

**EUFRACIO B. PILIPIÑA, Complainant, vs. JUANITO R. ROXAS,
OIC-Branch Clerk of Court, REGIONAL TRIAL COURT (RTC), Branch 45,
Manila, Respondent.**

A.m. No. P-08-2423 (Formerly OCA IPI No. 04-2063-P). March 06, 2008

Ponente: CORONA, J.

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CORONA, J.:

This case is an offshoot of an administrative complaint for misconduct filed against complainant Eufracio B. Pilipiña, Sheriff IV of the Regional Trial Court (RTC) of Manila, Branch 45.[1] He was tasked to enforce the writ of execution in a case entitled Alpadi Development Corporation (ADC) v. Antonio Cedilla.[2]

Pilipiña had received P3,000 from ADC purportedly to cover the expenses for the implementation of the writ of execution [3] but was unable to fully implement it, constraining Felipe Padilla, president of ADC, to file an administrative complaint against him.

Pilipiña filed his comment on ADC's complaint against him. In his comment, he detailed the reasons for his failure to implement the writ of execution.

We, however, took particular interest in paragraph 6 (of Pilipiña's comment) which related that he gave the P3,000 from ADC to respondent Juanito R. Roxas, the officer-in-charge (OIC) branch clerk of court of RTC Manila, Branch 45.[4] Respondent issued an acknowledgment receipt.[5] Pilipiña averred that he gave the P3,000 to Roxas to ensure its easy withdrawal as the scheduled enforcement of the writ was still three working days from the date of his receipt of the P3,000 from ADC. He reasoned that depositing it with the Office of the Clerk of Court would delay the execution of the writ.

We deemed Roxas' act of receiving the P3,000 from Pilipiña as a violation of the last paragraph of Section 9, Rule 141 of the Rules of Court:

Section 9. Sheriffs and other persons serving processes. –

xxx xxx xxx

In addition to the fees hereinabove fixed, the party requesting the process of any court, preliminary, incidental, or final, shall pay the sheriff's expenses in serving or executing the process, or safeguarding the property levied upon, attached or seized, including kilometrage for each kilometer of travel, guards' fees, warehousing and similar charges, in an amount estimated by the sheriff, subject to the approval of the court. Upon approval of said estimated expenses, the interested party shall deposit such amount with the clerk of court and ex-officio sheriff, who shall disburse the same to the deputy sheriff assigned to effect the process, subject to liquidation within the same period for rendering a return on the process. Any unspent amount shall be refunded to the party making the deposit. A full report shall be submitted by the deputy sheriff assigned with his return, and the sheriff's expenses shall be taxed as costs against the judgment debtor. (emphasis supplied)

On November 8, 2004, we therefore resolved to treat said paragraph 6 of Pilipiña's comment (supported by the

acknowledgment receipt from Roxas) as an administrative complaint against Roxas.[6] Pilipiña, however, made it clear that he did not have any intention of instituting a complaint against Roxas.[7]

In his defense, Roxas stated that he accepted the P3,000 from sheriff Pilipiña only for safekeeping. The money was therefore not the deposit required to be made by the interested party with the Clerk of Court, within the meaning of Section 9, Rule 141, a violation for which he could be held liable administratively.

The OCA found Roxas liable for violation of the last paragraph of Section 9, Rule 141 of the Rules of Court for failing to direct ADC to deposit the P3,000 with the Clerk of Court and ex-officio sheriff. It recommended the he be (a) reprimanded and (b) directed to turn over the P3,000 to the Clerk of Court and ex-officio sheriff.

We adopt the OCA's findings of fact and find respondent Roxas guilty of simple neglect of duty.

Simple neglect of duty is the failure to give proper attention to a task expected of an employee resulting from either carelessness or indifference.[8] It is a less grave offense punishable by suspension of one month and one day to six months for the first offense.[9]

Respondent Roxas was guilty of simple neglect of duty when he failed to follow the procedure laid down in the last paragraph of Section 9, Rule 141 of the Rules of Court:

(1)

estimation of expenses by the sheriff;

(2)

approval by the court of the sheriff's estimate;

(3)

deposit by the interested party of the amount with the Clerk of Court and ex-officio sheriff;

(4)

disbursement by the Clerk of Court and ex-officio sheriff to the deputy sheriff assigned to effect the process;

(5)

liquidation of the amount received within the same period for rendering a return on the process;

(6)

report by the deputy sheriff, with his return; and

(7)

refund of excess amount, if any.

