



Republic of the Philippines  
Supreme Court  
Manila

EN BANC

ATTY. BONIFACIO A.  
ALENTAJAN,  
Complainant,

A.M. No. P-23-105  
[Formerly OCA IPI No. 18-4848-P]

-versus-

Present:

REYNER S. DE JESUS, Sheriff  
IV, Branch 109, Regional Trial  
Court, Pasay City,  
Respondent.

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

Promulgated:

May 28, 2024

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DECISION

KHO, JR., J.:

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This administrative matter arose from a Letter-Complaint<sup>1</sup> dated June 25, 2018 and received by the Court on July 20, 2018 filed by complainant Atty. Bonifacio A. Alentajan (Atty. Alentajan), praying, *inter alia*, that respondent Reyner S. De Jesus (De Jesus), Sheriff IV of Branch 109, Regional Trial Court (RTC), Pasay City be dismissed from the service.

### The Facts

Atty. Alentajan alleged that following the ruling in *Roxas v. Republic Real Estate Corporation*,<sup>2</sup> and the consequent remand of Civil Case No. 2229-P to the RTC for execution proceedings, he filed on January 24, 2017 an Amended Motion for Issuance of *Alias* Writ of Execution, which the RTC granted. In the *Alias* Writ of Execution<sup>3</sup> dated September 15, 2017 (subject writ), the RTC directed De Jesus as follows:

NOW THEREFORE, you are hereby commanded to cause the implementation of the decision of this Court as modified by the Court of Appeals and the Supreme Court upon the plaintiff thru the Commission on Audit pursuant to COA Circular No. 2001-002.

In case sufficient personal properties of the plaintiff cannot be found to satisfy the amount of the said judgment, costs, interest[,] and your fees thereon, then you are hereby directed to levy the real property/ies of the said plaintiff and to sell the same or so much thereof in the manner provided for by law for the satisfaction of the said judgment and make a return of this writ with your proceedings indorsed thereon within sixty (60) days from receipt hereof.<sup>4</sup>

Atty. Alentajan then intimated that sometime in May 2018, De Jesus collected from him the amount of PHP 35,000.00 purportedly for the publication and posting of the notice of auction sale. However, as of the date of the Letter-Complaint, De Jesus has yet to cause the execution of the subject writ; and worse, he could no longer be located.<sup>5</sup>

In his Comment,<sup>6</sup> De Jesus denied the accusations against him. He maintained that sometime in May 2018, he was just informed by a staff of the RTC that Atty. Alentajan left an envelope for him containing cash in the amount of PHP 32,000.00 (and not PHP 35,000.00 as alleged by Atty. Alentajan), purportedly for the payment of the publication of the auction sale. De Jesus claimed that sometime in the first week of June 2018, he chanced upon Atty. Alentajan within the court premises and told him that: (a) he (De Jesus) has yet to receive a copy of the subject writ, and that once he does, the

<sup>1</sup> *Rollo*, pp. 3-4.

<sup>2</sup> 786 Phil. 163 (2016) [Per J. Leonen, Second Division].

<sup>3</sup> *Rollo*, pp. 11-21. Penned by Presiding Judge Tingaraan U. Guiling.

<sup>4</sup> *Id.* at 21.

<sup>5</sup> *Id.* at 4.

<sup>6</sup> *Id.* at 26-32.

same will still be served to the Commission on Audit (COA); and (b) Atty. Alentajan should just get back the envelope pending the foregoing. However, Atty. Alentajan got mad at him and threatened him. Further, he pointed out that the adverse party is questioning Atty. Alentajan's personality to appear in Civil Case No. 2229-P, and hence, this issue must be resolved first before he could act on the subject writ. In light of these, he claimed that the complaint against him is premature and bereft of merit.<sup>7</sup>

In a Report and Recommendation<sup>8</sup> dated February 16, 2022, the Judicial Integrity Board (JIB) found *prima facie* merit in the Complaint, and consequently, referred the matter to the Office of the Court Administrator (OCA) for investigation, report, and recommendation.<sup>9</sup> In turn, the OCA referred the same to the Executive Judge of the RTC Pasay, Executive Judge Divina Gracia L. Peliño (EJ Peliño) for investigation.<sup>10</sup>

In her Investigation Report<sup>11</sup> dated April 7, 2022, EJ Peliño stated that she was able to interview De Jesus and other personnel of the RTC and made the following findings: (a) *De Jesus did not personally receive the envelope containing money from Atty. Alentajan, but rather, a personnel of the RTC received it and turned it over to him;* (b) *said personnel, Fe Forcadilla, confirmed receiving such envelope which was staple-sealed and has an indication that it contained PHP 32,000.00, and that she turned it over to De Jesus;* (c) De Jesus claimed that he could not implement the subject writ since he has yet received a copy thereof, and even if he already did, he will still serve the same to the COA; (d) as per Certification issued by the Officer-in-Charge of the RTC, the subject writ has not been implemented; (e) on April 6, 2022, De Jesus approached her and asked her if he could still submit additional evidence, which she granted; (f) *De Jesus submitted an affidavit executed by a personnel of the RTC stating that as of October 2018, De Jesus already returned the envelope containing the money to Atty. Alentajan;* and (g) when quizzed on why such affidavit was attached in the Comment he earlier filed, De Jesus contended that pursuant to the directive given to him, he submitted his Comment in September 2018, and the return of the money occurred only a month later.<sup>12</sup>

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<sup>7</sup> *Id.* at 27–30.

