



Republic of the Philippines
 Supreme Court
 Manila

EN BANC

RODALYN GUINTO-HANIF,
 Complainant,

A.M. No. P-23-082
 (Formerly OCA IPI No. 19-4991-P) *


Present:

- versus -

GESMUNDO, C.J.,
 LEONEN,
 CAGUIOA,
 HERNANDO,
 LAZARO-JAVIER,
 INTING,
 ZALAMEDA,
 LOPEZ, M.,
 GAERLAN,
 ROSARIO,
 LOPEZ, J.,
 DIMAMAPAO,
 MARQUEZ,
 KHO, JR., and
 SINGH, JJ.

CHRISTOPHER T. PEREZ, Sheriff
IV, Branch 74, Regional Trial Court,
Olongapo City, Zambales,
 Respondent.

Promulgated:
 January 30, 2024

X-----


DECISION

PER CURIAM:

The instant administrative proceeding arose out of the *Reklamang Sinumpaang Salaysay*¹ filed by Rodalyn Guinto Hanif (Rodalyn) against Sheriff IV Christopher T. Perez (Sheriff Perez) of Branch 74, Regional Trial Court (RTC), Olongapo City, Zambales for grave misconduct and conduct unbecoming a public officer.

¹ *Rollo*, pp. 3-7.

Antecedents

On October 14, 2009, the Subic Bay Development and Management Corporation, Inc. entered into an Industrial Lease Agreement with M. Waseem International Trading Corporation (M. Waseem) over a 5,000-square meter parcel of land located on Innovative Street, Subic Bay Gateway Park, Subic Bay Freeport Zone, for a period of 38 years.² Rodalyn averred that she and her husband, Muhammad Hanif (Muhammad), were the biggest shareholders of M. Waseem, while Muhammad was also the president of the company.³

On December 20, 2016, Rodalyn and Muhammad executed separate Deeds of Assignment transferring 380 shares of stock to Zeeshan Ashraf (Zeeshan) and 367 shares of stock to Hamza Shabbir (Hamza) for a consideration of PHP 1,000.00 per share. On January 10, 2017, a new set of Board of Directors and Officers were elected in M. Waseem.⁴

On December 17, 2017, at around 4:30 a.m., Rodalyn, along with 20 other individuals armed with high caliber firearms and other dangerous weapons, forcibly entered the leased warehouse/office compound of M. Waseem and ordered the employees and caretakers to vacate the yard under threat of being fired upon.⁵

This led to the filing by Hamza and Zeeshan, as authorized representatives of M. Waseem, of a complaint for Forcible Entry with Prayer for the Immediate Issuance of Writ of Preliminary Injunction and/or Temporary Restraining Order with the Municipal Trial Court in Cities (MTCC), Olongapo City against Rodalyn and Muhammad and the other individuals who acted under their supervision. The case was docketed as Civil Case No. 7733 and raffled to Branch 3 of the MTCC, Olongapo City, Zambales.⁶

In their Answer, Rodalyn and Muhammad averred that the Deeds of Assignment executed with Hamza and Zeeshan were null and void for lack of valuable consideration as the assignees failed to pay for the shares. Thus, Rodalyn and Muhammad argued that they did not forcibly enter the leased property considering that they were still the majority owners of M. Waseem.⁷

² *Id.* at 8. The Decision of the Municipal Trial Court in Cities, Third Judicial Region, Olongapo City, Branch 3 in Civil Case No. 7733, dated August 24, 2018. Penned by Judge Rosalind R. Jungco-Abrigo.

³ *Id.* at 3, 8.

⁴ *Id.* at 9.

⁵ *Id.*

⁶ *Id.* at 3.

⁷ *Id.* at 10.

The MTCC decided in favor of Hamza and Zeeshan in its Decision⁸ dated August 24, 2018, the dispositive portion of which reads:

WHEREFORE, premises considered, judgment is hereby rendered in favor of the plaintiffs as follows:

1. Ordering the defendants and all persons claiming right[s] under them to vacate the premises situated at 35 Lot 70-A Innovative Street, Subic Bay Gateway Park, SBFZ, Olongapo City and peacefully return possession thereof to the plaintiffs;
2. Ordering the defendants to pay the plaintiffs the amount of One Hundred Thousand Pesos [[PHP] 100,000.00] per month for the use of the premises from the time of filing of the Complaint until the premises shall have been vacated and turned over to the plaintiffs;
3. Costs against the defendants.

