated 14 October 2004, the OCA found that respondent erred when he released the vehicle to Glor without waiting for the trial court's instructions on who had a better right over the vehicle. The OCA recommended that the case be re-docketed as a regular administrative matter and that respondent be held

liable for grave abuse of authority and fined P4,000. The OCA recommended that the charges for violation of the Anti-Graft and Corrupt Practices Act, gross ignorance of the law, and conduct prejudicial to the best interest of the service be dismissed for insufficiency of evidence.

In a Resolution[22] dated 8 December 2004, the Court ordered the re-docketing of the case as a regular administrative matter and, in a Resolution[23] dated 16 March 2005, the Court required the parties to manifest if they were willing to submit the case for decision based on the pleadings already filed.

Complainants filed a motion[24] for further investigation and preventive suspension of respondent pending the investigation of the case. They prayed that the case be referred to the Executive Judge of the Regional Trial Court, Quezon City, for investigation. They also prayed that respondent be placed under preventive suspension to allow their witness to testify without fear of being harassed by respondent.

The Court noted complainants' motion for further investigation and preventive suspension and referred the case to the OCA for investigation, report, and recommendation.[25] In an Order[26] dated 24 August 2005, the OCA set the case for investigation on 15 and 16 September 2005. In the investigation, only respondent appeared.[27] The complainants filed a manifestation and motion[28] dated 10 September 2005 stating that although they were willing to participate in the investigation, they could not convince their witness to testify unless respondent was preventively suspended.

In a letter[29] dated 20 September 2005, the OCA returned the rollo of the case together with complainants' manifestation and motion to the Court for further instructions. In a Resolution[30] dated 10 October 2005, the Court noted the said letter and referred the same to the OCA for report and recommendation. Accordingly, the OCA set the case for investigation on 23 and 24 August 2006.[31] Again, only respondent appeared in the investigation. The complainants reiterated their claim that they could not participate in the investigation unless respondent was preventively suspended.[32]

In its Report[33] dated 13 September 2006, the OCA recommended that (1) the motion to preventively suspend respondent be denied; (2) the previous recommendation imposing a fine of P4,000 on respondent for grave abuse of authority be adopted; and (3) the charges for violation of the Anti-Graft and Corrupt Practices Act, gross ignorance of the law, and conduct prejudicial to the best interest of the service be dismissed for insufficiency of evidence.

The Court's Ruling

The Court finds respondent liable for simple misconduct.

On the Charge of Violation of the
Anti-Graft and Corrupt Practices Act,
Gross Ignorance of the Law, and
Conduct Prejudicial to the Best Interest of the Service

Complainants bear the burden of proving, by substantial evidence, the allegations in the complaint. "Substantial evidence means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion."[34]

In the instant case, complainants failed to substantiate the allegation that respondent violated the Anti-Graft and Corrupt Practices Act. Aside from their bare allegation that respondent demanded and received money from them, complainants did not present any substantial evidence to support the charge. The only pieces of evidence they

offered were (1) respondent's admission in his reply that he approached complainants in the Hall of Justice building and (2) a witness who could testify on respondent's alleged acts of demanding and receiving money from the complainants:

> From the very words of the respondent Sheriff himself (page 5 of his Reply), he admitted to have [sic] APPROACHED US when he furnished us a copy of his Manifestation x x x. Why then did the respondent Sheriff approached [sic] us when his Manifestation is addressed and concerns only the Court? To put to rest that this is just a bare allegation, a third person is willing to present herself to the investigation of this Honorable Office to testify to the truth of the circumstances of the said incident which she personally witnessed but which [sic] we could not reveal her identity at the moment upon her own request because the said person makes her living in the hallway of the Hall of Justice of Quezon City.[35]

Complainants, however, never appeared in any of the investigations, nor presented their witness. The fact that respondent approached complainants in the Hall of Justice building is not enough basis for this Court to conclude that respondent demanded and received money from them. On complainants' witness, the OCA found that "[t]he alleged fear from harassment of the complainants' unnamed witness [precluding her] to testify against the respondent unless the latter is suspended from office is purely speculative."[36] Complainants failed to present the quantum of evidence required to hold respondent liable.