<sup>8</sup> *Id.* at 41–46. Penned by First Regular Member Justice Sesinando E. Villon (Ret.) and concurred in by Chairperson Justice Romeo S. Callejo, Sr. (Ret.), Vice Chairperson Justice Angelina Sandoval-Gutierrez (Ret.), and Second Regular Member Rodolfo A. Ponferrada (Ret.).

<sup>9</sup> *Id.* at 45.

<sup>10</sup> *Id.* at 58.

<sup>11</sup> *Id.* at 78–80.

<sup>12</sup> *Id.*

### The OCA and JIB Report and Recommendation

In a Memorandum<sup>13</sup> dated July 1, 2022, the OCA recommended that De Jesus be found administratively liable for gross neglect of duty, violation of Supreme Court rules, directives, and circulars, and gross misconduct, and consequently, be penalized as follows: (a) for the first two offenses, a singular penalty of fine of PHP 100,000.00; and (b) for the last offense, dismissal from the service, forfeiture of all his benefits, and disqualification from reinstatement or appointment to any public office, including government-owned or -controlled corporations.<sup>14</sup>

In so recommending, the OCA found as follows:

*First*, the OCA found that from the time the subject writ was issued on September 15, 2017 up to the Court's receipt of the Complaint on July 2, 2018, or a period of almost 10 months, the subject writ had not been implemented. According to the OCA, this considerable lapse of time in which De Jesus failed to implement the subject writ only shows his neglect of duty as a sheriff. In this regard, the OCA found untenable De Jesus's claims that he has yet to receive a copy of the subject writ and that there are issues that have yet to be resolved before he could implement the same, pointing out that: (a) it is highly improbable for him not to immediately get a copy of the subject writ as the RTC which issued the writ is where he is stationed; and (b) if De Jesus had any doubts in implementing the subject writ, then he should have raised the same to the court instead of not implementing the writ. For this, De Jesus should be held liable for gross neglect of duty.<sup>15</sup>

*Second*, aside from this failure to implement the subject writ, the OCA also found that De Jesus was remiss in his duty in filing periodic reports on the status of the writs of execution issued by the RTC, thereby violating Administrative Circular No. 12 which provides for the guidelines and procedure in the service and execution of court writs. As such, the OCA found De Jesus administratively liable for violation of Supreme Court rules, directives, and circulars.<sup>16</sup>

*Finally*, the OCA explained that there are various case law stating that: (a) sheriffs are not authorized to receive direct payments from winning litigants, except for sheriff's fees, and that any amount to be paid for the execution of writs should be directed to the Clerk of Court; and (b) any amount received by sheriffs in excess of lawful fees allowed is considered as an unlawful exaction, regardless of good faith, thereby rendering them

<sup>13</sup> *Id.* at 55–77. Signed by Court Administrator Raul B. Villanueva and Assistant Court Administrator Maria Regina Adoracion Filomena M. Ignacio.

<sup>14</sup> *Id.* at 76–77.

<sup>15</sup> *Id.* at 60–66.

<sup>16</sup> *Id.* at 63–66.

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administratively liable for, *inter alia*, gross misconduct. Applying the foregoing to this case, the OCA found that De Jesus's acts of receiving the money from Atty. Alentajan and failure to prove that he exerted earnest efforts to return the same, taken as a whole, constitutes gross misconduct.<sup>17</sup>

In a Report<sup>18</sup> dated April 3, 2023, the JIB adopted the findings and recommendations of the OCA, with the following modifications as to the penalties to be imposed on De Jesus: (a) for gross misconduct, dismissal from the service, with forfeiture of all benefits, except accrued leave credits, and disqualification from reinstatement or appointment to any public office, including government-owned or -controlled corporations; (b) for gross neglect of duty, a fine of PHP 100,000.00; and (c) for violation of Supreme Court rules, directives, and circulars, also a fine of PHP 100,000.00.<sup>19</sup>

### The Issue Before the Court

The issue for the Court's resolution is whether or not respondent Reyner S. De Jesus should be held administratively liable as found and recommended by the JIB.

### The Court's Ruling

The Court adopts with modifications the findings and recommendations of the JIB, as will be explained hereunder.

#### *Gross Neglect of Duty.*

Gross Neglect of Duty is considered as a serious charge under Section 14(d) of Rule 140, as further amended. In *Son v. Leyva*,<sup>20</sup> the Court explained that “[g]ross neglect of duty or gross negligence ‘refers to negligence characterized by the want of even slight care, or by acting or omitting to act in a situation where there is a duty to act, not inadvertently but willfully and intentionally, with a conscious indifference to the consequences, insofar as other persons may be affected. It is the omission of that care that even inattentive and thoughtless men never fail to give to their own property.’ It denotes a flagrant and culpable refusal or unwillingness of a person to perform

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<sup>17</sup> *Id.* at 66–70.

