

## EN BANC

**[ A.M. No. P-96-1221, June 19, 1997 ]**

**JUDGE ADORACION G. ANGELES, REGIONAL TRIAL COURT,  
BRANCH 121, CALOOCAN CITY, COMPLAINANT, VS. PABLO C.  
GERNALE, JR., DEPUTY SHERIFF, REGIONAL TRIAL COURT,  
BRANCH 121, CALOOCAN CITY, RESPONDENT.**

### DECISION

#### PER CURIAM:

This is an administrative case filed against Deputy Sheriff Pablo C. Gernale, Jr. of the Regional Trial Court, Branch 121, of Caloocan City for direct bribery and grave misconduct. The complaint was filed by Judge Adoracion G. Angeles of the same court, recommending the dismissal of respondent from the service.

The charge of direct bribery stemmed from respondent's service of a writ of preliminary attachment in Civil Case No. C-16305, entitled "Asian Footwear and Rubber Corporation vs. Angelito Daniel, doing business under the name and style of "Lito's" formerly 'Anrizzdon Gallery,'" of the court where both parties worked. The case was the subject of a compromise agreement which provided:<sup>[1]</sup>

"3. Defendant agrees to reimburse Plaintiff expenses for the litigation such as Filing Fee in the sum of P465.00, Insurance Premium for Attachment Bond in the sum of P1,039.58, Sheriff Services in serving attachment in the sum of P3,000.00 and Attorney's Fees of P2,000.00; (Emphasis added)"

At the hearing of the case on September 29, 1995, during which the compromise agreement was submitted for approval of the court, Judge Angeles was told by counsel for defendant, Atty. Renato Mercado, and by the representative of the plaintiff, Noli Latoga, that respondent sheriff had demanded P5,000.00 (which he later reduced to P3,000.00) from Latoga to "facilitate" the service of the writ of attachment in Solano, Nueva Vizcaya.<sup>[2]</sup> Latoga gave respondent sheriff P3,000.00, in addition to shouldering the expenses for food, transportation, and hotel accommodations, as he and his counsel accompanied respondent to Nueva Vizcaya to serve the writ of preliminary attachment.

Respondent admitted receipt of P3,000.00 from Latoga but claimed that it had been voluntarily given to him. Upon Judge Angeles' directive, respondent returned the money to Latoga in two installments of P1,772.00<sup>[3]</sup> and P1,228.00.<sup>[4]</sup>

The charge of gross misconduct, on the other hand, arose from respondent's behavior during the Christmas party held on December 21, 1995 by employees of the court. According to Judge Angeles, at around 3:30 in the afternoon, respondent arrived drunk and noisy, causing unease among the staff members and fear among

their children; that when she (Judge Angeles) asked respondent to behave himself, respondent dared her to sue him and shouted that he was not afraid of her; and that the party had to stop as respondent could not be made to quiet down and leave. Judge Angeles issued an order finding respondent guilty of direct contempt and ordered him imprisoned for one day and to pay a fine of P10.00.<sup>[5]</sup>

In his comment dated April 15, 1996, respondent sheriff admitted receipt of P3,000.00 from Noli Latoga but claimed that the money was given to him as a token of appreciation for going out of his way to serve the writ of attachment in the province, leaving his family for this purpose for two (2) days; and that he himself told Latoga that he (Latoga) had no obligation to pay him (respondent) for his services, and that is why he readily agreed to return the money when told to do so by Judge Angeles. As for his alleged misconduct during the Christmas party, respondent claimed that he "made fun and clowned [and] yes was a little noisy" but did so only to liven up and otherwise dreary party; that when Judge Angeles came out of her chambers and ordered every body to keep quiet, he mustered the courage to tell Judge Angeles to lighten up and forget for the moment that she was a judge and, in the spirit of Christmas, join in the fun; that Judge Angeles resented this and even "at a time when peace, goodwill to all men, forgiveness, joy, love should be the theme" had him jailed for direct contempt which caused alarm to his family because he failed to come home that day; that it was Judge Angeles' actuations which in fact disrupted and untimely ended the Christmas party; that he could not have possibly committed the acts imputed to him since he "not only respects but fears" Judge Angeles; and that since he had become deputy sheriff in November, 1984 he had had an unblemished record of service.

In reply, Judge Angeles pointed out that it was the duty of respondent to serve the writ of preliminary attachment and he should not accept money from any of the parties; that in fact respondent did not have to undertake the trip to Solano, Nueva Vizcaya because he could just have requested the court to indorse the writ of attachment to the sheriff of that place, but respondent wanted to have an excuse to ask for money; that respondent violated P.D. No. 46 which prohibits public officials from receiving gifts on any occasion, including Christmas; and that respondent's defiance of her during the Christmas party was probably due to his resentment at being ordered by her to return the P3,000.00.

In rejoinder, respondent alleged that it was unfair for Judge Angeles to claim that it was monetary consideration which motivated him to go to Nueva Vizcaya because it was she who had ordered him to implement the writ.

This case was referred to Executive Judge Bayani S. Rivera of the Regional Trial Court of Caloocan City for investigation, report, and recommendation. Finding "no significant issues of fact" involved, Judge Rivera dispensed with hearing and required Judge Angeles and respondent to submit their memoranda. On November 26, 1996, Judge Rivera submitted his report, recommending that respondent be fined P3,000.00, with warning that repetition of the same offense would be dealt with more severely for accepting P3,000.00 from Noli Latoga. Judge Rivera thought it "sufficient comeuppance" for respondent's behavior at the Christmas party that he was jailed for one day and fined P10.00.

Respondent maintains that the P3,000.00 which he received from plaintiff's representative, Noli Latoga, was given to him as a token of appreciation. The fact