

EN BANC

[A.M. No. P-97-1238, May 31, 1999]

**RURAL BANK OF FRANCISCO F. BALAGTAS (BULACAN), INC.,
COMPLAINANT, VS. FLORENCIO B. PANGILINAN, DEPUTY
SHERIFF, REGIONAL TRIAL COURT, QUEZON CITY, BRANCH 99,
RESPONDENT.**

DECISION

PER CURIAM:

A complaint-affidavit for estafa was filed against Florencio B. Pangilinan, Deputy Sheriff of the Regional Trial Court of Quezon City, Branch 99 by Sergio Manuel Clemente, as representative of the Rural Bank of Francisco Balagtas, Inc. before the Office of Ombudsman on September 11, 1996 and docketed as OMB-0-96-2216.^[1]

In a resolution dated November 27, 1996, the Office of the Ombudsman recommended that the complaint be referred to the Supreme Court for appropriate action.^[2]

The facts of the case reveals that a civil case for replevin entitled "*The Rural Bank of Francisco Balagtas, Inc. v. Mariano Cagatan*" was filed before the Regional Trial Court of Quezon City, Branch 99. On April 10, 1987, a decision was rendered in favor of Rural Bank of Francisco Balagtas (Rural Bank) "ordering the defendant in the alternative to deliver plaintiff the motor vehicle, a Celeste Model 1977 with Plate No. NBA-513 and Motor No. 209827, or pay plaintiff the sum of P12,500.00 with legal interest thereon computed from the time of extrajudicial demand to the time the full amount is satisfied, plus attorney's fees in the amount of P2,000.00 and the cost of this suit."^[3] After the decision had become final and executory, a writ of execution was issued. On November 29, 1988, Marciano Cagatan, the defendant in the civil case, allegedly entrusted the amount of five thousand pesos (P5,000.00) to respondent Sheriff Florencio Pangilinan so that the same may be remitted to the Rural Bank. However respondent failed to turn over the said amount.^[4]

Atty. Gregorio Salazar, the legal counsel of Rural Bank repeatedly demanded from respondent sheriff to remit the amount of P5,000.00. Respondent sheriff, on the other hand, alleged that he gave the money to Atty. Leo B. Dacera III, then branch clerk of court of RTC, Branch 99.^[5] However, Dacera, now a prosecutor of Quezon City denied having received any money from respondent sheriff.^[6]

Due to respondent sheriff's failure to remit the P5,000.00 to the Rural Bank despite repeated demands, a complaint for estafa was filed against him before the Ombudsman.

On June 9, 1997, the Second Division of this Court required respondent sheriff to file

his comment. In the meantime, a manifestation was filed by the Rural Bank informing the Court that it has been nine years and respondent has yet to remit the money.

Respondent sheriff filed his comment only after he was required by the Court to show cause why he should not be disciplinarily dealt with for failure to file his comment within the required period.

Respondent, in his comment, admitted receiving the amount of P5,000.00 from Marciano Cagatan for safekeeping but did not turn over the money because he contends that the Court of Appeals, to which defendant Marciano Cagatan appealed the April 10, 1987 decision of the Regional Trial Court of Quezon City, Branch 99, set aside the lower court's judgment in a decision dated February 8, 1989.

On March 3, 1999, the Office of the Court Administrator recommended that Florencio B. Pangilinan be dismissed from service with forfeiture of all retirement benefits, with prejudice to reinstatement or re-employment in any branch or institutionality of the government, including government-owned or controlled corporation. He was likewise directed to immediately turn over the amount of P5,000.00 to the Branch Clerk of Court of RTC, Branch 99, Quezon City for safekeeping within 10 days from notice, until it has been determined as to who is actually entitled thereto, otherwise, criminal action is recommended to be instituted against him.

We agree with the Office of the Court Administrator that the acts of respondent sheriff constitute grave dishonesty and grave misconduct which warrant his dismissal from the service. Based on the records, it is clear that respondent sheriff committed an illegal act by his failure to immediately turn over the amount of P5,000.00 to the Rural Bank. His defense that the decision of the trial court was reversed by the Court of Appeals, hence the judgment is thereby nullified, is without basis. Being in effect a trustee of the money, he had the obligation to immediately remit the same to the Rural Bank, and the subsequent decision of the Court of Appeals did not operate to remove his liability.

As correctly observed by the Office of the Court Administrator "respondent, who has been in the service for twenty-two (22) long years, should have known that he was never authorized to keep in his custody any amount he collects due to a court order. Keeping the amount of P5,000.00 for nine (9) years unmistakably breeds suspicion. In all probabilities, respondent had misappropriated the said amount for his personal benefit hence, the reason why he cannot remit the same."

Moreover, the Court notes that respondent sheriff was recently fined by this Court two thousand pesos (P2,000.00) for grave abuse of discretion in selling levied properties^[7] and has a pending case for violation of the Anti-Graft and Corrupt Practices Act.^[8] This indicates his propensity to commit acts of dishonesty in the course of his performance of duties.

This case again serves a reminder to all persons serving the Government, through the judiciary, that the conduct and behavior of every person connected with an office charged with the dispensation of justice, from the presiding judge to the lowest clerk, is tasked with a heavy burden of responsibility. His conduct, at all