In this case, the P3,000 (purportedly given as sheriff's expenses) was received by Roxas who was a mere OIC-branch clerk of court. The rule clearly provides that a deposit of sheriff's expenses must be made only with the Clerk of Court and ex-officio sheriff, not to any other (lesser) clerk of court. Roxas was not the Clerk of Court and ex-officio sheriff; he was therefore clearly devoid of any authority to accept such deposit. He should have directed the turn-over of the money to the Clerk of Court and ex-officio sheriff.

The fact that a mere OIC-branch clerk of court committed such infraction gives us cause for concern. A clerk of court is an essential and a ranking officer of the judicial system who performs delicate administrative functions vital to the prompt and proper administration of justice.[10] He is charged not only with the efficient recording, filing and management of court records but also with administrative supervision over court personnel.[11] As the personnel officer of the court, he exercises general supervision over all court personnel, enforces regulations, initiates investigations of erring employees and recommends appropriate actions to the judge.[12] The degree of faithfulness to duty expected of a regular Clerk of Court was demanded of OIC-branch clerk of court Roxas.

It was part of his duty to make sure that court personnel, such as sheriff Pilipiña, performed their respective tasks according to the rules. Pilipiña was duty-bound to ensure the prompt execution of the writ but promptness was not an excuse to take liberties with the strict rules of procedure.

The Court cannot countenance neglect of duty for even simple neglect of duty lessens the people's confidence in the judiciary and ultimately in the administration of justice.[13] By the very nature of their duties and responsibilities, public servants must faithfully adhere to, hold sacred and render inviolate the constitutional principle that a public office is a public trust; that all public officers and employees must at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty and efficiency.[14]

WHEREFORE, respondent Juanito R. Roxas is hereby found GUILTY of simple neglect of duty for which he is SUSPENDED for a period of one (1) month. He is also ordered to turn over the P3,000 to the Clerk of Court and ex-officio sheriff within 5 days from his receipt of this resolution. He is further WARNED that a repetition of the same or similar offense shall warrant a more severe penalty.

Let a copy of this resolution be attached to the personal records of respondent in the Office of Administrative Services, Office of the Court Administrator.

SO ORDERED.

Puno, C.J., (Chairperson), Carpio,Azcuna and Leonardo-De Castro, JJ., concur.

[1] He was respondent in A.M. No. P-04-1910 entitled Alpadi Development Corporation by: Felipe A. Padilla v. Eufracio B. Pilipiña,, Sheriff IV, RTC-Br. 45, Manila. Rollo, p. 1.

[2] Civil Case No. 01-99841. Id., p.1.

[3] Id., p. 1.

[4] Id.

[5] Id., p. 4.

[6] Now paragraph 3, Section 10 of Revised Rule 141, as amended by A.M. 04-2-04-SC (16 August 2004).

[7] Rollo, p. 8.

[8] Tiu, represented by Romano M. Gutierrez v. De la Cruz, A.M. No. P-06-2288, 15 June 2007. Sangil Vda. de

Dizon v. Tensuan, A.M. No. RTJ-05-1943, 9 August 2005, 466 SCRA 68, 77. Report on the Alleged Spurious Bailbonds and Release Orders Issued by the RTC, Br. 27, Sta. Cruz, Laguna, A.M. No. 04-6-332-RTC, 5 April 2006, 486 SCRA 500, 518.

[9] Rule IV, Section 52 (B) of the Uniform Rules on Administrative Cases in the Civil Service.

[10] Loyao, Jr. v. Caube, 450 Phil. 45 (2003). Angeles v. Eduarte, 457 Phil. 56 (2003).

[11] Office of the Court Administrator v. Judge Trocino, et al., A.M. No. RTJ-05-1936, 29 May 2007. Re: Report on the Judicial Audit and Physical Inventory of Cases in the MCTC Sara-Ajuy-Lemery, Iloilo, A.M. No. 05-10-299-MCTC, 14 December 2005, 477 SCRA 659.

[12] Office of the Court Administrator v. Judge Trocino, et al., supra. 2002 REVISED MANUAL FOR CLERKS OF COURT (Vol. 1), Supreme Court Printing Service, pp. 383-384.

[13] Office of the Court Administrator v. Paredes, A.M. No. P-06-2103, 17 April 2007. Reyes v. Pablico, A.M. No. P-06-2109, 27 November 2006.

[14] Court Personnel of the Office of the Clerk of Court of the RTC-San Carlos City v. Llamas, A.M. No. P-04-1925, 16 December 2004, 447 SCRA 69. Mirano v. Saavedra, A.M. No. P-89-383, 4 August 1993, 225 SCRA 85.

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