

EN BANC

[A.M. NO. P-99-1342 (FORMERLY OCA IPI NO. 97-344-P), June 08, 2005]

CONCERNED TAXPAYER, COMPLAINANT, VS. NORBERTO V. DOBLADA, JR., SHERIFF IV, BRANCH 155, REGIONAL TRIAL COURT, PASIG CITY, RESPONDENT.

DECISION

PER CURIAM:

The instant administrative case arose from a letter-complaint dated December 8, 1993 filed by a "concerned taxpayer" with the Office of the Ombudsman, charging Norberto V. Doblada, Jr., Sheriff IV of the Regional Trial Court (RTC) of Pasig, Branch 155, of having acquired properties during his incumbency as sheriff, the values of which "are manifestly out of proportion to his salary as such public employee and to his other lawful income or incomes from legitimately acquired property."^[1]

In an Indorsement dated August 22, 1997, the complaint was referred by the Office of the Ombudsman to the Office of the Court Administrator (OCA) of this Court.^[2]

Upon report and recommendation of the OCA, dated February 8, 1999, this Court issued a Resolution dated March 17, 1999 requiring respondent to comment on the complaint. In the same resolution, the National Bureau of Investigation (NBI) was directed to conduct a discreet investigation of this case and to submit a report within thirty days from notice.^[3]

On April 29, 1999, respondent filed his Comment contending that aside from the two parcels of land mentioned in the "Fact-Finding Report" of the Office of the Ombudsman which are registered in the name of his wife, the other real properties mentioned in said report are not actually his properties because they belong to his father, having been registered in the name of the latter. Respondent surmises that the instant complaint may have been politically motivated and may have been instigated by those who did not get his support in past local elections. Respondent claims that a similar anonymous complaint was filed against him in the 1980s wherein he submitted himself for investigation by the NBI.

In a Resolution dated September 20, 1999, respondent was required to inform this Court if he is willing to submit the case for resolution or to elect a formal investigation of the case.^[4] On October 22, 1999, respondent submitted his Compliance to the above-cited Resolution, manifesting that he is willing to submit the case for resolution based on records available to this Court.^[5]

On March 7, 2000, this Court received a report of the investigation conducted by the NBI, pertinent portions of which read as follows:

9. Analysis of the assets, liabilities, net worth and yearly salary of Subject for the period 1989, 1991, 1993, 1995, 1996 and 1998 shows that there is prima facie evidence that Subject acquired unexplained wealth (Annexes 'I' to 'I-13') during his tenure as Court Sheriff in 1995. Increase in salary and increase in liabilities are apparent. However, increase in assets far exceeds increase in salary. Net worth also increased after assumption to office as Deputy Court Sheriff in 1977.

Subject also failed to submit his sworn statement of assets and liabilities for the years 1975 to 1988, 1990, 1992, 1994 and 1997 as said documents were not submitted to the NBI by the Records Control Division of the Supreme Court.

A court order to secure the income tax returns of Subject NORBERTO DOBLADA, JR. and his spouse, EDITH, who is employed at the Department of Education, Culture and Sports, in Binangonan, as Superintendent would determine whether Subject had other legitimate sources of income.

Subject has to justify his acquisition of fishpens acquired at P2,500,000.00 in 1993 and Civic Honda at P435,000.00 in 1995 where his legitimate income as Court Sheriff is at P44,652 per annum and P65,496.00 per annum respectively. His earnings as jeepney operator with one unit as reported in 1982 would not suffice further acquisition of wealth such as residential lots 1982-1988 ranging from P8,670 to P125,000.00. Loans from creditors would not be sufficient to cover acquisition of real and personal properties in 1992, 1994, 1995, 1996 and 1998.

