

## EN BANC

[ A.M. No. P-07-2344, April 15, 2009 ]

**DOMINGO U. SABADO, JR., COMPLAINANT, VS. LANIEL P. JORNADA, SHERIFF IV, REGIONAL TRIAL COURT -OFFICE OF THE CLERK OF COURT (RTC-OCC), MANILA, RESPONDENT. R E S O L U T I O N**

**PER CURIAM:**

Complainant Domingo U. Sabado, Jr. charged respondent sheriff Laniel P. Jornada with conduct unbecoming a public official. Complainant alleged that respondent agreed to facilitate his (complainant's) bailbond.<sup>[1]</sup> Between May 3 and 8, 2003, complainant gave respondent P56,500 as payment for the expeditious processing of his bail. To complainant's consternation, however, no bail was posted for him, resulting in his arrest and detention. Complainant eventually got out of detention because his sister posted bail for him. After being confronted by complainant, respondent returned P44,000, leaving a balance of P12,500.

In his comment, respondent averred that the bail for complainant was actually P50,000. Respondent admitted receiving money for complainant's bail but clarified that the amount given to him was only P44,000. In order to complete the P50,000 bail, he allegedly shouldered the balance of P6,000 "for the sake of their friendship." However, before he could secure complainant's bail, complainant was arrested and detained. He vehemently denied that he still owed complainant P12,500.

Complainant, in his reply, refuted respondent's defenses. He presented an acknowledgment receipt, issued after *barangay* conciliation proceedings,<sup>[2]</sup> explicitly stating that respondent agreed to repay P56,500 in full after a partial payment of P44,000. Respondent promised to pay the balance of P12,500 on June 13, 2006. He failed to do so.<sup>[3]</sup>

The case was referred to the Office of the Court Administrator (OCA) for evaluation, report and recommendation. The OCA found respondent liable for simple misconduct. The OCA also found that respondent failed to return the P12,500 he promised during the *barangay* conciliation proceedings. The OCA recommended that respondent be fined P11,000, with a stern warning that the commission of the same or similar acts in the future will be dealt with more severely.

We hold respondent administratively liable but modify the penalty recommended by the OCA.

Respondent was unauthorized to receive money intended for complainant's bailbond. Whether or not respondent was able to file the bailbond for complainant was immaterial. The mere fact that *respondent received money and agreed to facilitate the posting of bail* created the wrong impression that he had the power and authority to secure a court process. Respondent opened himself to suspicion that he

was going to benefit from the transaction.

The OCA found respondent liable for simple misconduct only. We disagree and hold respondent liable for grave misconduct and dishonesty, both of which are grave offenses punishable by dismissal even for the first offense.<sup>[4]</sup>

In *Salazar, et al. v. Sheriff Barriga*,<sup>[5]</sup> the difference between simple misconduct and grave misconduct was discussed:

Misconduct means intentional wrongdoing or deliberate violation of a rule of law or standard of behavior. To constitute an administrative offense, misconduct should relate to or be connected with the performance of official functions and duties of a public officer.

In grave misconduct, as distinguished from simple misconduct, the elements of corruption, clear intent to violate the law or flagrant disregard of established rule must be manifest. Corruption as an element of grave misconduct consists in the act of an official who unlawfully or wrongfully uses his station or character to procure some benefit for himself, contrary to the rights of others.

There is no doubt that respondent is guilty of grave misconduct. He used his position as sheriff for pecuniary gain when, in fact, he had no business getting involved in the processing of bail. He flagrantly disregarded established rules of procedure and law when he misrepresented that he could expedite complainant's application for bail.

Respondent's failure to return the P12,500 aggravated his situation. Pocketing money intended for the bail of an accused was reprehensible and unbecoming a public servant like respondent. It was clear evidence of his lack of integrity and moral fitness. We thus also find respondent guilty of dishonesty. As defined in *Geronca v. Magalona*:<sup>[6]</sup>

[D]ishonesty means "a disposition to lie, cheat, deceive or defraud; untrustworthiness; lack of integrity, lack of honesty, probity or integrity in principle; lack of fairness and straightforwardness; disposition to defraud, deceive or betray."

All court personnel are involved in the dispensation of justice. Any impropriety on their part immeasurably affects the honor and dignity of the judiciary and the people's confidence in it.<sup>[7]</sup> Thus, the conduct of court personnel must not only be, but must also be perceived to be, free from any whiff of impropriety, both with respect to their duties in the judiciary and their behavior outside the court.<sup>[8]</sup>

As a sheriff, respondent was expected to conduct himself with propriety and decorum, and be above suspicion.<sup>[9]</sup> The Court will not tolerate any conduct, act or omission by any court employee violating the norm of public accountability and diminishing or tending to diminish the faith of the people in the judiciary.<sup>[10]</sup>

We note that respondent failed to return the balance of P12,500 to complainant. We are not convinced that he received only P44,000 from complainant. Other than his barefaced denial of receipt of P56,500 from complainant, respondent offered no