SO ORDERED.⁹ (Emphasis in the original)

Aggrieved, Rodalyn and Muhammad appealed to the RTC, and filed the necessary appeal bond¹⁰ and surety bond¹¹ to cover the monthly rental during the appeal. The case was raffled to Branch 74, RTC, Olongapo City, Zambales.¹²

Meanwhile, Hamza and Zeeshan filed a Motion for Immediate Issuance of a Writ of Execution¹³ before the MTCC praying that a writ of execution be issued immediately as a matter of right, to enforce the August 24, 2018 decision of the MTCC.

The MTCC found merit in the motion and granted the Order of Execution and Writ of Execution. Meanwhile, Rodalyn and Muhammad filed a Petition for *Certiorari* with the Court of Appeals (CA) questioning the Order of Execution and Writ of Execution.¹⁴

Rodalyn narrated that on November 15, 2019, Sheriff Perez implemented the Writ of Execution notwithstanding the pendency of the Petition for *Certiorari* with the CA.¹⁵

⁸ *Id.* at 8–14. Penned by Judge Rosalind R. Jungco-Abrigo.

⁹ *Id.* at 13–14.

¹⁰ *Id.* at 15–16. Appeal bond official receipt, dated September 17, 2018.

¹¹ *Id.* at 17. Surety bond issued by Traveller Insurance Surety Corporation, dated November 14, 2018.

¹² *Id.* at 4.

¹³ *Id.* at 18–19.

¹⁴ *Id.* at 59.

¹⁵ *Id.* at 4.

Rodalyn alleged that Sheriff Perez had initially requested for assistance from the Subic Bay Metropolitan Authority (SBMA) to implement the Writ of Execution, but nonetheless proceeded with the enforcement of the writ even before the SBMA had acted on Sheriff Perez's request. Rodalyn likewise averred that during the implementation of the writ, Sheriff Perez was accompanied by men who acted like goons, and were not wearing identifiable uniforms.¹⁶

Rodalyn claimed that she tried to talk to Sheriff Perez to convince him to hold in abeyance the implementation of the writ. However, Rodalyn narrated that while Sheriff Perez was implementing the writ, Sheriff Perez punched her twice in her right forearm, which resulted in some bruising. In her *Reklamong Sinumpaang Salaysay*, Rodalyn attached photographs¹⁷ of the events which allegedly transpired during the enforcement of the writ. Rodalyn likewise submitted a Medico-Legal Certificate¹⁸ signed by Dr. Richard Patillano, indicating that she suffered a “*contusion/hematoma 5x4 cm anterior aspect of the right forearm, m/3rd area*” and “*residual contusion, right infra auricular area, front, no borders.*”¹⁹ The certificate likewise stated that Rodalyn was examined and treated at the James L. Gordon Memorial Hospital on November 15, 2019, and needed medical attention for less than nine days.²⁰

On November 26, 2019, Rodalyn filed her *Reklamong Sinumpaang Salaysay* against Sheriff Perez for Grave Misconduct and Conduct Unbecoming a Public Officer for his actions during the implementation of the writ of execution.²¹

In a 1st Indorsement²² dated January 10, 2020, the Office of the Court Administrator (OCA) referred the *Reklamong Sinumpaang Salaysay* to Sheriff Perez for his comment, to be submitted within 10 days from receipt of the Indorsement.

On March 2, 2020, Sheriff Perez filed a Motion for Extension of Time to File Comment,²³ seeking an extension of 30 days within which to file the same. The request for extension was granted by the OCA in its letter²⁴ dated

¹⁶ *Id.* at 59.

¹⁷ *Id.* at 23–26.

¹⁸ *Id.* at 21.

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.* at 59

²² *Id.* at 27.

²³ *Id.* at 28–29.

²⁴ *Id.* at 30.

