



Republic of the Philippines
 Supreme Court
 Manila

EN BANC

ATTY. SOTERO T. RAMBAYON,
 Complainant,

A.M. No. P-23-093
 (Formerly OCA IPI No. 20-5028-P)

Present:

GESMUNDO, C.J.,
 LEONEN,
 CAGUIOA,
 HERNANDO,
 LAZARO-JAVIER,
 INTING,
 ZALAMEDA,*
 LOPEZ, M.,
 GAERLAN,
 ROSARIO,
 LOPEZ, Y.,
 DIMAAMPAO,*
 MARQUEZ,**
 KHO, JR., and
 SINGH, JJ.

- versus -

GEORGE P. CLEMENTE, Sheriff
 IV, Regional Trial Court, Branch
 67, Paniqui, Tarlac,

Respondent.

Promulgated:
 December 5, 2023

X

X

DECISION

PER CURIAM:

To maintain the people's respect and faith in the judiciary, court employees should be models of uprightness, fairness and honesty. They should avoid any act or conduct that would diminish public trust and confidence in the [c]ourts.¹

* On official leave.

** On official business.

¹ *Dela Rama v. De Leon*, A.M. No. P-14-3240, March 2, 2021, [*Per Curiam, En Banc*]. Citation omitted.

For the Court's consideration is the Report² dated June 8, 2023 of the Judicial Integrity Board (JIB) relative to the administrative complaint against George P. Clemente (Clemente), Sheriff IV of the Regional Trial Court (RTC), Branch 67, Paniqui, Tarlac, for alleged Dishonesty and Grave Misconduct.

The Antecedents

The instant administrative case stemmed from two Letter-Complaints dated March 19, 2018³ (1st letter-complaint) and March 31, 2018⁴ (2nd letter-complaint), filed by Atty. Sotero T. Rambayon (Atty. Rambayon), before the Office of the Court Administrator (OCA), in connection with Clemente's purported delay in the implementation of writs of execution and his questionable money-making schemes involving litigants.⁵

Records show that prior to the aforesaid Letter-Complaints, Atty. Rambayon had already sent Clemente two letters calling the latter's attention on his irregularities in the implementation of the writs of execution issued in civil cases:

1. In a letter dated June 17, 2016,⁶ Atty. Rambayon inquired why Clemente gave the defendants in Civil Case No. 028-15,⁷ *Myrna Tasani v. Adan Duque, et al.*, an extension of time to vacate the premises contrary to the judgment ordering them to leave the premises immediately. Atty. Rambayon was the counsel of the plaintiff therein. Also, said defendants paid Clemente PHP 35,334.00, but Clemente tried to hand in only PHP 15,000.00, which Atty. Rambayon refused to accept.⁸ Clemente also demanded that Atty. Rambayon pay the "mobilization fee." Atty. Rambayon did not comply. Instead, Atty. Rambayon required Clemente to submit his report to the clerk of court.⁹
2. In another letter dated July 21, 2016,¹⁰ Atty. Rambayon disclosed Clemente's absurd demands relative to Civil Case No. 050-14,¹¹

² *Rollo*, pp. 78-90; penned by Vice Chairperson Angelina Sandoval-Gutierrez (now a Retired Member of the Court) and concurred in by Chairperson Romeo J. Callejo, Sr. (now a Retired Member of the Court) and JIB regular members Sesinando E. Villon, Rodolfo A. Ponferrada, and Cielito N. Mindaro-Grulla.

³ *Id.* at 7, addressed to then Court Administrator Jose Midas P. Marquez (now a Member of the Court).

⁴ *Id.* at 24, addressed to Deputy Court Administrator Atty. Jenny Lind R. Aldecoa-Delorino.

⁵ *Id.* at 78.

⁶ *Id.* at 57-58.

⁷ *Id.* at 57, MCTC Case No. 05-2013.

⁸ *Id.* at 57-58.

⁹ *Id.* at 58.

¹⁰ *Id.* at 60-61.

¹¹ *Id.* at 60, MCTC Case No. 09-2009.