There is also no sufficient evidence to prove that respondent is guilty of gross ignorance of the law and conduct prejudicial to the best interest of the service. As the OCA correctly held, "[t]he charges for Gross Ignorance of the Law and Conduct Prejudicial to the Best Interest of the Service must likewise fail, for insufficiency of evidence; if there was any fault by herein respondent, it was his overzealousness to perform his duty."[37]

On the Charge of Simple Misconduct

The Court, however, finds respondent liable for simple misconduct. Simple misconduct has been defined as an unacceptable behavior that transgresses the established rules of conduct for public officers.[38] It is an unlawful behavior.[39] "Misconduct in office is any unlawful behavior by a public officer in relation to the duties of his office, willful in character. It generally means wrongful, improper, unlawful conduct motivated by a premeditated, obstinate, or intentional purpose although it may not necessarily imply corruption or criminal intent."[40]

The OCA found that respondent erred when he delivered the vehicle to Glor without waiting for the trial court's instructions on the matter:

> In this case, plaintiff/applicant had posted a replevin bond duly approved by the court. Nevertheless, one of the elements upon which the property subject of replevin may be delivered to the plaintiff/applicant is lacking. There appears to be no court order issued yet for the release of the aforementioned property to the plaintiff/applicant. The order dated 12 May 2004 issued by the court only directed respondent to take into his custody the subject motor vehicle. Further, respondent filed a manifestation seeking guidance from the court on the disposal of the seized property. Hence, respondent's justification that the release of the seized property to the plaintiff/applicant follows as a matter of course because the applicant/plaintiff had already filed a replevin bond to answer for any damage that may be suffered by complainants may not be given weight.
>
> It must be stressed that the prerogatives of Sheriffs do not give them any discretion to determine who among the parties is entitled to possession of the subject property. The appropriate course of action should have been for respondent to wait for the instructions of the court as to whom he will release the property since he had already asked for its guidance through his Manifestation which was submitted to the court virtually at the close of office hours on 26 May 2004. Yet the following morning, he suddenly decided to release the car to the plaintiff without waiting for any court order on the matter. Such apparent haste raised questions on his actions and leaves doubts as to his intent or interest in the case.

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

> Moreover, under the Revised Rules of Court, the property seized under a writ of replevin is not to be delivered immediately to the plaintiff. This is because a possessor has every right to be respected in its possession and may not be deprived of it without due process.
>
> The purpose of the five (5) day period in Section 6, Rule 60 is to give defendants in a replevin case a chance to require the return of the property by filing a counter[-]bond. Considering that there was no court order to release the property to the applicant/plaintiff and the complainants were able to require the return of the property and file their counter[-]bond within the five (5) day period required by the Rules, respondent should have been more circumspect in releasing the property to the plaintiff/applicant. By hastily deciding to release the seized property to the plaintiff/applicant without waiting for the court's order, respondent patently abused his authority. (Emphasis ours)

Indeed, respondent went beyond the call of his duties when he delivered the vehicle to Glor. The writ of replevin issued by the trial court specifically stated that the vehicle shall be delivered to Glor subject to the provisions of Sections 5 and 6 of Rule 60. Yet, respondent opted to ignore these provisions.

Good faith on respondent's part, or lack of it, would be of no moment for he is chargeable with the knowledge that being an officer of the court, his duty is to comply with the Rules.[41] Sections 5 and 6 of Rule 60 provide that:

> SEC. 5. Return of property. - If the adverse party objects to the sufficiency of the applicant's bond, or of the surety or sureties thereon, he cannot immediately require the return of the property, but if he does not so object, he may, at any time before the delivery of the property to the applicant, require the return thereof, by filing with the court where the action is pending a bond executed to the applicant, in double the value of the property as stated in the applicant's affidavit for the delivery thereof to the applicant, if such delivery be adjudged, and for the payment of such sum to him as may be recovered against the adverse party, and by serving a copy of such bond on the applicant.
>
> SEC. 6. Disposition of property by sheriff. - If within five (5) days after the taking of the property by the sheriff, the adverse party does not object to the sufficiency of the bond, or of the surety or sureties thereon; or if the adverse party so objects and the court affirms its approval of the applicant's bond or approves a new bond, or if the adverse party requires the return of the property but his bond is objected to and found insufficient and he does not forthwith file an approved bond, the property shall be delivered to the applicant. If for any reason the property is not delivered to the applicant, the sheriff must return it to the adverse party. (Emphasis ours)

Under Section 5, complainants may require the return of the vehicle by (1) posting a counter-bond in double the value of the vehicle and (2) serving Glor with a copy of the counter-bond. Both requirements must be complied with before the vehicle is delivered to Glor. Put differently:

> If a defendant in a replevin action wishes to have the property taken by the sheriff restored to him, he should within five days from such taking, (1) post a counter-bond in double the value of said property, and (2) serve plaintiff with a copy thereof, both requirements - as well as compliance therewith within the five-day period mentioned - being mandatory. x x x
>
> Conformably, a defendant in a replevin suit may demand the return of possession of the property replevined by filing a redelivery bond executed to the plaintiff in double the value of the property as stated in the plaintiff's affidavit within the period specified in Sections 5 and 6.[42]
>
> Under Section 6, the vehicle shall be delivered to Glor only under the following instances:
>
> - If within five days after the taking of the vehicle, complainants do not object to the sufficiency of the bond or of the surety or sureties thereon;
>
> - If within five days after the taking of the vehicle, complainants object to the sufficiency of the bond and the

> trial court affirms its approval of Glor's bond or approves a new bond; or
>
> - If within five days after the taking of the vehicle, complainants require the return of the vehicle and their bond is objected to and found insufficient and they do not forthwith file an approved bond.