March 9, 2020. However, despite the extension, no comment was submitted by Sheriff Perez.²⁵

Thereafter, the OCA sent a 1st Tracer²⁶ dated October 20, 2020 to Sheriff Perez, reiterating the previous directive for him to submit his comment within five days from receipt of the tracer, otherwise the matter would be submitted to the Court. Still, Sheriff Perez failed to submit his comment.²⁷

Report and Recommendation of the Acting Executive Director

In his Report and Recommendation²⁸ dated February 18, 2022, Acting Executive Director of the Judicial Integrity Board (JIB) Atty. James D.V. Navarrete recommended that Sheriff Perez be held liable for Simple Misconduct and Insubordination, to wit:

IN VIEW OF THE FOREGOING, it is respectfully recommended for the consideration of the Honorable Board that the following recommendations be made to the Supreme Court:

1. the instant administrative complaint be **RE-DOCKETED** as a regular administrative matter against respondent Christopher T. Perez, Sheriff IV, Branch 74, Regional Trial Court, Olongapo City, Zambales;
2. respondent Christopher T. Perez, Sheriff IV, Branch 74, Regional Trial Court, Olongapo City, Zambales, be found **GUILTY** of Simple Misconduct and for Insubordination; and
3. Mr. Perez be **FINED** in the amount of Twenty Thousand Pesos ([PHP] 20,000.00), payable within thirty (30) days from receipt of notice, and **STERNLY WARNED** that a repetition of the same or similar acts shall be dealt with more severely.²⁹ (Emphasis in the original)

Report and Recommendation of the JIB

The JIB adopted the factual findings of the Acting Executive Director, but modified its conclusion and recommendation in its Report³⁰ dated March 8, 2023, to wit:

²⁵ *Id.* at 60.

²⁶ *Id.* at 31.

²⁷ *Id.* at 60.

²⁸ *Id.* at 32–36.

²⁹ *Id.* at 35–36.

³⁰ *Id.* at 56–71. Penned by Justice Romeo J. Callejo, Sr. (retired Member of the Court), with Justices Angelina Sandoval-Gutierrez (retired Member of the Court), Sesinando E. Villon (retired Member of

ACCORDINGLY, the Judicial Integrity Board respectfully **RECOMMENDS** to the Honorable Supreme Court, that:

- (1) the instant administrative complaint be **RE-DOCKETED** as a regular administrative matter against Christopher T. Perez, Sheriff IV, Branch 74, Regional Trial Court, Olongapo City, Zambales;
- (2) Christopher T. Perez be found **GUILTY** of Grave Abuse of Authority and Gross Insubordination and be **DISMISSED FROM THE SERVICE** with forfeiture of all or part of the benefits as the Supreme Court may determine, and disqualification from reinstatement or appointment to any public office, including government-owned or -controlled corporations, *provided*, however, that the forfeiture of benefits shall in no case include accrued leave credits.³¹ (Emphasis in the original)

The JIB stated that while it was Sheriff Perez's duty to enforce the writ of execution, the infliction of bodily harm upon Rodalyn was unjustifiable and constituted grave abuse of authority.³² Moreover, the JIB found that Sheriff Perez's failure to submit his comment despite repeated directives from the OCA was tantamount to gross insubordination.³³ The JIB expounded that Sheriff Perez's failure to answer the charges against him despite the numerous opportunities given him led to the waiver of his right to defend himself, and was, in effect, an implied admission of the veracity of the allegations against him.³⁴ Finally, the JIB observed that the instant case is already the tenth administrative complaint filed against Sheriff Perez, with him being found administratively liable numerous times in the past.³⁵ Thus, the JIB recommended Sheriff Perez's dismissal from service.

The Issue

The issue before the Court is whether Sheriff Perez should be held administratively liable for Grave Abuse of Authority and Gross Insubordination.

Our Ruling

The Court adopts the factual findings of the JIB, but finds it necessary to modify the administrative liability of Sheriff Perez.

the Court of Appeals), Rodolfo A. Ponferrada (retired Member of the Sandiganbayan), and Cielito N. Mindaro-Grulla (retired Member of the Court of Tax Appeals).

³¹ *Id.* at 70.

³² *Id.* at 62–63.

³³ *Id.* at 65–66.

³⁴ *Id.* at 63.

³⁵ *Id.* at 67–69.

At the outset, the Court notes that Sheriff Perez has repeatedly failed to submit his comment despite the numerous opportunities given to him by the OCA.

After the complaint against Sheriff Perez was filed on November 26, 2020, the OCA, on January 10, 2020, referred the complaint to Sheriff Perez *via* the 1st Indorsement wherein he was given 10 days from receipt thereof to submit his comment.³⁶

On March 2, 2020, Sheriff Perez submitted a Motion for Extension of Time to File Comment,³⁷ which the OCA granted but despite the extension, Sheriff Perez failed to submit his comment.