Spouses Jose N. Taroma and Imelda Taroma (spouses Taroma) v. Virgilio Florendo. According to Atty. Rambayon, Clemente required the plaintiffs to shoulder the expenses for food and beverages and the wages of 10 laborers who will demolish the structures subject of the civil case. Clemente also asked Atty. Rambayon to pay PHP 15,000.00 for the services of a certain Engineer Lamorena who will prepare the surveyor's sketch of the property. Further, Clemente asked the plaintiffs spouses Taroma to give him a goat for his birthday on July 27, 2016. The couple did not have a goat so they gave Clemente a pig instead. Clemente also asked for PHP 3,000.00 as "gasoline money," but the spouses Taroma only gave him PHP 1,000.00.¹²

The Spouses Taroma exposed Clemente's infractions in the television program of broadcaster (and now Senator) Raffy Tulfo, where Clemente admitted receiving the amount of PHP 11,000.00 allegedly for his police escort in serving the writ. When asked why he needed police escort, Clemente just returned the money to the spouses Taroma.¹³

Proceedings Before the OCA

In his 1st Letter-Complaint,¹⁴ Atty. Rambayon averred that on October 30, 2017, Presiding Judge Marivic C. Vitor of the Municipal Circuit Trial Court (MCTC), Moncada, Tarlac issued a writ of execution in Civil Case No. 056-015, *Heirs of Segundo Gascon v. Avelino Inocencio*, where Clemente was directed to cause the execution of the judgment against the defendants. Atty. Rambayon was the counsel for the plaintiffs. The writ of execution was not implemented because Clemente failed to submit copies of the Decision and the Certificate of Finality thereof to the Register of Deeds in Tarlac. Clemente also had not submitted his report to the trial court as of March 26, 2018.¹⁵

As regards the 2nd Letter-Complaint, Atty. Rambayon attached thereto copies of his letters to Clemente, as well as his Affidavit¹⁶ to establish the money-making schemes of Clemente.¹⁷

Apparently, Clemente's alleged irregularities in the performance of his functions had also been reported by Atty. Rambayon to then President

¹² *Id.* at 60-61.

¹³ *Id.* at 79.

¹⁴ *Id.* at 7.

¹⁵ *Id.* at 79.

¹⁶ *Id.* at 27-28.

¹⁷ *Id.* at 79.

Rodrigo R. Duterte, through a letter dated October 25, 2017,¹⁸ which was forwarded by the Office of the President to the OCA.¹⁹

Consequently, in the 1st Indorsement dated February 5, 2018,²⁰ Deputy Court Administrator Jenny Lind R. Aldecoa-Delorino directed Vice Executive Judge Maria Magdalena Anistoso Balderama (Vice Executive Judge Balderama), Tarlac City, Tarlac, to conduct a discreet investigation about Clemente's alleged infractions.

Meanwhile, Clemente, in his Comment²¹ dated May 29, 2018, explained that he and Atty. Rambayon's secretary, Daisy Rentigrado (Rentigrado) met at the Office of the Register of Deeds merely to examine and identify the documents necessary for the enforcement of the writ of execution in Civil Case No. 056-015. He also informed Rentigrado that when he tried to collect from Avelino Inocencio (Inocencio), said defendant could only promise to pay PHP 1,000.00. As of Clemente's conversation with Rentigrado, there was still no payment to Clemente of the attorney's and appearance fees granted to the plaintiffs. Clemente tried to collect the judgment amount on several dates, but it was only on May 16, 2018 that defendant Inocencio made partial payment in the amount of PHP 6,000.00.²²

In a Report²³ dated June 28, 2018, Vice Executive Judge Balderama confirmed Atty. Rambayon's accusations against Clemente, as stated in the two Letter-Complaints. Atty. Rambayon's charge against Clemente with respect to the irregular implementation of the writs of execution was corroborated by several lawyers who, nonetheless, asked not to be named. Said lawyers also confirmed Clemente's propensity to ask money from litigants.²⁴

Subsequently, in an Indorsement²⁵ dated September 10, 2020, the OCA directed Clemente to formally comment on all the allegations against him. Despite receipt of the OCA's directive, Clemente failed to comply.²⁶

Incidentally, Atty. Rambayon, through a Letter²⁷ dated July 6, 2020, informed the Court that the spouses Taroma entered into a compromise

¹⁸ *Id.* at 14.