In the instant case, complainants duly complied with all of the requirements under Sections 5 and 6 for the return of the vehicle. Respondent took possession of the vehicle on 17 May 2004. On 20 May 2004, complainants filed their urgent motion for the return of the vehicle and submission of counter-bond and, on 21 May 2004, they filed a motion to withdraw the urgent motion and change the same with an omnibus motion. Both the urgent motion and the omnibus motion were filed before the delivery of the vehicle to Glor and before the expiration of the five-day period. Later, the trial court approved complainants' counter-bond. Thus, respondent committed an irregularity when he hastily delivered the vehicle to Glor.

Under the Rules of Court, the sheriff should not immediately deliver the property seized under a writ of replevin to the plaintiff. This is because defendants have every right to be respected in their possession and may not be deprived of it without due process.[43] The purpose of the five-day period in Section 6 is to give defendants in a replevin case a chance to require the return of the property by filing a counter-bond. In Pardo v. Velasco,[44] this Court held that:

Respondent as an officer of the Court is charged with certain ministerial duties which must be performed faithfully to the letter. Every provision in the Revised Rules of Court has a specific reason or objective. In this case, the purpose of the five (5) days is to give a chance to the defendant to object to the sufficiency of the bond or the surety or sureties thereon or require the return of the property by filing a counter[-]bond.

In Sebastian v. Valino,[45] this Court held that:

> Under the Revised Rules of Court, the property seized under a writ of replevin is not to be delivered immediately to the plaintiff. The sheriff must retain it in his custody for five days and he shall return it to the defendant, if the latter, as in the instant case, requires its return and files a counter[-]bond (Sec. 4, Rule 60, Revised Rules of Court). (Emphasis ours)

The prerogatives of sheriffs do not include the discretion to determine who among the parties is entitled to the possession of the property. Even when placed in a difficult situation, they are not called to exercise their own discretion. In Cruz v. Villar,[46] the Court agreed with the OCA's observations:

> The nature of their functions is essentially ministerial. Their prerogatives do not give them any discretion to determine who among the parties is entitled to possession of the subject properties. The appropriate course of action should have been for respondents to inform their judge of the situation by way of a partial Sheriff's Return and wait for instructions on the proper procedure to be observed. These respondents failed to do.
>
> Similarly, in Mamanteo v. Magumun,[47] this Court held that:
>
> [T]he novelty of his predicament did not call for him to use his discretion x x x without waiting for instructions from his judge. A sheriff's prerogative does not give him the liberty to determine who among the parties is entitled to the possession of the attached property.

Respondent's act of filing the manifestation seeking the trial court's guidance virtually at the close of office hours on 26 May 2004 then delivering the vehicle to Glor in the morning of 27 May 2004 is highly questionable. As the OCA held:

> [R]espondent filed a Manifestation seeking guidance from the court on the disposal of the seized property. Hence, respondent's justification that the release of the seized property to plaintiff/applicant follows as a matter of course because the applicant/plaintiff had already filed a replevin bond to answer for any damage that may

> be suffered by complainants may not be given weight.
>
> The appropriate course of action should have been for respondent to wait for the instructions of the court as to whom he will release the property since he had already asked for its guidance through his Manifestation which was submitted to the court virtually at the close of office hours on 26 May 2004. Yet the following morning, he suddenly decided to release the car to the plaintiff without waiting for any court order on the matter. Such apparent haste raised questions on his action and leaves doubts as to his intent or interest in the case.

Since respondent had filed a manifestation seeking the trial court's guidance, the most appropriate course of action should have been for him to wait for the trial court's instructions on what he should do with the vehicle. Assuming that the issue may have been too technical for respondent to decide on the spot, it would have been prudent for him to let the trial court decide on the matter. However, he was overzealous and delivered the vehicle to Glor without even giving the trial court a chance to act on his manifestation. His unusual zeal and precipitate decision to give possession of the vehicle to Glor effectively destroyed the presumption of regularity in the performance of his duties.[48] "While the expeditious and efficient execution of court orders and writs is commendable, it should not, under any circumstances, be done by departing from the Rules governing the same."[49]

Respondent should execute the directives of the trial court strictly "in accordance with the letter thereof and without any deviation therefrom."[50] As an officer of the court, he should follow the provisions of the Rules to the letter especially when the law is clear.