On October 20, 2020, the OCA sent a 1st Tracer³⁸ to Sheriff Perez, reiterating the previous directive for him to submit his comment, this time within five days from receipt of the tracer, otherwise the matter would be submitted to the Court. However, despite the repeated directives, Sheriff Perez still failed to submit his comment.³⁹

Based on the records, Sheriff Perez has been given several opportunities to submit his comment and address the allegations against him. There was also no question that Sheriff Perez knows of the existence of the complaint, as evidenced by his filing of a motion for extension of time to file his comment. Yet, despite the numerous opportunities given him, and notwithstanding the consideration given by the OCA in granting his motion for extension, Sheriff Perez continued to display a clear dispassion towards the complaint filed against him.

On this score, the Court echoes with approbation the finding of the JIB that Sheriff Perez's continued disregard of the directives to file his comment constitutes a waiver of his right to defend himself. In *Mendoza v. Tablizo*,⁴⁰ the Court discussed:

The failure of Tablizo to appear and answer the charges against him despite all the opportunities he was given constitutes a waiver of his right to defend himself. As correctly observed in the Memorandum of the Office of the Court Administrator, in the natural order of things, a man would resist an unfounded claim or imputation and defend himself. It is totally against human nature to remain silent and say nothing in the face of false accusations. In the

³⁶ *Id.* at 27.

³⁷ *Id.* at 28-29.

³⁸ *Id.* at 31.

³⁹ *Id.* at 60.

⁴⁰ 614 Phil. 30 (2009) [Per C.J.Puno, *En Banc*].

case at bar, Tablizo's silence may be construed as an implied admission and acknowledgment of the veracity of the allegations stated in the sworn Letter-Complaint filed by Mendoza – the veracity of which he could have easily debunked had he come to the fore to assail them. By his silence, he admitted, albeit tacitly, the allegations subscribed and sworn to by Mendoza that he cancelled the auction sale without the knowledge of the Executive Judge and without notice to Mendoza . . .⁴¹ (Citation omitted)

Sheriff Perez's patent indifference towards the complaint against him is grossly inconsistent with the actions of a person against whom a false accusation has been made. Silence is admission if there was a chance to deny, especially if it constitutes one of the principal charges against the respondent.⁴²

Sheriff Perez is guilty of grave abuse of authority for inflicting bodily harm on Rodalyn.

In her *Reklamong Sinumpaang Salaysay*, Rodalyn alleged that when Sheriff Perez was enforcing the writ of execution, she was punched by him twice on the forearm, which resulted to some bruising.

To substantiate her claim, Rodalyn submitted photographs⁴³ of the events which transpired during the enforcement of the writ. Rodalyn likewise submitted a Medico-Legal Certificate⁴⁴ that she was examined and treated at the James L. Gordon Memorial Hospital on November 15, 2019. The certificate showed that she suffered a “*contusion/hematoma 5x4 cm anterior aspect of the right forearm, m/3rd area*” and “*residual contusion, right infra auricular area, front, no boarders,*”⁴⁵ and needed medical attention for less than nine days.

With these pieces of evidence, Rodalyn discharged the burden of establishing her averments by substantial evidence.⁴⁶ The burden then shifted to Sheriff Perez to disprove the allegations against him. However, as earlier discussed, Sheriff Perez refused to comply with the directives to submit his comment, and failed to controvert the pieces of evidence introduced by Rodalyn. Consequently, the only tenable conclusion is that Sheriff Perez indeed inflicted bodily harm upon Rodalyn, and is thus guilty of grave abuse of authority.

⁴¹ *Id.* at 35.

⁴² *Alcaraz v. Lindo*, 471 Phil. 39, 44 (2004) [Per J. Ynares-Santiago, First Division].

⁴³ *Rollo*, pp. 23–26.

⁴⁴ *Id.* at 21.

⁴⁵ *Id.*

⁴⁶ *See Cruz v. Iturralde*, 450 Phil. 77, 85 (2003) [Per J. Panganiban, Third Division]; *Concerned Employees of the MTC of Meycauayan, Bulacan v. Paguio-Bacani*, 611 Phil. 630, 638 (2009) [Per J. Peralta, Third Division].