¹⁹ *Id.* at 13, dated November 6, 2017 signed by Director IV Jaime Llaguno Mabilin.

²⁰ *Id.* at 12.

²¹ *Id.* at 16-17.

²² *Id.* at 17.

²³ *Id.* at 47-49.

²⁴ *Id.*

²⁵ *Id.* at 67.

²⁶ *Id.* at 73.

²⁷ *Id.* at 68.

agreement with the defendant and are already in possession of the property subject of the litigation (Civil Case No. 050-14).²⁸

The Report and Recommendation of the Office of the JIB Executive Director

On June 15, 2021, Acting JIB Executive Director Atty. James D.V. Navarrete (Atty. Navarrete) issued his Report and Recommendation²⁹ and recommended that Clemente be found guilty of Grave Misconduct and be meted the penalty of dismissal from the service,³⁰ viz.:

IN VIEW OF THE FOREGOING, it is respectfully submitted for the consideration of the Honorable Board that the following recommendation be made to the Supreme Court:

1. The instant administrative complaint against George P. Clemente, Sheriff IV, Branch 67, RTC, Paniqui, Tarlac, be **RE-DOCKETED** as a regular administrative matter; and
2. Respondent Clemente be found **GUILTY** of Grave Misconduct and accordingly **DISMISSED** from the service, with forfeiture of all retirement benefits, except accrued leave credits, and with prejudice to re-employment in any branch, agency or instrumentality of the government, including government-owned or controlled corporations.³¹ (Emphasis in the original)

In gist, Atty. Navarrete found that Clemente's administrative liability stemmed from the delays that attended his implementation of the court-issued writs of execution and his penchant to ask money from litigants without observing the procedure set by the Court.³² Further, Clemente's failure to answer the charges against him despite the opportunity given him constitutes a waiver of his right to defend himself, and may be construed as an implied admission of the veracity of Atty. Rambayon's allegations.³³

Atty. Navarrete also noted that Clemente had been previously penalized for his disregard of the rules and his duties. In *Nestor Magbitang v. Sheriff Clemente*,³⁴ the Court found Clemente guilty of Simple Neglect of Duty for his failure to serve copies of the writ and notice to vacate to the counsel of therein Atty. Rambayon.³⁵ Similarly, in *Office of the Court Administrator v.*

²⁸ *Id.*

²⁹ *Id.* at 71-77.

³⁰ *Id.* at 77.

³¹ *Id.*

³² *Id.* at 74.

³³ *Id.* at 75.

³⁴ A.M. No. P-19-4009, September 16, 2019 [Notice, Second Division].

³⁵ *Rollo*, p. 76.

Judge Liberty Castaneda,³⁶ Clemente (who was then the clerk in charge of civil cases) and several personnel of RTC, Branch 67, Paniqui, Tarlac, were found administratively liable for Simple Neglect of Duty for their failure to accomplish the tasks assigned to them.³⁷ Atty. Navarrete observed that Clemente's latest infractions showed that he has not mended his ways and has even "grown bolder" by soliciting money from unsuspecting litigants.³⁸

The Recommendation of the JIB

The JIB agreed with the findings of the OCA and Atty. Navarrete but modified the offenses committed by Clemente.³⁹

First, Clemente is liable for Gross Neglect of Duty when he failed to implement the writ of execution (in Civil Case No. 056-15) within the time constraint and to submit the required Sheriff's Report before the RTC.⁴⁰

