

EN BANC

[A.M. No. P-18-3890 (Formerly OCA IPI No. 16-4536-P), July 16, 2019]

ARLENE S. PINEDA, COMPLAINANT, V. SHERIFF JAIME N. SANTOS, RESPONDENT.

RESOLUTION

PER CURIAM:

A sheriff's act of soliciting sexual favors in exchange for the implementation of a writ of execution is grave misconduct punishable by dismissal.

For resolution is this Administrative Matter, which arose from a Letter-Complaint^[1] filed by Arlene S. Pineda (Pineda) against Jaime N. Santos (Sheriff Santos), Sheriff III of Branch 3, Municipal Trial Court in Cities, Cabanatuan City, Nueva Ecija. She charged him with soliciting sexual favors and collecting execution expenses without receipt. After investigation, Executive Judge Kelly B. Belino (Judge Belino) found Sheriff Santos guilty of the charges and recommended his dismissal from service.^[2]

In her handwritten Letter-Complaint dated September 22, 2015, Pineda alleged that Sheriff Santos solicited sexual favors from her in exchange for the implementation of a writ of execution issued in her favor in a collection of sum of money case.^[3] She claimed that he obtained P300.00 from her as execution expenses, without issuing a proper receipt.^[4]

In another handwritten Letter dated October 8, 2015,^[5] Pineda alleged that Sheriff Santos offered her P10,000.00 so she would retract her Letter-Complaint. In another undated Letter,^[6] Pineda further alleged that a certain Marlyn Magdalena (Magdalena), the Officer-in-Charge of Branch 5, Municipal Trial Court in Cities, Cabanatuan City, could corroborate her allegation on the P10,000.00 offer since she intervened for Sheriff Santos.^[7] Pineda attached to her Letter screenshots^[8] of her and Sheriff Santos' text messages to prove that he solicited sexual favors.

On November 12, 2015, Sheriff Santos filed his Comment.^[9] He denied soliciting sexual favors from Pineda in exchange for the execution of the judgment. He explained that he failed to serve the Alias Writ of Execution to the judgment debtor because the latter was neither known nor connected in the workplace that Pineda indicated.^[10] He also denied that he collected P300.00 from Pineda without a receipt,^[11] adding that her "tainted moral character"^[12] belied her claims and credibility. Pineda, he claimed, had an affair with a married man and even assaulted a woman with a weapon.^[13] To support his claims, he attached to his Comment his Sheriff's Return,^[14] two (2) Official Receipts amounting to P300.00,^[15] and photocopies of the barangay logbook entries^[16] on the stabbing incident.

In its April 4, 2018 Resolution,^[17] this Court, upon the recommendation of the Office of the Court Administrator, referred the Administrative Complaint to the Vice Executive Judge of the Municipal Trial Court in Cities, Cabanatuan City for investigation, report, and recommendation.

In a hearing held on July 16, 2018, Pineda narrated that she and Sheriff Santos, after failing to serve the Alias Writ of Execution, returned to the court. Sheriff Santos told her that they had to exchange cellphone numbers so they can communicate in relation to the writ's implementation. Thus, she gave her number. Pineda was still in the compound of the Cabanatuan City Hall of Justice when she received text messages from Sheriff Santos.^[18] Based on the screenshots on her cellphone, the following conversation took place:

"Sheriff Jaime (09357519302)

[Sheriff Santos] (11:08 AM, Sept 15)

"Ingat"

[Pineda] (11:09AM, Sept 15)

"Slmt po bsta pg my tym kau pki2lungan nman po aq"

[Sheriff Santos]: "Anong klaseng tulong b ang gusto at ibibigay ko s u "

[Sheriff Santos] (11:14AM, Sept 15): "Bsta sbihin at kung kaya ko obibigay ko din he he"

[Sheriff Santos] (11:58AM, Sept 15): "Nakauwi k. n b"

[Pineda] (11:59AM, Sept 15)

"Dpa po d2 po aq doc2s"

[Sheriff Santos] (12:01PM, Sept 15): "Ano ginagawa mo.jan"

[Pineda] (12:02PM, Sept 15)

"My dnalw lng po e bka sardo p brgy daan sarile e pgktpos q d2 dun npo aq pu2nta"

Sheriff Santos: "Ok akala ko aabangan kita s may joliber circum. He he"

[Pineda] (12:14PM, Sept 15)

"Bkt sir libre nyo q sna cnv nyo kanina ng aq nagtreat xenyo "