Grave abuse of authority is defined as a misdemeanor committed by a public officer, who under color of their office, wrongfully inflicts upon any person any bodily harm, imprisonment or other injury. It is an act of cruelty, severity, or excessive use of authority.⁴⁷

In the instant case, Sheriff Perez utterly failed to justify the necessity of using force upon Rodalyn. Thus, his actions which led to Rodalyn suffering bodily harm and injury can only be taken to be grossly unnecessary, and renders him administratively accountable.

Sheriffs, like Sheriff Perez, being ranking officers of the court and agents of the law, must discharge their duties with great care and diligence. In serving and implementing writs, as well as processes and orders of the court, they cannot afford to err without affecting adversely the proper dispensation of justice. They play an important role in the administration of justice. As agents of the law, high standards are expected of them. Sheriffs should always hold inviolate and invigorate the tenet that a public office is a public trust. In this light, they are expected to know the rules of procedure pertaining to their functions as officers of the court, relative to the implementation of writs of execution. At all times they should show a high degree of professionalism in the performance of their duties. Any act deviating from the procedure laid down by the Rules of Court is misconduct that warrants disciplinary action, which may be deemed as Simple Neglect of Duty or even Grave Abuse of Authority.⁴⁸

In *Garlan v. Sigales*,⁴⁹ the Court elucidated upon the obligation of sheriffs to perform their duties without resorting to unwarranted violence:

Sheriffs are public officers with whom public trust is reposed. They are obliged to perform their duties while respecting the party litigants' rights, without needless violence and oppression. In *Spouses Stilgrove v. Sabas*:

It is well to remind Sheriffs and Deputy Sheriffs that they are officers of the court, and considered agents of the law. They form an integral part of the administration of justice because they are called upon to serve court writs, execute all processes, and carry into effect the orders of the Court, as such, they should discharge their duties with due care and utmost diligence. The expeditious and efficient execution of court orders and writs should not be at the expense of due process and fair play.⁵⁰

⁴⁷ See *Office of the Ombudsman v. Caberoy*, 746 Phil. 111, 119 (2014) [Per J. Reyes, Third Division].

⁴⁸ *Sabijon v. De Juan*, 752 Phil. 110, 117-118 (2015) [Per J. Perlas-Bernabe, First Division].

⁴⁹ A.M. No. P-19-3966, February 17, 2021 [Per J. Leonen, Special Third Division].

⁵⁰ *Id.*

Time and again, the Court has reiterated that sheriffs are burdened with the responsibility of adhering to high ethical standards to preserve the courts' good name and standing. They should be an example of responsibility, competence and efficiency, and they must discharge their duties with due care and utmost diligence, since they are officers of the Court and agents of the law. Faith of the people in the Judiciary rests equally in their hands.⁵¹

Sheriff Perez's repeated disregard of the directives of the OCA is tantamount to gross insubordination.

Gross insubordination is defined as the inexplicable and unjustified refusal to obey some order that a superior is entitled to give and have obeyed, and imports a willful or intentional disregard of the lawful and reasonable instructions of the superior.⁵²

The Court has previously held that repeated non-compliance with the OCA's directive to furnish a comment on a complaint, may be construed as a gross insubordination. This constitutes a clear and willful disrespect, not just for the OCA, but also for the Court, which exercises direct administrative supervision over trial court officers and employees through the OCA. This non-compliance is tantamount to insubordination to the Court itself.⁵³

Moreover, as appropriately highlighted by the JIB, while the tracers of the OCA are not resolutions of this Court, the same principle applies to them. Court personnel who are subject to administrative complaints cannot just ignore directives for them to comment on a complaint. Doing so only shows their utter lack of respect for the Court and the institution they represent.⁵⁴

It is through the OCA that the Supreme Court exercises supervision over all lower courts and personnel thereof. The prolonged and repeated refusal to comply with the directives of the OCA to comment on a complaint constitutes a clear and willful disrespect for lawful orders of the OCA. Such defiance is tantamount to gross insubordination.⁵⁵

⁵¹ See *Hernandez v. Aribuabo*, 400 Phil. 763, 767 (2000) [Per J. Mendoza, Second Division].

⁵² See *Malubay v. Guevara*, 846 Phil. 227, 237 (2019) [*Per Curiam, En Banc*].

