

SECOND DIVISION

[A.M. No. P-11-2903 [Formerly A.M. OCA IPI No. 09-2181-MTJ], February 05, 2014]

ANGELITO R. MARQUEZ, EDUARDO R. MARQUEZ, CRISTINA M. OCAMPO, CARMEN MARQUEZ-ROSAS, HEIRS OF ERNESTO MARQUEZ, RENATO R. MARQUEZ, ALFREDO R. MARQUEZ, FRED EVANGELISTA, JOSE MACALINO, SANTIAGO MARQUEZ, SPOUSES FREDDIE AND JOCELYN FACUNLA, SPOUSES RODRIGO AND VIRGINIA MAZON, SPOUSES ALFONSO AND LEONILA CASCO, SPOUSES BENJAMIN AND PRISCILLA BUENAVIDES, EDUARDO FACUNLA, AND ALICIA A. VILLANUEVA, COMPLAINANTS, VS. JUDGE VENANCIO M. OVEJERA IN HIS CAPACITY AS PRESIDING JUDGE OF MUNICIPAL TRIAL COURT OF PANIQUI, TARLAC, AND SHERIFF IV LOURDES E. COLLADO, REGIONAL TRIAL COURT, BRANCH 67, PANIQUI, TARLAC, RESPONDENTS.

RESOLUTION

PERLAS-BERNABE, J.:

For the Court's resolution is a Consolidated Administrative Complaint^[1] (subject complaint) filed against respondents Judge Venancio M. Ovejera (Judge Ovejera) and Sheriff IV Lourdes E. Collado (Collado) for abuse of authority, disregard of due process, misuse and fabrication of judicial orders, arrogance and conduct unbecoming of an officer of the court, and, with respect to Collado, violations of: (a) Republic Act No. (RA) 6713,^[2] otherwise known as the "Code of Conduct and Ethical Standards for Public Officials and Employees," particularly the provisions on the submission of Statements of Assets, Liabilities and Net Worth (SALN) of public officials and employees; and (b) RA 9160,^[3] otherwise known as the "Anti-Money Laundering Act of 2001" (AMLA), as amended by RA 9194^[4] and RA 10167.^[5]

The Facts

Complainants Angelito R. Marquez, Eduardo R. Marquez, Cristina M. Ocampo, Carmen Marquez-Rosas, Heirs of Ernesto Marquez, Renato R. Marquez, Alfredo R. Marquez, Fred Evangelista, Jose Macalino, and Santiago Marquez were the defendants in **Civil Case No. 1330**, entitled "*Jose Labutong v. Eduardo R. Marquez, et al.*," involving a suit for unlawful detainer and damages, while complainants Spouses (Sps.) Freddie and Jocelyn Facunla, Sps. Rodrigo and Virginia Mazon, Sps. Alfonso and Leonila Casco, Sps. Benjamin and Priscilla Buenavides, Eduardo Facunla, and Alicia A. Villanueva (collectively, complainants) were the defendants in **Civil Case No. 1416**, entitled "*Agueda Garlitos, et al. v. Sps. Benjamin & Priscilla Buenavides, et al.*," involving a suit for recovery of possession and damages. Both cases were filed before the Municipal Trial Court of Paniqui, Tarlac, and raffled to the sala of Judge Ovejera. Eventually, the aforementioned cases were decided against

complainants.^[6]

For their part, the complainants involved in Civil Case No. 1330 appealed the MTC decision adverse to them to the Regional Trial Court of Paniqui Tarlac, Branch 67 (RTC). The appeal was, however, dismissed on June 7, 2007,^[7] leading to the issuance of a writ of execution on January 15, 2008.^[8] Due to said complainants' failure to vacate the premises, a writ of demolition was issued on April 15, 2008.^[9] Maintaining that there was a pending appeal before the Court of Appeals involving the same parties, the latter moved^[10] for the stoppage of the writ of demolition's implementation, but the same was denied in an Order^[11] dated March 30, 2009 issued by Judge Ovejera wherein it was enunciated that the proffered ground is not one which could validly stay the implementation of a writ of execution/demolition. Similarly, a writ of execution was issued in Civil Case No. 1416 on May 21, 2009,^[12] followed by a writ of demolition^[13] on August 7, 2009 due to the failure of the complainants in said case to remove the improvements involved therein. Collado, in her capacity as sheriff, was tasked to implement the writs of demolition issued in both cases.^[14]

