

EN BANC

[A. M. No. P-99-1316, August 08, 2000]

KENNETH S. NEELAND, COMPLAINANT, VS. ILDEFONSO M. VILLANUEVA, CLERK OF COURT, REGIONAL TRIAL COURT, BACOLOD CITY, AND NELSON N. ABORDAJE, SHERIFF III, MUNICIPAL TRIAL COURT IN CITIES, BRANCH 4, BACOLOD CITY, RESPONDENTS.

RESOLUTION

PER CURIAM:

This refers to a motion for reconsideration of the resolution of the Court promulgated on October 29, 1999, dismissing respondent Ildefonso M. Villanueva, clerk of court, Regional Trial Court, Bacolod City from the service and forfeiting all his leave credits and retirement benefits, if any, with prejudice to reinstatement or re-employment in any agency, branch or instrumentality of the government, including government-owned and controlled corporations.

On February 6, 1996, Sugarland Motor Sales placed the highest bid price in the amount of forty thousand (P40,000.00) pesos for a motor vehicle owned by Kenneth S. Neeland subject of an auction sale. Sheriff Nelson N. Abordaje, who conducted the public auction sale, turned over the amount of twenty thousand (P20,000.00) pesos, representing payment of the mortgage obligation of Kenneth S. Neeland, to mortgagee Sugarland Motor Sales. Clerk of Court Ildefonso M. Villanueva, as ex-officio Provincial Sheriff, issued a certificate of sale conveying the motor vehicle to Sugarland Motor Sales. However, the balance of twenty thousand pesos remained unaccounted for and was not turned over to the mortgagor. Consequently, an administrative complaint was lodged against Sheriff Abordaje and Clerk of Court Ildefonso M. Villanueva. Not satisfied with the explanation given by both respondents concerning the proceeds of the sale, after due hearing, on October 29, 1999, the Court meted out the penalty of dismissal to both Sheriff Abordaje and Clerk of Court Villanueva for gross misconduct.

Hence, this motion for reconsideration filed by respondent Villanueva.^[1]

After a review of the records, we note that this is the first administrative complaint against respondent in his long years of service with the judiciary. He has also introduced various innovations in court to increase the efficiency of the employees.

Nevertheless, we remain convinced that respondent was remiss in his duty in this particular case. It cannot be overlooked that respondent failed to oversee the rightful turnover of the balance of the proceeds of auction sale to the corresponding party, and more, the payment of the sheriff's commission to the court. He merely signed the minutes of the sale without ensuring the accuracy of its contents and he signed the certificate of sale without checking the disposition of the balance of the