⁵³ See *Tan v. Sermonia*, 612 Phil. 314, 325 (2009) [Per J. Chico-Nazario, Third Division].

⁵⁴ See *Santos v. Leaño*, 781 Phil. 342, 361 (2016) [*Per Curiam, En Banc*].

⁵⁵ See *Pacquing v. Gobarde*, 550 Phil. 58, 62 (2007) [Per J. Nachura, Third Division].

Penalty

In its Report and Recommendation, the JIB found Sheriff Perez guilty of (1) Grave Abuse of Authority and (2) Gross Insubordination, and recommended that Sheriff Perez be dismissed from the service.

Grave Abuse of Authority and Gross Insubordination are both classified as serious charges under Rule 140, Section 14 of the Rules of Court, as amended by A.M. No. 21-08-09-SC.

Serious charges are penalized under Rule 140, Section 17 of the Rules of Court, as amended by A.M. No. 21-08-09-SC, which provides:

SECTION 17. *Sanctions.*—

- (1) If the respondent is guilty of a serious charge, any of the following sanctions shall be imposed:
 - (a) **Dismissal from service**, forfeiture of all or part of the benefits as the Supreme Court may determine, and disqualification from reinstatement or appointment to any public office, including government-owned or -controlled corporations. *Provided, however*, that the forfeiture of benefits shall in no case include accrued leave credits;
 - (b) Suspension from office without salary and other benefits for more than six (6) months but not exceeding one (1) year; or
 - (c) **A fine of more than [PHP] 100,000.00 but not exceeding [PHP] 200,000.00.** (Emphasis supplied)

Corollarily, Rule 140, Section 21, as amended, provides for the imposition of separate penalties in case a respondent is found liable for more than one offense arising from separate acts in a single proceeding. Section 21 reads:

SECTION 21. *Penalty for Multiple Offenses.* – If the respondent is found liable for more than one (1) offense arising from separate acts or omissions in a single administrative proceeding, the Court shall impose **separate penalties for each offense.** (Emphasis supplied)

Based on the above, it is clear that the imposition of the separate penalties of *fine* for the serious charge of gross insubordination, and *dismissal from the service* for the serious charge of grave abuse of authority, is within the bounds provided for by the Rules of Court. Moreover, the imposition of separate

penalties for each offense is more in keeping with the high standards of judicial conduct, propriety, and decorum expected of court employees.⁵⁶

From the foregoing, and considering the alarming nature of Sheriff Perez' actions inflicting bodily harm upon Rodalyn, the Court finds it necessary and within the bounds of the Rules of Court, to impose the twin penalties of (1) dismissal from the service for Sheriff Perez's actions constituting Grave Abuse of Authority, and (2) fine in the amount of PHP 110,000.00 for his omission amounting to Gross Insubordination. The amount of the fine imposed shall be paid by Sheriff Perez within three months from receipt of the Court's Decision. If unpaid, such amount shall be deducted from the monetary equivalent of his accrued leave credits.⁵⁷

The imposition of the penalties of dismissal and fine becomes even more justified when taking into consideration the JIB's observation that this is far from the first time where Sheriff Perez had been administratively charged and penalized.

In A.M. No. P-08-2430,⁵⁸ entitled *Atty. Leopoldo C. Lacambra v. Christopher T. Perez*, Sheriff Perez was found liable for Neglect of Duty on account of his failure to implement the Writ of Execution for more than three years, and was suspended from office for two months without pay with warning that a repetition of the same or similar offense in the future shall be dealt with more severely.

In A.M. No. P-10-2849,⁵⁹ entitled *Casas v. Christopher T. Perez*, Sheriff Perez was fined for violating Presidential Decree No. 26, otherwise known as the Franking Privilege Law, for sending his comment through registered mail without paying the appropriate postage as shown on the face of its mailing envelope. He was fined in the amount of PHP 500.00, with a stern warning that a repetition of the same or similar infraction in the future shall be dealt with more severely.

⁵⁶ See A.M. No. 21-08-09-SC, sec. 21 (Annotated Version).