Second, Clemente also committed two counts of Gross Misconduct when he unlawfully asked the plaintiff in Civil Case No. 028-15 and spouses Taroma (plaintiffs in Civil Case No. 050-14) to pay a "police escort fee" and "mobilization fee," respectively.⁴¹ Clemente's act of demanding said unauthorized fees is a violation of the Code of Conduct for Court Personnel, which, in turn, is constitutive of Gross or Grave Misconduct under A.M. No. 21-08-09 or the Further Amendments to Rule 140 of the Rules of Court (Rule 140, as amended).⁴²

In its Report dated June 8, 2023,⁴³ the JIB ultimately recommended:

ACCORDINGLY, we respectfully **RECOMMEND**, for the consideration of the Honorable Supreme Court, that:

1. The instant administrative complaint against George P. Clemente, Sheriff IV, Branch 67, Regional Trial Court, Paniqui, Tarlac, be **RE-DOCKETED** as a regular administrative matter, and

2. Respondent be found **GUILTY** of gross neglect of duty in the performance of official functions and gross misconduct constituting violations of the Code of Conduct for Court Personnel (two counts) and be meted the penalty of **DISMISSAL FROM THE SERVICE** for each offense, forfeiture of all or part of the benefits as the Supreme Court may

³⁶ 696 Phil. 202 (2012); [*Per Curiam, En Banc*].

³⁷ *Id.* at 229.

³⁸ *Rollo*, p. 76.

³⁹ *Id.* at 83.

⁴⁰ *Id.* at 83-85.

⁴¹ *Id.* at 86-87.

⁴² *Id.* at 86-89.

⁴³ *Id.* at 78-90.

determine, and disqualification from reinstatement or appointment to any public office, including government-owned or controlled corporations. *Provided, however*, that the forfeiture of benefits shall in no case include accrued leave credits[.]⁴⁴ (Emphasis in the original)

The Issue

Whether Clemente is guilty of the charges against him.

The Court's Ruling

In the Resolution dated July 4, 2023, the Court resolved to re-docket the instant administrative complaint as a regular administrative matter.⁴⁵

The Court adopts with modification the recommendation of the JIB.

Clemente is guilty of Gross Neglect of Duty and Gross Misconduct

Rule 39, Section 14 of the Rules of Court requires the sheriff to report to the court within 30 days if the writ cannot be fully satisfied and state the reason therefor.⁴⁶ The sheriff is also duty-bound to make periodic reports every 30 days until the judgment is satisfied in full,⁴⁷ thus:

SECTION 14. *Return of writ of execution.* – The writ of execution shall be returnable to the court issuing it immediately after the judgment has been satisfied in part or in full. If the judgment cannot be satisfied in full within thirty (30) days after his receipt of the writ, the officer shall report to the court and state the reason therefor. Such writ shall continue in effect during the period within which the judgment may be enforced by motion. The officer shall make a report to the court every thirty (30) days on the proceedings taken thereon until the judgment is satisfied in full, or its effectivity expires. The returns or periodic reports shall set forth the whole of the proceedings taken, and shall be filed with the court and copies thereof promptly furnished the parties.

The submission of the return and of periodic reports by the sheriff is a duty that cannot be taken lightly. It serves to update the court on the status of the execution and the reasons for the failure to satisfy its judgment. The periodic reporting also provides the court insights on how efficient court

⁴⁴ *Id.* at 89.

⁴⁵ *Id.* at 92.

⁴⁶ See *Office of the Court Administrator v. Ferraris, Jr.*, A.M. No. MTJ-21-001, December 6, 2022 [Per J. Lopez, M., *En Banc*].

⁴⁷ *Id.*

processes are after a judgment's promulgation. Its overall purpose is to ensure speedy execution of decisions. A sheriff's failure to make a return and to submit a return within the required period constitutes inefficiency and incompetence in the performance of official duties.⁴⁸

Further, the functions of the sheriff in enforcing the writs are ministerial, not discretionary. Once a writ is placed in the sheriff's hands, it is their duty to proceed with reasonable speed to enforce the writ, ensuring at all times that the implementation of the judgment is not unjustifiably deferred, unless the execution of which is restrained by the court.⁴⁹ Parenthetically, the Code of Conduct for Court Personnel mandates all court personnel to "expeditiously enforce rules and implement orders of the court within the limits of their authority."⁵⁰