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x x x

F. AGENT'S FINDINGS

11. The results of the investigation reveal that there is sufficient evidence to charge Subject for violation of Sec. 2 of RA 1379 (Law of Forfeiture of Ill-Gotten Wealth) and non-compliance with Sec. 8 of RA 6713 (Code of Conduct and Ethical Standards for Public Officials and Employees) for failure to accomplish and submit declarations under oath of the assets and liabilities, net worth and financial business interests for the above-mentioned years during tenure of Subject as Court Sheriff.^[6]

In its Resolution of May 29, 2002, this Court referred the instant case to the OCA for evaluation, report and recommendation.^[7] In compliance therewith, Deputy Court Administrator Christopher O. Lock submitted a report, dated April 29, 2003, with the endorsement of Court Administrator Presbitero J. Velasco, Jr., pertinent portions of which read as follows:

A careful examination of the NBI Investigation Report on respondent's alleged real properties enumerated in the Fact-Finding Report of the Office of the Ombudsman reveals that only one (1) property was found to be registered under respondent's name and this is as co-owner of an

agricultural land along Janosa, Binangonan, Rizal covered by TCT No. 46607. TCT No. M-23480 and TCT No. M-17315 are both registered in the name of respondent's wife, Edith Doblada while Tax Declaration ARP #28-0032, covering a residential lot along Janosa, Binangonan, Rizal discloses the name Norberto Doblada as the owner. A perusal of respondent's Sworn Statement of Assets, Liabilities and Networth filed before this Office however discloses his ownership of several other properties, real and personal which, clearly, contributed to an unimaginable increase of his assets during his incumbency as court sheriff. With this information on hand, it cannot be ignored that such would be a factor in the proper evaluation of the instant administrative case. Respondent, therefore, should be accorded the opportunity to explain the increase of his assets from P6,000 in 1974 to P7 million, more or less, in 1995.

Respondent's records also disclose that he had not been submitting his Statement of Assets, Liabilities and Networth particularly for the years 1975, 1977 to 1988, 1990, 1992, 1994, 1999 and 2000 as mandated under R.A. 6713.

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Considering, therefore the gravity of the penalty imposed on a public officer who is found to have violated Sec. 7, R.A. 3019 and Sec. 8, R.A. 6713, respondent should be given the opportunity to explain his failure to submit his Sworn Statement of Assets, Liabilities and Networth.

IN VIEW OF THE FOREGOING, it is hereby respectfully recommended that respondent Sheriff Norberto Doblada, Jr. be DIRECTED to EXPLAIN within ten (10) days from notice his failure to submit his Sworn Statement of Assets, Liabilities and Networth for the years 1975, 1977 to 1988, 1990, 1992, 1994, 1999 and 2000, and the significant increase of his assets from P6,000.00 in 1974 to 7 million by 1995.^[8]

This Court, in a Resolution dated July 16, 2003, directed respondent to explain in writing his failure to submit his Sworn Statement of Assets and Liabilities and Networth (SAL) for the years 1975, 1977 to 1988, 1990, 1992, 1994, 1999 and 2000, and the significant increase of his assets from P6,000.00 in 1974 to P7,000,000.00 in 1995.^[9]

On September 5, 2003, respondent submitted his Explanation^[10] contending that contrary to what had been stated in the Court's Resolution of July 16, 2003, he had been religiously filing his SAL, including the years mentioned in the Resolution when he supposedly failed to file said Statements. He admits that he does not have copies of these Statements and claims that he might have accidentally disposed of the same during the various times that he transferred office. As to the increase of his assets from P6,000.00 in 1974 to P7,000,000.00 in 1995, respondent explains that the significant improvement of his assets was brought about by inheritance and largely, through business ventures which are financed through loans.

On September 24, 2003, this Court issued a resolution referring the instant case to

the OCA for evaluation, report and recommendation.^[11]

On December 21, 2004, respondent filed a Motion for Early Resolution, alleging that he has complied with the directives of the Court and the case is now ripe for resolution.^[12]

In a Memorandum dated February 3, 2005, the OCA submitted a report with the following findings:

The determination of whether or not respondent Doblada acquired properties with a valuation manifestly out of proportion to his salary and that of his wife and their additional earnings requires a comparison of the respective values of the properties with the salaries, benefits, other lawful income and additional revenues from legitimately acquired properties or businesses of the said spouses. The deficient and insufficient documents submitted to the OCA cannot serve as bases for such comparison. Absent complete documentation and information on the properties acquired by the spouses Doblada and their respective earnings, we are not ready to state that the allegations in the anonymous letter-complaint dated 8 December 1993 have been shown by sufficient and convincing proof.