⁵⁷ See A.M. No. 21-08-09-SC, sec. 22, which provides:

SECTION 22. *Payment of Fines.* – When the penalty imposed is a fine, the respondent shall pay it within a period not exceeding three (3) months from the time the decision or resolution is promulgated. If unpaid, such amount may be deducted from the salaries and benefits, including accrued leave credits, due to the respondent. The deduction of unpaid fines from accrued leave credits, which is considered as a form of compensation, is not tantamount to the imposition of the accessory penalty of forfeiture covered under the provisions of this Rule.

⁵⁸ 580 Phil. 33 (2008) [Per J. Quisumbing, Second Division].

⁵⁹ *Rollo*, pp. 39–40. Notice of the Resolution dated September 6, 2010 of the Court's Second Division.

In A.M. No. P-10-2780,⁶⁰ entitled *Office of the Court Administrator v. Christopher T. Perez*, Sheriff Perez was once again found guilty of Neglect of Duty for failure to promptly comply with the directive of the Court, and was penalized with a fine in the amount of PHP 5,000.00, with a warning that a repetition of the same infraction in the future shall be dealt with more severely.

In A.M. No. P-17-3759,⁶¹ entitled *Stahl v. Christopher T. Perez*, Sheriff Perez was found guilty, this time, of Conduct Unbecoming a Court Employee for his willful failure to pay just debts. He was admonished, with a warning that a repetition of the same or similar act would be dealt with more severely.

As pointed out by the JIB, the instant case is already the tenth administrative complaint filed against Sheriff Perez since 2002.⁶² Given that he has been the subject of numerous complaints and has received repeated reminders from the Court that any recurrence of the same or similar actions would be met with more severe consequences, Sheriff Perez ought to have exercised due care, and abstained from engaging in any behavior that could render him administratively accountable. Instead, Sheriff Perez displayed clearly disconcerting behavior, as proven in the instant case.

The Court has repeatedly emphasized that any act or omission of any court employee diminishing or tending to diminish public trust and confidence in the courts will not be tolerated and that the Court will not hesitate to impose the ultimate penalty on those who fall short of their accountabilities. Thus, In *Sabijon v. De Juan*,⁶³ We discussed:

It bears noting that a Sheriff is a front-line representative of the justice system in this country. Once he loses the people's trust, he diminishes the people's faith in the judiciary. High standards of conduct are expected of sheriffs who play an important role in the administration of justice. They are tasked with the primary duty to execute final judgments and orders of the courts. When a writ is placed in the hands of a sheriff, it becomes his ministerial duty to proceed with reasonable celerity and promptness to implement it in accordance with its mandate. Doubtless, a sheriff must always act with a high degree of professionalism and responsibility. Their conduct must not only be characterized by propriety and decorum, but must also be in accordance with the law and court regulations. No position demands greater moral righteousness and uprightness from its holder than an office in the judiciary. Court employees should be models of uprightness, fairness and honesty to maintain the people's respect and faith in the judiciary. The conduct of court personnel, therefore, must not only be, but must also be perceived to be, free from any whiff of impropriety, both with respect to their

⁶⁰ *Id.* at 50–51. Resolution dated February 23, 2010 of the Court *En Banc*.

⁶¹ *Id.* at 52–55. Notice of the Resolution dated September 27, 2017 of the Court's Third Division.

⁶² *Id.* at 68.

⁶³ *Sabijon v. De Juan*, 752 Phil. 111 (2015) [Per J. Perlas-Bernabe, First Division].

duties in the judiciary and to their behavior outside the court. Any act or omission of any court employee diminishing or tending to diminish public trust and confidence in the courts will not be tolerated. The Court will not hesitate to impose the ultimate penalty on those who fall short of their accountabilities.⁶⁴ (Citations omitted)

Throughout his career, Sheriff Perez has displayed a propensity to commit administrative violations despite several warnings from the Court. It is apparent, through a careful examination of his conduct, that he has not learned his lesson, nor shown signs of improving his behavior despite being afforded the opportunity to do so. The unsettling nature of his actions in the instant case, along with his proclivity to commit administrative infractions, warrants nothing less than his dismissal from the service.

In view of all the foregoing, the Court deems it proper to adopt the factual findings of the JIB but modify its recommended penalty by imposing the penalties of 1) dismissal from service, along with the forfeiture of all benefits, except accrued leave credits, and with prejudice to reemployment in any branch or instrumentality of the government including government-owned or controlled corporations, and 2) fine of PHP 110,000.00, to be paid within three months from the promulgation of this decision.