Here, Clemente's inefficiency in the enforcement of writs of execution is established, particularly in Civil Case No. 056-15, where Clemente unduly delayed the implementation of the writ therein and failed to timely submit the required sheriff's report.⁵¹ Notably, Clemente also delayed the execution of the judgment in Civil Case No. 028-15 for one year and eight months.⁵²

To reiterate, a sheriff's duty in the execution of a writ is purely ministerial; he/she is to execute the order of the court strictly to the letter. A sheriff has no discretion whether to execute the judgment or not. Accordingly, a sheriff must comply with his/her mandated ministerial duty as speedily as possible.⁵³ A sheriff's long delay in the execution of the judgments and the failure to accomplish the required periodic reports demonstrate gross neglect and gross inefficiency in the performance of official duties.⁵⁴

Gross neglect of duty or gross negligence "refers to negligence characterized by the want of even slight care, or by acting or omitting to act in a situation where there is a duty to act, not inadvertently but willfully and intentionally, with a conscious indifference to the consequences, insofar as other persons may be affected. It is the omission of that care that even inattentive and thoughtless men never fail to give to their own property." It denotes a flagrant and culpable refusal or unwillingness of a person to perform a duty. In cases involving public officials, gross negligence occurs when a breach of duty is flagrant and palpable.⁵⁵ Gross inefficiency, on the other hand, is closely related to gross neglect as both involve specific acts of

⁴⁸ *Sicutad v. Guiao*, A.M. No. P-19-3938, December 7, 2022. [Notice, Second Division].

⁴⁹ *Spouses Tabalno v. Polo*, OCA IPI No. 17-2923-MTJ, September 21, 2020 [Notice, Third Division].

⁵⁰ Canon IV, Section 6 of A.M. No. 03-06-13-SC, dated on May 15, 2004.

⁵¹ *Rollo*, pp. 83-84.

⁵² *Id.* at 85.

⁵³ *Roxas v. Sicat*, 824 Phil. 239, 267 (2018) [*Per Curiam, En Banc*].

⁵⁴ *Id.* at 261.

⁵⁵ *Son v. Leyva*, 867 Phil. 23, 38 (2019) [Per J. Lazaro-Javier, First Division].

omission on the part of the employee resulting in damage to the employer or to the latter's business.⁵⁶ Notably, under Rule 140, as amended, gross inefficiency is already subsumed under the offense of Gross Neglect of Duty.⁵⁷

Moreover, the duties of sheriffs in the implementation of writs are explicitly provided for by, Rule 141, Section 10 of the Rules of Court, as amended, which reads:

SECTION 10. *Sheriffs, Process Servers and other persons serving processes.* –

....

With regard to sheriff's expenses in executing writs issued pursuant to court orders or decisions or safeguarding the property levied upon, attached or seized, including kilometrage for each kilometer of travel, guards' fees, warehousing and similar charges, the interested party shall pay said expenses in an amount estimated by the sheriff, subject to 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. The liquidation shall be approved by the court. 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, the sheriff's expenses shall be taxed as cost against the judgment debtor.

The aforesaid rule enumerates the steps to be followed in the payment and disbursement of fees for the execution of a writ, to wit: (1) the sheriff must prepare and submit to the court an estimate of the expenses he would incur; (2) the estimated expenses shall be subject to court approval; (3) the approved estimated expenses shall be deposited by the interested party with the clerk of court, who is also the *ex-officio* sheriff; (4) the clerk of court shall disburse the amount to the executing sheriff; (5) the executing sheriff shall thereafter liquidate his expenses within the same period for rendering a return on the writ; and (6) any amount unspent shall be returned to the person who made the deposit.⁵⁸

It is clear from the enumeration that sheriffs are not authorized to receive direct payments from a winning party. Any amount to be paid for the execution of the writ should be deposited with the clerk of court and it would be the latter who shall release the amount to the executing sheriff. The amount

⁵⁶ *Guerrero-Boylon, v. Boyles*, 674 Phil. 565, 575-576 (2011) [*Per Curiam, En Banc*].

