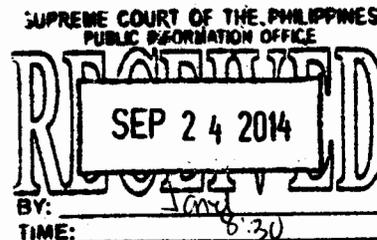




REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE



Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated **04 August 2014** which reads as follows:

“A.M. No. P-14-3249 [Formerly OCA IPI No. 13-4150-P] (*Tomas R. Leonidas vs. Gerry Sumaculub, Clerk of Court VII, Office of the Clerk of Court, Regional Trial Court, Iloilo City, Iloilo*).- Acting on the (1) sworn complaint dated 6 August 2013 filed by Tomas R. Leonidas against Gerry D. Sumaculub, Clerk of Court VII, Office of the Clerk of Court-Regional Trial Court (OCC-RTC), Iloilo City, Iloilo for gross negligence, dereliction of duty and insubordination relative to Civil Case No. 27962 entitled, “*Ofelia Leonidas, et al. vs. Department of Agrarian Reform, et al.*” for the determination of the just compensation of the parcels of land expropriated by the government, and (2) comment dated 16 October 2013 of respondent Clerk of Court, and considering that there is sufficient evidence to hold *Ex-Officio* Sheriff Sumaculub administratively liable for neglect of duty for failing to enforce the writ of execution issued by the trial court, as he failed to make a return on the writ’s implementation from the time the records of Civil Case No. 27962 were received by the OCC-RTC, Iloilo City, Iloilo on 2 September 2009, and as shown in his comment wherein respondent admitted that he has not made a return because of his other pressing duties in the OCC-RTC, and considering further that under Rule 10, paragraph (d) of the Revised Rules on Administrative Cases in the Civil Service, simple neglect of duty is classified as a less grave offense which carries the penalty of suspension for one (1) month and one (1) day to six (6) months for the first offense and dismissal for the second offense; that, however, to avert any undue adverse effect on public service if respondent *Ex-Officio* Sheriff is suspended, so that respondent can still continue to carry out his assigned duties, the Court resolves to:

1. **RE-DOCKET** the instant administrative complaint against Gerry D. Sumaculub, Clerk of Court VII, Acting as *Ex-Officio* Sheriff, OCC-RTC, Iloilo City, Iloilo as a regular administrative matter;

2. **FIND** respondent *Ex-Officio* Sheriff Sumaculub **GUILTY** of Simple Neglect of Duty, and accordingly, **IMPOSE** upon him a **FINE** in the amount of Five Thousand Pesos (₱5,000.00), payable within thirty (30) days from receipt of notice, with a **STERN WARNING** that a repetition of the same offense shall be dealt with severely by the Court; and

MT

- more -

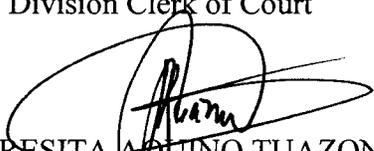
3. **DIRECT** respondent *Ex-Officio* Sheriff Sumaculub to **ENSURE** the full implementation of the Writ of Execution issued in Civil Case No. 27962.

The Court **NOTES** the Report dated 21 May 2014 of the Office of the Court Administrator.”

Very truly yours,

MA. LOURDES C. PERFECTO
Division Clerk of Court

By:


TERESITA AQUINO TUAZON
Deputy Division Clerk of Court *11/14*

HON. COURT ADMINISTRATOR
Jose Midas P. Marquez (x)
HON. DEPUTY COURT ADMINISTRATOR
Raul B. Villanueva (x)
Jenny Lind Aldecoa-Delorino (x)
Thelma C. Bahia (x)
Legal Office (x)
Court Management Office (x)
Financial Management Office (x)
Docket & Clearance Division (x)
Office of Administrative Services (x)
Office of the Court Administrator
Supreme Court, Manila

TOMAS R. LEONIDAS (reg)
Complainant
55 Chestnut Street
West Fairview
Quezon City

GERRY D. SUMACULUB (reg)
Clerk of Court
Office of the Clerk of Court
Regional Trial Court
Iloilo City

CASH DIVISION (x)
Office of the Court Administrator
Supreme Court, Manila

*CAS SECTION, RAFFLE COMMITTEE (x)
Office of the Clerk of Court, En Banc
ROLLO ROOM (x)
Supreme Court, Manila

PUBLIC INFORMATION OFFICE (x)
Supreme Court, Manila

*For this resolution only
Please notify the Court of any change in your address.
AM P-14-3249. 08/04/14(79)