

**JULIUS E. PADUGA, COMPLAINANT, VS. ROBERTO
“BOBBY” R. DIMSON, SHERIFF IV, REGIONAL TRIAL
COURT OF VALENZUELA CITY, BRANCH 171, RESPONDENT.**

A.M. No. P-18-3833 (Formerly OCA IPI No. 14-4370-P). April 16, 2018

Ponente: PERLAS-BERNABE, J.

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PERLAS-BERNABE, J.:

This administrative case stemmed from a letter-complaint[1] dated May 5, 2014 filed before the Office of the Court Administrator (OCA) by complainant Julius E. Paduga (complainant) against respondent Roberto "Bobby" R. Dimson (respondent), Sheriff IV of the Regional Trial Court of Valenzuela City, Branch 171, (RTC-Valenzuela Br. 171), accusing the latter of usurpation and abuse of authority.

The Facts

In the letter-complaint, complainant alleged that respondent personally attended to the execution proceedings in connection with a decision rendered by the Regional Trial Court of Quezon City, Branch 221 (RTC-QC Br. 221), despite not having been deputized by said court to do so. He also claimed that respondent is a sheriff of an entirely different court, i.e., RTC-Valenzuela Br. 171, averring further that: (a) on April 21, 2014, respondent personally went with the sheriff of RTC-QC Br. 221 to complainant's address for the purpose of enforcing the aforesaid RTC-QC Br. 221 ruling; (b) on April 24, 2014, respondent attended the conference between the parties-litigants in the case decided by RTC-QC Br. 221; (c) on April 28, 2014, respondent returned to complainant's address to check if the latter's group already complied with the notice to vacate issued by the sheriff of RTC-QC Br. 221, and even threatened them to call police authorities if they do not leave; (d) on April 29, 2014, respondent personally supervised the execution of the RTC-QC Br. 221 ruling and even handed financial assistance to those who voluntarily vacated the property subject of litigation; and (e) sometime in the first week of May 2014, respondent returned to the property and supervised its fencing.[2]

Complying with the OCA's directive,[3] respondent submitted his Comment[4] dated February 26, 2015 denying the charges against him. He explained that as a brother-in-law of one of the counsels in the case ruled upon by the RTC-QC Br. 221, he only assisted in the implementation of the amicable settlement in order to prevent physical conflict between the parties.[5] Respondent further averred that he neither interfered nor participated in any of the processes relative to the execution of the RTC-QC Br. 221 ruling, and only went there on his brother-in-law's behest, to ensure the prompt delivery of financial assistance to the defendants.[6] Finally, respondent claimed that he never introduced himself as a sheriff of another court and that he did all these things in his personal capacity and never during official time.[7]

The OCA's Report and Recommendation

In a Memorandum[8] dated December 8, 2017, the OCA recommended, inter alia, that respondent be found guilty of Conduct Prejudicial to the Best Interest of the Service, Less Serious Dishonesty, and Simple Neglect of Duty, and accordingly, be meted the penalty of suspension for a period of one (1) year, with a warning that a repetition

of the same or similar act will merit the most severe penalty from the Court.[9]

The OCA found respondent guilty of usurpation of authority and abuse of authority - which in turn, constitute Conduct Prejudicial to the Best Interest of the Service - as his mere presence and manifest involvement with the parties absent a writ of execution and without being deputized to do so are unequivocal acts signifying his encroachment of the duties and functions of the actual person tasked to implement the ruling of the RTC-QC Br. 221, i.e., the Sheriff of the same branch.[10] The OCA further pointed out that respondent is likewise guilty of Less Serious Dishonesty as the official records reveal that he was not on leave on those dates when he personally appeared at the property subject of litigation, thus, belying his claim that he committed said acts in his personal capacity.[11] Finally, the OCA pointed out that respondent's meddling with the affairs of RTC-QC Br. 221 rendered him guilty of Simple Neglect of Duty as he failed to perform his duties as Sheriff in RTC-Valenzuela Br. 171.[12]

The Issue Before the Court

The essential issue in this case is whether or not respondent should be held administratively liable for the acts complained of.

The Court's Ruling

The Court adopts the findings and the recommendations of the OCA. Conduct Prejudicial to the Best Interest of the Service involves the demeanor of a public officer which tends to tarnish the image and integrity of his/her public office.[13]

On the other hand, Dishonesty has been defined as the concealment or distortion of truth, which shows lack of integrity or a disposition to defraud, cheat, deceive, or betray, or intent to violate the truth. Under CSC, Resolution No. 06-0538, dishonesty may be classified as serious, less serious or simple.[14] Section 4 of said Resolution states that Less Serious Dishonesty necessarily entails the presence of any one of the following circumstances: (a) the dishonest act caused damage and prejudice to the government which is not so serious as to qualify under Serious Dishonesty; (b) the respondent did not take advantage of his/her position in committing the dishonest act; and (c) other analogous circumstances.