⁵⁷ See A.M. No. 21-08-09-SC, Section 14(d).

⁵⁸ *Francia v. Esguerra*, 746 Phil. 423, 428 (2014) [*Per Curiam, En Banc*].

deposited should be spent entirely for the execution only and any remainder of the amount should be returned.⁵⁹

Corollarily, the Court has consistently held that the rules on sheriff's expenses are clear-cut and do not provide procedural shortcuts. A sheriff cannot just unilaterally demand sums of money from a party-litigant without observing the proper procedural steps otherwise, it would amount to dishonesty and extortion. And any amount received in violation of Rule 141, Section 10 of the Rules of Court constitutes unauthorized fees.⁶⁰

Here, Clemente did not deny demanding the subject questionable fees from the concerned litigants without court approval. In fact, Clemente acknowledged receipt of the PHP 1,000.00 from spouses Taroma as purported "police escort fee." The investigation conducted by Vice Executive Judge Balderama also yielded these findings. Clearly, Clemente transgressed the aforesaid section of Rule 141. That the litigant was amenable to the amount requested or that the money was given voluntarily and applied for lawful purposes would not absolve Clemente from administrative liability because of his failure to secure the court's prior approval.⁶¹ The same holds true even with the fact that Clemente eventually returned the PHP 1,000.00 he received from spouses Taroma.

As aptly found by the JIB, Clemente's utter disregard of Rule 141, Section 10 of the Rules of Court, is tantamount to Gross Misconduct and constitutes a violation of the following provisions of the Code of Conduct of Court Personnel.⁶²

CANON I

Fidelity to Duty

SECTION 1. Court personnel shall not use their official position to secure unwarranted benefits, privileges or exemptions for themselves or for others.

SECTION 2. Court personnel shall not solicit or accept any gift, favor or benefit based on any or explicit or implicit understanding that such gift, favor or benefit shall influence their official actions.

Misconduct refers to a transgression of some established and definite rule of action, more particularly, unlawful behavior or gross negligence by a public officer. The misconduct is grave if it is accompanied by the elements of corruption, clear intent to violate the law, or flagrant disregard of

⁵⁹ *Id.* at 429.

⁶⁰ *Malabanan v. Ruiz*, A.M. No. P-20-4090, March 16, 2021 [*Per Curiam, En Banc*].

⁶¹ *Id.*

⁶² A.M. No. 03-06-13-SC, effective June 1, 2004.

established rule.⁶³ The Court has ruled that a court personnel's act of soliciting or receiving money from litigants constitutes Grave Misconduct.⁶⁴

The proper penalties for Clemente's infractions

Rule 140, as amended, categorically provides for its retroactive application to all pending administrative cases involving the discipline of court personnel.⁶⁵ Under the same Rule, Gross Neglect of Duty and Gross Misconduct are considered serious charges.⁶⁶

As to the penalties, Section 17(1), Rule 140, as amended, states:

SECTION 17. *Sanctions.* –

- (1) If the respondent is guilty of a serious charge, any of the following sanctions shall be imposed:
 - (a) Dismissal from service, forfeiture of all or part of the benefits as the Supreme Court may determine, and disqualification from reinstatement or appointment to any public office, including government-owned or -controlled corporations. *Provided, however,* that the forfeiture of benefits shall in no case include leave credits;
 - (b) Suspension from office without salary and other benefits for more than six (6) months but not exceeding one (1) year; or
 - (c) A fine of more than [PHP] 100,000.00 but not exceeding [PHP] 200,000.00.

On the other hand, Section 21 of Rule 140, as amended, provides, among others:

SECTION 21. *Penalty for Multiple Offenses.* – If the respondent is found liable for more than one (1) offense arising from separate acts or omissions in a single administrative proceeding, the Court shall impose **separate penalties for each offense.** . . . (Emphasis supplied)

⁶³ *Rivera v. Geroche*, A.M. No. P-12-3091, January 4, 2022 [*Per Curiam, En Banc*].

