

## THIRD DIVISION

[ A.M. No. P-98-1283, May 09, 2000 ]

**JOHNNY GOMEZ AND MAR GUIDOTE FOR SABINO S. RAMOS,  
COMPLAINANTS, VS. RODOLFO A. CONCEPCION, DEPUTY  
SHERIFF, REGIONAL TRIAL COURT, BRANCH 28, CABANATUAN  
CITY, RESPONDENT.**

### DECISION

**VITUG, J.:**

This administrative case originated from a letter, dated 10 April 1996, sent by Johnny Gomez and Mar Guidote, both of Radio Veritas, relative to the complaint of Sabino S. Ramos against Rodolfo A. Concepcion, Deputy Sheriff of the Regional Trial Court, Branch 28, of Cabanatuan City. Suprema

It would appear that on 10 March 1996, Sabino Ramos, while driving his owner-type jeep, figured in a vehicular accident. The vehicle was bumped by a passenger jeepney, with Plate No. DLZ-588, causing damage to the jeep of Ramos and injuries to the passengers. The offending vehicle, the passenger jeepney, turned out to be under the custody of respondent Sheriff. When required to comment on the complaint, he averred that the passenger jeepney was carnapped in front of his residence on 10 March 1996, between 12:00 p.m. to 1:00 p.m., which incident he immediately reported to the Philippine National Police of Cabanatuan City. Juris

On 21 April 1997, the Court resolved, among other things, to dispense with the filing of a reply by complainant to the comment; instead, it referred the case on 30 July 1997 to Executive Judge Federico B. Fajardo, Jr., of the Regional Trial Court of Cabanatuan City for investigation, report and recommendation.

In his report, dated 30 April 1998, the Investigating Judge informed the Court that complainant Ramos had repeatedly failed to appear in his *sa/a* despite having been notified of the scheduled hearings. At one time, a relative of complainant appeared before Judge Fajardo to inform the latter that the complainant was indisposed, his feet being in cast which prevented him from travelling all the way to Cabanatuan City. Complainant was directed to submit a medical certificate but he failed to comply. The Investigating Judge recommended the dismissal of the complaint, additionally noting that the sworn statements of Sabino Ramos and Edna Ramos had failed to mention any possible personal gain on the part of respondent Sheriff in the use of the passenger jeepney.

In its resolution, dated 20 July 1998, the Court referred the report of the investigating Judge to the Office of the Court Administrator ("OCA") for evaluation, report and recommendation. The case was docketed as a regular administrative matter in another resolution of 02 December 1998, and the parties were required to manifest whether they would submit the case for resolution on the basis of the records before the Court. For failure of the parties to comply therewith, the Court, in