[Sheriff Santos] (12:15PM, Sept 15): "Kumain n ako kung gusto mo lang na abangan kita ngaun"

[Pineda] (12:16PM, Sept 15)

"Bkt sir treat nyo bq"

[Sheriff Santos] (12:17PM, Sept 15): "Ok d lang trip gusto mo b"

[Sheriff Santos] (12:20PM, Sept 15): "Ano abamgan n.kita at magbihis n. ulit ako gusto mo"

[Pineda] (Sept 15)

"Sir bkt mgb2hs p kau, ok n yn ska dpo b nak2ya n aq p treat nyo e aq nga nagp22long xenyo"

[Sheriff Santos] (12:25PM, Sept 15): "Tulungan nga kita at baka puede punta tau s katabi ng jolibee he he"

[Pineda] (12:26PM, Sept 15)

"Ay kau ha sir mdmi p aq lakarn bka nman pwd tx tx muna kc sir d nm n po aq gnun"

[Sheriff Santos] (12:28PM, Sept 15): "Alam ko nman baka lang puede"

[Pineda] (12:28Pm, Sept 15)

"Pwd po b mkil2 q muna kau"

[Sheriff Santos] (12:28PM, Sept 15): "Kilala muna akond b nagkita n tau kanina ok n un d b"

[Sheriff Santos] (12:33PM, Sept 15): "Hintayin n kita ngaun dun"

[Sheriff Santos] (12:35PM, Sept 15): "Ganun n rin un nahiya nga lang ako. Kanina s u maghihis n ako"

[Sheriff Santos] (12:38PM, Sept 15): "Bsta antay ako mgaun s u dun ok"

[Pineda] (12:39PM, Sept 15)

"Jollibee po sir"

[Sheriff Santos] (12:40PM, Sept 15): "Yes"

[Pineda] (12:40PM, Sept 15)

"Ok kain lng po ha"

[Sheriff Santos] (12:44PM, Sept 15): ".dto n ako s may sogo"

[Pineda] (12:45PM, Sept 15)

"Jolibee pod pa ndar jip w8 lng po JOLIBEE po"

[Pineda] (12:52PM, Sept 15)

"D2 npo jolibee "

[Pineda] (12:57PM, Sept 15)

"Xensya npo kau dq po alm n dun tlga dpo tlga q gnun slamt po ng mrm i s trbho nlng po xensya npo tlga"

[Sheriff Santos] (12:[58] PM, Sept 15): "Wait kita dto s may sogo"

[Pineda] (12:[59]PM, Sept 15)

"Sori po tlga dpo tlgapwd mrm i p po aq g2wn"

[Pineda] (1:04PM, Sept 15)

"XENSYA NPO TLGA HA DQP KC GWAIN UN NBGLA PO AQ XENSYO"

[Pineda] (1:09PM, Sept 15)

"Wg nyo po ikgalt dq pgpyag ayko po ng my glt skn mailang po aq xenyo sir"

[Pineda] (1:12PM, Sept 15)

"kng ng2lt kau skn wla po aq mg2wa sir kc npkb2 nman po ng tn gn nyo skn slmt po"

[Sheriff Santos] (1:28PM, Sept 15): "D naman ako galit kaya lang ewan ko.b bukas kaya puede"

[Pineda] (1:29PM, Sept 15)

"Gnun po b tlga kb2 tngn nyo skn d nman po aq byaran sir "

[Sheriff Santos] (1:30PM, Sept 15): "Alam ko naman kc kung gusto mas mainam d b walang.pilitan"

[Sheriff Santos] (1:36PM, Sept 15): "kaya nga gusto dun tau para makilala mo ako ganun din ikaw jan knb daang sarile"

[Pineda] (1:39PM, Sept 15)

"Opo on d way n mhrap pla sumky circum dpo tlga aq gnun kng gnn po icp nyo skn at alm nyo snap o dnq nagbggy xenyo sna po maintndhn nyo"

[Pineda] (1:56PM, Sept 15)

"Wg nyo po icpn n mpgsmantla aq cnv q lng po ung to2o po "

[Pineda] (3:33 PM Sept 15)

"Bkt po kya sheriff my mga tao n mb2 ang og tngn s kpwa tma po b un d aq nagm2taas pepo d kc aq gnun kb2w pero mrunong aq mkisma un po maipagm2laki q d nyo kelngn mgtmpo kc wla kau dpt ipagtmpo pauwi nrrn po aq at slmtpo ng marmi mg marmi"

[Pineda] (4:00PM, Sept 15)