⁶⁴ *Santiago v. Fernando*, A.M. No. P-22-053, January 17, 2023 [*Per J. Rosario, En Banc*].

⁶⁵ A.M. No. 21-08-09-SC, Section 24, states:

SECTION 24. *Retroactive Effect* – All the foregoing provisions shall be applied to all pending and future administrative cases involving the discipline of Members, officials, employees, and personnel of the Judiciary, without prejudice to the internal rules of the Committee on Ethics and Ethical Standards of the Supreme Court insofar as complaints against Members of the Supreme Court are concerned.

⁶⁶ A.M. No. 21-08-09-SC, Sections 14(a) and (d).

The imposition of separate penalties for each offense, rather than merely considering the other offenses as aggravating circumstances,⁶⁷ is more in keeping with the high standards of judicial conduct,⁶⁸ propriety, and decorum expected of court employees.

In this case, Clemente should be held administratively liable for three offenses, i.e., one count of Gross Neglect of Duty for his unjustified and willful failure to comply with the provisions of Rule 39 of the Rules of Court as to the speedy enforcement of the writs of execution and timely submission of the required sheriff's report; and two counts of Gross Misconduct for his unauthorized acts of soliciting a "police escort fee" and "mobilization fee" from litigants.

Just recently, Clemente was disciplined by the Court for the third time in *Sagun v. Clemente*,⁶⁹ where he was also found guilty of Gross Neglect of Duty for his unjustified failure to implement a writ of execution and submit a report thereon in accordance with Rule 39, Section 14 of Rules of Court. For said offense, the Court meted upon him the penalty of suspension from office without salary and benefits for a period of one year, with a stern warning that a repetition of the same or similar acts shall be dealt with more severely.⁷⁰

From the foregoing, and taking into account Clemente's prior infractions, the Court deems it proper to impose the penalty of fine, each, for the first two offenses of Gross Neglect of Duty and one count of Gross Misconduct. For the other count of Gross Misconduct, the Court imposes the penalty of dismissal from the service in view of Clemente's indifference to the consequences of his actions and his propensity to defy the rules and ignore the warnings of the Court.

Final note

It cannot be over-emphasized that sheriffs are ranking officers of the court. They play an important part in the administration of justice – execution being the fruit and end of the suit, and the life of the law. In view of their exalted position as keepers of the faith, their conduct should be geared towards maintaining the prestige and integrity of the court.⁷¹ High standards of conduct are expected of sheriffs who play an important role in the administration of justice.⁷² Clemente miserably failed to live up to such

⁶⁷ As provided for under the CSC Resolution No. 1701077, 2017 Rules on Administrative Cases in the Civil Service (2017 RACCS) (see A.M. No. 21-08-09-SC, Section 21)

⁶⁸ *Id.*

⁶⁹ A.M. No. P-21-004, July 3, 2023 [Notice, Second Division].

⁷⁰ *Id.*

⁷¹ See *Francia v. Esguerra*, 746 Phil. 423, 431 (2014) [*Per Curiam, En Banc*].

⁷² *Sicutad v. Guiao*, A.M. No. P-19-3938, December 7, 2022. [Notice, Second Division].

standards. It is evident that he never learned from his previous infractions, and he deliberately ignored the stern warnings from the Court. Having tarnished the good image of the judiciary, he should not be allowed to stay a minute longer in the service.⁷³

Indeed, the image of a court of justice is mirrored in the conduct, official and otherwise, of the personnel who work thereat. All court employees, being public servants in an office dispensing justice, must always act with a high degree of professionalism and responsibility. Their conduct must not only be characterized by propriety and decorum, but must also be in accordance with the law and Court regulations.⁷⁴ Verily, this Court will not hesitate to rid its ranks of undesirables who undermine its efforts towards an effective and efficient administration of justice, thus tainting its image in the eyes of the public.⁷⁵

ACCORDINGLY, premises considered, respondent George P. Clemente, Sheriff IV, Regional Trial Court, Branch 67, Paniqui, Tarlac, is hereby found **GUILTY** of Gross Neglect of Duty and two counts of Gross Misconduct.