Finally, Simple Neglect of Duty means the failure of an employee or official to give proper attention to a task expected of him or her, signifying a disregard of a duty resulting from carelessness or indifference.[15]

As correctly found by the OCA, respondent is guilty of all three (3) of these offenses, considering that: (a) as a Sheriff in RTC-Valenzuela Br. 171, he encroached on the authority, duties, and functions of the Sheriff of RTC--QC Br. 221 when he personally appeared at the property subject of a ruling in said court, without being deputized to do so; (b) respondent lied when he claimed to have done so during his personal time, when the truth of the matter is that he acted during official time, as evidenced by his accomplished Daily Time Record showing his presence in his station in RTC-Valenzuela Br. 171 on those instances; and (c) in attending to such matter extraneous to his duties as Sheriff of RTC-Valenzuela Br. 171, he neglected his own duties and functions in the same court. Clearly, respondent must be held administratively liable for the aforesaid offenses.

Under the Revised Rules on Administrative Cases in the Civil Service (RRACCS),[16] Conduct Prejudicial to the Best Interest of Service and Less Serious Dishonesty are grave offenses punishable by suspension for a period of six (6) months and one (1) day to one (1) year for the first offense, and dismissal from the service for the second offense;[17] on the other hand, Simple Neglect of Duty is a less grave offense punishable by suspension for 1 a period of one (1) month and one (1) day to six (6) months for the first offense, and dismissal from the service for the second offense.[18] Applying Sections 49 (c)[19] and 50[20] of the RRACCS to this case and it appearing that

this is respondent's first offense for all the charges, the OCA correctly recommended that respondent be meted the penalty of suspension for a period of one (1) year, with a warning that a repetition of the same or similar act will merit the most severe penalty from the Court, i.e., dismissal from the service.

WHEREFORE, the judgment is hereby rendered finding respondent Roberto "Bobby" R. Dimson, Sheriff IV of the Regional Trial Court of Valenzuela City, Branch 171 GUILTY of Conduct Prejudicial to the Best Interest of the Service, Less Serious Dishonesty, and Simple Neglect of Duty. Accordingly, he is SUSPENDED for a period of one (1) year, with a STERN WARNING that a repetition of the same or similar acts will be dealt with more severely.

Let a copy of this Decision be furnished the Office of the Court Administrator to be attached to respondent's records.

SO ORDERED.

Carpio,[*] Acting C. J., (Chairperson), Peralta, Caguioa, and Reyes, Jr., JJ., concur.

[*] Acting Chief Justice per Special Order No. 2539 dated February 28, 2018.

[1] Rollo, pp. 1-2.

[2] Id. at 1. See also id. at 36-37.

[3] See 1st Indorsement dated January 7, 2015; id. at 14. Signed by Court Administrator Jose Midas P. Marquez, Deputy Court Administrator Raul Bautista Villanueva, and OCA Chief of Office, Legal Office Wilhelmina D. Geronga.

[4] Id. at 15-17.

[5] See id. at 15.

[6] See id. at 16.

[7] Id. See also id. at 37.

[8] Id. at 36-40. Signed by Court Administrator Jose Midas P. Marquez and Deputy Court Administrator Thelma C. Bahia.

[9] Id. at 40.

[10] See id. at 37-38.

[11] See id. at 38.

[12] See id.

[13] See *Fajardo v. Corral*, G.R. No. 212641, July 5, 2017, citing *Largo v. Court of Appeals*, 563 Phil. 293, 305 (2007).

[14] See id.; citation omitted.

[15] *Office of the Ombudsman v. De Leon*, 705 Phil. 26, 38 (2013), citing *Republic v. Canastillo*, 551 Phil. 987, 996 (2007).

[16] While the 2017 Rules of Administrative Cases in the Civil Service already took effect on August 17, 2017,

the acts complained of in this case happened sometime in 2014. Hence, the RRACCS finds application in this case.

[17] See Section 46 (B) (1) and (8) of the RRACCS.

[18] See Section 46 (D) (1) of the RRACCS.

[19] Section 49 (c) of the RRACCS reads:

Section 49. Manner of Imposition. - When applicable, the imposition of the penalty may be made in accordance with the manner provided herein below:

x x x x

(c) The maximum of the penalty shall be imposed where only aggravating and no mitigating circumstances are present.

[20] Section 50 of the RRACCS reads:

Section 50. Penalty for the Most Serious Offense. - If the respondent is found guilty of two (2) or more charges or counts, the penalty to be imposed should be that corresponding to the most serious charge and the rest shall be considered as aggravating circumstances.

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