Feeling aggrieved, complainants filed the subject complaint before the Office of the Court Administrator (OCA) on August 25, 2009, docketed as A.M. OCA IPI No. 09-2181-MTJ, imputing abuse of authority, disregard of due process, misuse and fabrication of judicial orders, arrogance and conduct unbecoming of an officer of the court against Ovejera and Collado in relation to the issuance and implementation of the afore-stated writs of demolition. In addition, Collado was charged with violating the AMLA and failure to disclose in her SALN for the years 2004 and 2005 certain time deposits (subject time deposits) with the Moncada Women's Credit Corporation (MWCC) in the following amounts: (a) P200,100.00 on September 3, 2003; (b) P300,100.00 on December 29, 2003; (c) P400,100.00 on January 28, 2004; (d) P400,100.00 on January 28, 2004; (e) P500,100.00 on April 28, 2004; (f) P600,100.00 on April 28, 2004; (g) P500,100.00 in July 2004; and (h) P800,100.00 on October 25, 2004.^[15]

In his Comment,^[16] Judge Ovejera denied the charges and contended that the complaint was baseless and failed to state the specific acts complained. He maintained that the writs of execution and demolition were issued in accordance with law and pointed out that a similar administrative case, *i.e.*, OCA IPI NO. 09-2168 MTJ, had already been filed against him by the same complainants and dismissed by the Court in a Resolution dated November 25, 2009.^[17]

Collado also filed her Comment,^[18] denying any abuse of authority on her part and contending that she was merely implementing a lawful order of the court. She likewise claimed that she did not misuse or fabricate a judicial order, explaining that complainants were only misled by the caption indicated in her correspondence to the Barangay Captain relative to the writ of demolition issued in Civil Case No. 1330. Finally, she questioned the authenticity of the documents submitted by complainants for her alleged violation of the AMLA and refused to comment on the same for being premature.^[19]

The Action and Recommendation of the OCA

In a Memorandum^[20] dated November 5, 2010, the OCA found no factual and legal bases to support the complaint against Judge Ovejera and Collado for violations of their administrative and judicial functions. Nonetheless, finding that Collado did not indicate in her SALN for the years 2004 and 2005 the amounts indicated in the subject time deposits,^[21] the OCA recommended that the matter be re-docketed as a regular administrative case for possible violations of the pertinent provisions on SALN submission and the AMLA, and that the same be referred to the Executive Judge of the RTC for further investigation, report and recommendation. The OCA's recommendations were adopted by the Court in a Resolution^[22] dated February 2, 2011, and the case was re-docketed as A.M. No. P-11-2903.

In her Report and Findings^[23] dated June 3, 2011, RTC Executive Judge Liberty O. Castañeda (Executive Judge) recommended the dismissal of the complaint against Collado, finding that: (a) while the imputed amounts on the subject time deposits were not specifically stated in her SALN for the years 2004 and 2005 as Collado herself admitted,^[24] she nonetheless declared the initial capital thereof as an asset therein, (b) she honestly believed then that the interest on said deposits may only be declared when the certificates of time deposit were converted into cash; and (c) she had no intent to falsify her SALN. The Executive Judge also did not find any violation of the AMLA absent any evidence that Collado's investment with the MWCC was sourced from any unlawful activity enumerated under the subject law, noting further that Collado had not made a single deposit of P500,000.00 or more at any instance as shown in MWCC's Certification^[25] dated May 4, 2011. The matter was then referred to the OCA for evaluation, report and recommendation.^[26]

In a Memorandum^[27] dated August 13, 2012, the OCA, based on a Certification^[28] dated January 22, 2010 of the Office of Administrative Services (OAS Certification), found that Collado failed to submit her SALN for the years 2000 and 2001. Citing Section 8 of RA 6713, among others, the OCA pointed out that every public officer is mandated to submit a true, detailed and sworn statement of his assets and liabilities. However, it no longer delved on the issue of whether or not Collado's time deposits were reflected in her SALN for the years 2004 and 2005 considering that she had already retired in 2011 and no copies of the subject SALNs could be found in her 201 file. Accordingly, the OCA recommended that Collado be fined in an amount equivalent to her salary for six (6) months.

The Issue Before the Court

The lone issue left for the Court's resolution is whether or not Collado should be held administratively liable for violating the pertinent provisions on SALN submission.

The Court's Ruling

The Court concurs with the OCA, but modifies the penalty imposed to a fine of only P5,000.00.

Section 8^[29] of RA 6713, requires all public officials and employees to accomplish and submit declarations under oath of their assets, liabilities, net worth and financial and business interests including those of their spouses and of unmarried children