However, our evaluation indicates that the incompleteness of the documents, in terms of filings of Statements and of entries therein, is attributable to respondent Doblada. The submitted Statements and information – or incomplete or lack of information – in these Statements fully evince violations of the provisions of the Anti-Graft and Corrupt Practices Act, the Code of Conduct and Ethical Standards for Public Officials and Employees and the CSC rules implementing the said Code. We find that respondent Doblada – as shown by the instances (not merely a single instance) herein discussed – contravened the provisions of the Anti-Graft and Corrupt Practices Act requiring the submission of a "true, detailed and sworn statement of assets and liabilities" (Section 7). As particular example, respondent Doblada excluded from Statements for 1974 and 1976 the real properties he already had during those years and which he claimed he acquired in 1965 in the 1989 Statement he filed. Respondent Doblada violated the provisions of the Code of Conduct and Ethical Standards for Public Officials and Employees and the CSC rules implementing the said Code when he did not include information on his business interest in and financial connection with ELXSHAR in the 1989, 1991 and 1993 Statements. The violations are not isolated episodes. They had been repeatedly committed by respondent Doblada as can be culled from the different Statements filed in various years.^[13]

... ..

and recommendations, to wit:

1. That Sheriff Norberto V. Doblada, Jr., be found administratively liable for violations of the Anti-Graft and Corrupt Practices Act, the Code of Conduct and Ethical Standards for Public Officials and Employees and the CSC rules implementing the provisions of the

said Code; and

2. That Sheriff Doblada be meted the penalty of removal from the service, with forfeiture of his retirement benefits, and with prejudice to re-employment in any branch of the government or any of its agencies or instrumentalities, including government-owned or controlled corporations and government financial institutions.^[14]

We agree with the OCA.

After a perusal of the records on hand, we find that complainant's charge against respondent is not sufficiently substantiated. We agree with the observation of the OCA that the evidence presented in the instant case, consisting of the documents submitted by the complainant and those which were compiled by the investigating agent of the NBI, are not adequate to establish complainant's allegation that respondent had acquired assets which are manifestly out of proportion to his legitimate income.

Moreover, we find no sufficient evidence to prove that respondent failed to file his SAL for the years 1975, 1977 to 1988, 1990, 1992, 1994, 1997, 1999 and 2000. Respondent maintains that he has consistently filed his SAL for the said years. To prove his contention, respondent submitted a copy of a letter dated May 7, 2001 sent by Remegio C. Añosa, Acting Branch Clerk of Court of Branch 155, RTC, Pasig City, stating therein that attached to said letter are the sworn SAL of the staff of RTC Pasig City, Branch 155, including that of respondent's, for the year 2000. The letter was sent to and duly received by the OCA but the SAL of respondent for 2000 is one of those missing in the files of OCA. On this premise, one cannot readily conclude that respondent failed to file his sworn SAL for the years 1975, 1977 to 1988, 1990, 1992, 1994, 1997, 1999 and 2000 simply because these documents are missing in the files of the OCA. Even in the report of the Court Administrator dated February 3, 2005, there was no categorical statement that respondent failed to file his SAL for the years earlier mentioned. The report of the OCA simply stated that it does not have on its file the subject SAL of respondent.

Nonetheless, we agree with the OCA in finding that respondent is guilty of violating Republic Act Nos. 3019 (Anti-Graft and Corrupt Practices Act) and 6713 (Code of Conduct and Ethical Standards for Public Officials and Employees) for having failed to submit a true, detailed and sworn statement of his assets and liabilities.

Section 7 of R.A. No. 3019, as amended, provides:

Sec. 7. Statement of Assets and Liabilities. – Every public officer, within thirty days after assuming office and, thereafter, on or before the fifteenth day of April following the close of every calendar year, as well as upon the expiration of his term of office, or upon his resignation or separation from office, shall prepare and file with the office of the corresponding Department Head, or in the case of a Head of Department or Chief of an independent office, with the Office of the President, a true, detailed and sworn statement of assets and liabilities, including a statement of the amounts and sources of his income, the amounts of his personal and family expenses and the amount of income taxes paid for the next preceding calendar year: Provided, That public officers assuming