> When, as in this case, the law is clear, respondent owes it to himself and to the public he serves to adhere to its dictates. The failure to do so exposes the wrongdoer to administrative sanctions. When the inefficiency of an officer of the court springs from a failure to consider so basic and elemental a rule, a law or a principle in the discharge of his duties, he is either too incompetent and undeserving of the position and title he holds or is too vicious that the oversight or omission was deliberately done in bad faith or with grave abuse of authority.[51]

Section 52(B)(2)[52] of the Revised Uniform Rules on Administrative Cases in the Civil Service[53] classifies simple misconduct as a less grave offense punishable by suspension of one month and one day to six months for the first offense. Having been in the service for more than 26 years,[54] respondent cannot wrongly interpret basic rules without appearing grossly incompetent or having acted in bad faith.

WHEREFORE, we find respondent Ernesto L. Sula, Sheriff IV, Regional Trial Court, Branch 98, Quezon City, GUILTY of SIMPLE MISCONDUCT. Accordingly, we SUSPEND him for six months without pay and STERNLY WARN him that a repetition of the same or similar acts shall be dealt with more severely.

SO ORDERED.

Quisumbing, (Chairperson), Carpio-Morales, and Tinga, JJ., concur.
Velasco, Jr., J., no part due to prior action in oca.

[1] Rollo, p. 7.

[2] Id. at 8.

[3] Docketed as Civil Case No. Q-04-52587, entitled "Ceniza C. Glor v. Ruth B. Bautista, assisted by her husband Normandy R. Bautista."

[4] Rollo, p. 54.

[5] Id. at 12.

[6] Id. at 13-14.

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

[7] Id. at 18-19.

[8] Id. at 20-23.

[9] Id. at 1.

[10] Id. at 28-29.

[11] Id. at 30-31.

[12] Id. at 34-35.

[13] Id. at 2-3.

[14] Id. at 37.

[15] Id. at 12.

[16] Id. at 3-4.

[17] Id. at 42-46 and 1-5.

[18] 1[st]Indorsement, CPL C-04-1027, 20 July 2004.

[19] Rollo, pp. 144-150.

[20] Id. at 162-164.

[21] Id. at 152-157.

[22] Id. at 181.

[23] Id. at 185.

[24] Id. at 186-188.

[25] Id. at 189.

[26] Id. at 195.

[27] OCA's Report and Recommendation, A.M. No. P-04-1920, 13 September 2006, p. 6.

[28] Rollo, pp. 193-194.

[29] Id. at 191.

[30] Id. at 197.

[31] Id. at 210-211.

[32] OCA's Report and Recommendation, A.M. No. P-04-1920, 13 September 2006, p. 7.

[33] Id.

[34] Pan v. Salamat, A.M. No. P-03-1678, 26 June 2006, 492 SCRA 460, 466.

[35] Rollo, pp. 162-163.

[36] OCA's Report and Recommendation, A.M. No. P-04-1920, 13 September 2006, p. 7.

[37] Id. at 5.

[38] Castelo v. Florendo, 459 Phil. 581, 597 (2003).

[39] Imperial v. Santiago, Jr., 446 Phil. 104, 118 (2003).

[40] Villaceran v. Beltejar, A.M. No. P-05-1934, 11 April 2005, 455 SCRA 191, 201.

[41] Bernabe v. Eguia, A.M. No. P-03-1742, 18 September 2003, 411 SCRA 259, 265.

[42] Citibank, N.A. v. Court of Appeals, 364 Phil. 328, 348 (1999).

[43] Id. at 351-352.

[44] A.M. No. P-90-408, 7 August 1992, 212 SCRA 323, 328-329.

[45] A.M. No. P-91-549, 5 July 1993, 224 SCRA 256, 259.

[46] 427 Phil. 229, 234 (2002).

[47] 370 Phil. 278, 285 (1999).

[48] Villanueva-Fabella v. Lee, 464 Phil. 548, 568 (2004).

[49] Miramar Fish Co., Inc. v. Jalon, A.M. No. P-04-1904, 25 October 2005, 474 SCRA 22, 26.

[50] De Guzman v.Gatlabayan, 404 Phil. 901, 913 (2001).

[51] Tolarba v. Conejero, 454 Phil. 28, 32 (2003).

[52] Section 52 of the Revised Uniform Rules on Administrative Cases in the Civil Service provides:

Section 52. Classification of Offenses. - Administrative offenses with corresponding penalties are classified into grave, less grave or light, depending on their gravity or depravity and effects on the government service.

> B. The following are less grave offenses with the corresponding penalties:
>
> x x x x
>
> 2. Simple Misconduct
>
> 1[st]offense - Suspension (1 mo. 1 day to 6 mos.)
>
> 2[nd] offense - Dismissal

[53] Promulgated by the Civil Service Commission through Resolution No. 99-1936 dated 31 August 1999 and implemented by CSC Memorandum Circular No. 19, Series of 1999.

[54] Rollo, p. 183.

Turn this case into an audio lecture - facts, issues, ruling and doctrine - at batas.org

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.