Accordingly, the Court imposes upon him the following penalties:

1. The penalty of **FINE** in the amount of PHP 105,000.00 for the charge of Gross Neglect of Duty;
2. The penalty of **FINE** in the amount of PHP 110,000.00 for the first count of Gross Misconduct; and
3. The penalty of **DISMISSAL FROM THE SERVICE** for the second count of Gross Misconduct, with **FORFEITURE** of Clemente's retirement and all other benefits **except** his accrued leave credits, and **DISQUALIFICATION** from reinstatement or appointment to any public office including government-owned or government-controlled corporations.

Finally, the amounts of the fines imposed herein shall be paid by Clemente within three (3) months from receipt of this Decision. If unpaid, such amounts shall be deducted from the monetary equivalent of Clemente's accrued leave credits.⁷⁶

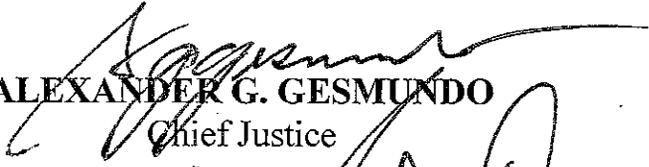
⁷³ See *Francia v. Esguerra*, 746 Phil. 423, 431 (2014) [*Per Curiam, En Banc*].

⁷⁴ *Dela Rama v. De Leon*, A.M. No. P-14-3240, March 2, 2021. [*Per Curiam, En Banc*].

⁷⁵ *Santiago-Avila v. Narisma, Jr.*, A.M. No. P-21-927, January 31, 2023 [*Per Curiam, En Banc*].

⁷⁶ See Section 22 of A.M. No. 21-68-09-SC dated February 22, 2022.

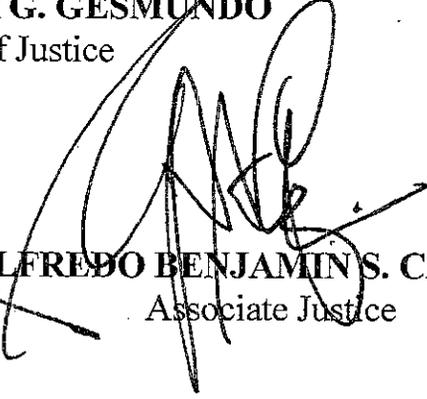
SO ORDERED.



ALEXANDER G. GESMUNDO
Chief Justice



MARVIC M.V.F. LEONEN
Associate Justice



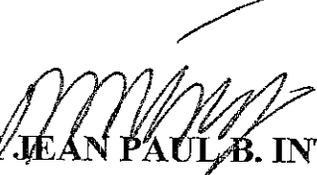
ALFREDO BENJAMIN S. CAGUIOA
Associate Justice



RAMON PAUL L. HERNANDO
Associate Justice

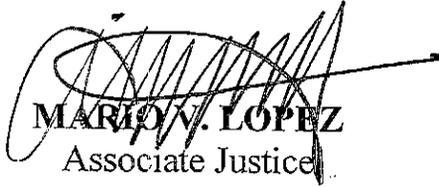


AMY C. LAZARO-JAVIER
Associate Justice



HENRI JEAN PAUL B. INTING
Associate Justice

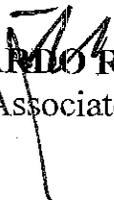
(On official leave)
RODIL V. ZALAMEDA
Associate Justice



MARION V. LOPEZ
Associate Justice



SAMUEL H. GAERLAN
Associate Justice



RICARDO R. ROSARIO
Associate Justice



JHOSEP V. LOPEZ
Associate Justice

(On official leave)
JAPAR B. DIMAAMPAO
Associate Justice

(On official business)
JOSE MIDAS P. MARQUEZ
Associate Justice


ANTONIO T. KHO, JR.
Associate Justice


MARIA FILOMENA D. SINGH
Associate Justice