"GLT PO B, KAU SKN SHERIF GNUN PO B BSEHN NYO TLGA"

[Pineda] (6:04PM, Sept 15)

"Wg po sna kau mgalt skn wla aqng gngwang msma xenyo"

[Pineda] (6:06PM, Sept 15)

"Wg po sna maapek2hn trbho ntn ngaun plang po ayaw nyo ngsumgot wg nman gnyn kc ayko ng my ng2lt skun at kng s bgy n gnyn p"

[Pineda] (Sept 15)

"Wla npo aqng mg2wa bngy qnapo ang lht ng alm q kht n nging agresbo kau skn cguro po kng d nyo aq entertain e dpt my sherf ng iba n h2wak s kso q kc my lead npo aq at c ate marlyn nlng ang t2wgn q kc ayaw nyo nm sumgot bka lng po mgtaka cla bkt s knya p aq kola lm kc nla n bngy nyo n # nyo skn cge po wla po aq mg2wa if yn ang gusto nyo gudnyt. Po "

[Sheriff Santos] (7:19AM, Sept 16): "Morning"

[Pineda] (7:20AM, Sept 16)

"MORNING PO"

[Sheriff Santos] (7:21AM, Sept 16): "Musta k n ok n siguro ngaun"

[Sheriff Santos] (7:31AM, Sept 16): "Kung ayaw mo ok lang s akin san b talaga nag trabaho un pinuntahan natin kahapon"

[Pineda] (Sept 16)

"s mighty dw po anf prblma Han arw n dw nkbkasyn ae nkdispalko ng

pera dpo b pg mtgl n ng work dn my mku2ha dn un cigarillo dn po mighty lng"

[Sheriff Santos] (7:39AM, Sept 16): "Wala n makukuha un kung naka dispalko ng pera ng kompanya"

[Pineda] (Sept 16)

"Wla po nk2alm kng mhknu kc dw nagbibir hauz bgo umuwi bkt gnu cl kdl i la pkialman pera ng iba. Pinb2ntyn qpo kung umaakz n s umga kbv kc naglakd aq ngtnung"

[Sheriff Santos] (7:46AM, Sept 16): "Ok ligo mina ako at papasok at baka pumayag k just text me he he he

[Pineda] (7:48AM, Sept 16)

"Kau po bhla cge ligo n kau"

[Sheriff Santos] (7:51AM, Sept 16): "Payag k n"

[Sheriff Santos] (7:55AM, Sept 16): "Sandali lang naman.tayo wait kita. S dati txt mo akp pa.g nandun.k n "

[Sheriff Santos] (8:18AM, Sept 16): "D k n reply"

[Sheriff Santos] (9:15AM, Sept 16): "Ano n d k n reply"

[Pineda] (9:16AM, Sept 16)

"My gngwa po"

[Sheriff Santos] (9:17AM, Sept 16): "Ok lang"

[Pineda] (Sept 16):

"Umlz dw po c joy knina umga pgdtng po ng lbndera q mya t2nung q kng pumpsok n bka po my nkuha c cyang info "

[Pineda] (11:32AM, Sept 19):

"Sherif pumpsok n ulet kng ms2mhn nyo p aq smt po kng dna pkitxt nlng po"

[Pineda] (Sept 19):

"Mging profesional po tau wlang dmayn tx lng kelangn q at gus2 q po mlman nyo lht ng tx nyo s cp q pdq bnubura. Hntyn q sgot nyo slmt ho "

Len (09084552031) "Sherif ok npo kht dnq mkcngl kng tlgang ayaw nyo n aqng smahn tnggp qna yn n aq nagasthn lng s kgus2hn q mkcngl 1 lng po s2vhn q xenyo mbait po aq mrunung makisma dna rin aq magre2quest ng ibng sheriff pero dpo kau nag ingat tex p tlga gnamt nyo lht po ng tx ntn wla aqng bnura kht 1 gnaglang q kau pero cguro po ipat2wag nlang kau pcnsya n kau lumpt aq xenyo kulang man pra xenyo bnyd q wla nman jc ngryari at my shod kau blang sheriff nagbyd aq ng s3kyn Arlene po i2 cguro po mghrap nlng tau nsa pwes2 kau kya nyo gwn gus2 nyo pero my icp din po aq slamt po ng mrm i "[19]

In the hearing, Sheriff Santos denied knowing the text conversations. He claimed that he did not own the Subscriber Identity Module (SIM) number 09357519302, though he could not recall what his number was then. He did admit, however, that