Judicial office demands the best possible men and women in the service. The Court will not hesitate to rid its ranks of undesirables who undermine its efforts towards effective and efficient administration of justice, thus tainting its image in the eyes of the public.⁶⁵

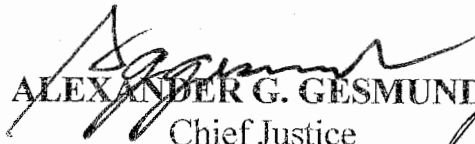
ACCORDINGLY, the Court rules that:

1. Christopher T. Perez be found **GUILTY** of Grave Abuse of Authority and be **DISMISSED FROM THE SERVICE** with forfeiture of all benefits, and disqualification from reinstatement or appointment to any public office, including government-owned or -controlled corporations. *Provided, however*, that the forfeiture of benefits shall in no case include accrued leave credits; and
2. Christopher T. Perez be found **GUILTY** of Gross Insubordination and be meted with a penalty of a **FINE** in the amount of PHP 110,000.00. He shall pay the fine within a period not exceeding three (3) months from the time this decision is promulgated. If unpaid, such amount may be deducted from the accrued leave credits due to him.

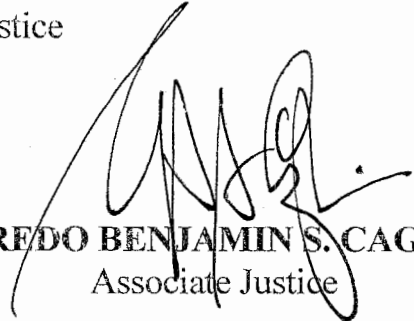
⁶⁴ *Id.* at 122.


⁶⁵ *Sadik v. Casar*, 334 Phil. 1, 15 (1997) [*Per Curiam, En Banc*].

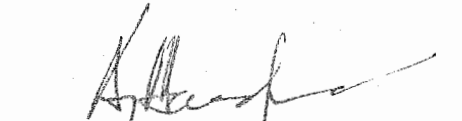
SO ORDERED.



ALEXANDER G. GESMUNDO
Chief Justice

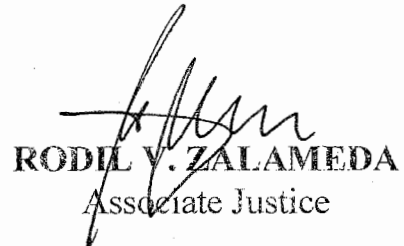

MARVIC M.V.F. LEONEN
Senior Associate Justice

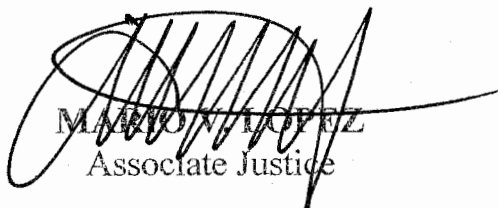

ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

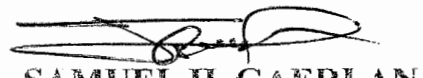

RAMON PAUL L. HERNANDO
Associate Justice


AMY C. LAZARO-JAVIER
Associate Justice


HENRI JEAN PAUL B. INTING
Associate Justice

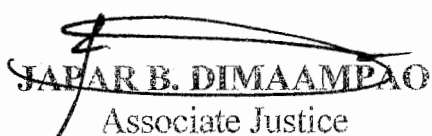

RODIL V. ZALAMEDA
Associate Justice

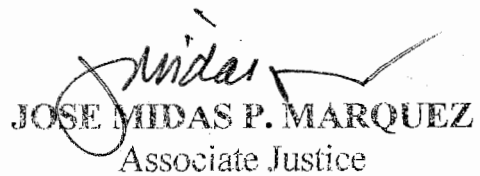

MARIO LOPEZ
Associate Justice


SAMUEL H. GAERLAN
Associate Justice


RICARDO R. ROSARIO
Associate Justice


JHOSEP Y. LOPEZ
Associate Justice


JAPAR B. DIMAAMPAO
Associate Justice


JOSE MIDAS P. MARQUEZ
Associate Justice


ANTONIO T. KHO, JR.
Associate Justice


MARIA FILOMENA D. SINGH
Associate Justice