<sup>18</sup> *Id.* at 85–98. Penned by Third Regular Member Justice Cielito N. Mindaro-Grulla (Ret.) and concurred in by Chairperson Justice Romeo J. Callejo (Ret.), Vice Chairperson Justice Angelina Sandoval-Gutierrez (Ret.), and Second Regular Member Justice Rodolfo A. Ponferrada (Ret.); First Regular Member Justice Sesinando E. Villon (Ret.) inhibited.

<sup>19</sup> *Id.* at 96–97.

<sup>20</sup> 867 Phil. 23 (2019) [Per J. Lazaro-Javier, First Division].

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a duty. In cases involving public officials, gross negligence occurs when a breach of duty is flagrant and palpable.”<sup>21</sup>

As applied to sheriffs, such as respondent in this case, it must be stressed they “play an important role in the administration of justice. They are tasked to execute final judgments of the courts. If not enforced, such decisions become empty victories of the prevailing parties. As agents of the law, sheriffs are called upon to discharge their duties with due care and utmost diligence because in serving the court’s writs and processes and implementing its orders, they cannot afford to err without affecting the integrity of their office and the efficient administration of justice.”<sup>22</sup> Further, they “ought to know that they have a sworn responsibility to serve writs of execution with utmost dispatch. When writs are placed in their hands, it is their ministerial duty to proceed with reasonable celerity and promptness to execute them in accordance with their mandate. Unless restrained by a court order, they should see to it that the execution of judgments is not unduly delayed. Accordingly, they must comply with their mandated ministerial duty as speedily as possible. As agents of the law, high standards are expected of sheriffs.”<sup>23</sup>

In *Holasca v. Pagunsan, Jr.*,<sup>24</sup> the Court further elucidated on the duties of sheriffs, as follows:

Sheriffs play an important role in the administration of justice because they are tasked to execute final judgments of the courts, which would otherwise become empty victories for the prevailing party, if left unenforced. As agents of the law, sheriffs are mandated to uphold the majesty of the law, as embodied in the decision, *without unnecessary delay* to prevent injury or damage to the winning party. There is no need for the litigants to “follow-up” the sheriff’s implementation of the writ. Once the writ is placed in their hands, sheriffs are duty-bound to proceed and see to it that the execution of judgments is not unduly delayed.

The duties of the sheriff in implementing writs of execution are explicitly laid down in the Rules of Court (Rules). Paragraphs (c) and (d) of Section 10, Rule 39 of the Rules provide for the manner a writ for the delivery or the restitution of real property shall be enforced by the sheriff. Section 14, Rule 39 of the Rules, on the other hand, requires sheriffs to execute and make a return on the writ of execution after its implementation.

The above provisions enumerate the following duties of a sheriff: first, to give notice of the writ and demand that the judgment obligor and all persons claiming under him vacate the property within three (3) days; second, to enforce the writ by removing the judgment obligor and all persons claiming under the latter; third, to remove the latter’s personal belongings in the property as well as destroy, demolish or remove the

<sup>21</sup> *Id.* at 38, citing *Office of the Ombudsman v. De Leon*, 705 Phil. 26, 37–38 (2013) [Per J. Bersamin, First Division].

<sup>22</sup> *Mahusay v. Gareza*, 782 Phil. 1, 8 (2016) [Per Curiam, En Banc], citing *Miranda v. Raymundo, Jr.*, 749 Phil. 9, 14 (2014) [Per J. Peralta, Third Division].

<sup>23</sup> *Id.*

<sup>24</sup> 739 Phil. 315 (2014) [Per J. Brion, Second Division].

improvements constructed thereon upon special court order; and fourth, to execute and make a return on the writ within 30 days from receipt of the writ and every 30 days thereafter until it is satisfied in full or until its effectivity expires.

These provisions leave no room for any exercise of discretion on the part of the sheriff on how to perform his or her duties in implementing the writ. A sheriff's compliance with the Rules is not merely directory but mandatory. A sheriff is expected to know the rules of procedure pertaining to his functions as an officer of the court.

....

Time and again this Court has pointed out that high standards are expected of sheriffs who play an important role in the administration of justice. ***In serving court writs and processes, sheriffs should see to it that the execution of judgments is not unduly delayed. Once a writ is placed in his hand, it becomes the sheriff's duty to proceed with reasonable speed to enforce the writ to the letter, ensuring at all times that the implementation of the judgment is not unjustifiably deferred,*** unless the execution of which is restrained by the court. As emphasized in *Astorga and Repol Law Offices v. Roxas*, sheriffs should be mindful that litigations do not end merely with the promulgation of judgments. Execution of judgments, being the final stage in the litigation process, should be carried out speedily.<sup>25</sup> (Emphasis supplied)

Here, it is undisputed that Sheriff failed to implement the subject writ from the time it was issued on September 15, 2017 up to the Court's receipt of the Complaint on July 2, 2018, or a period of almost 10 months. As aptly observed by the OCA and echoed by the JIB, respondent "offers no other excuse from his failure to implement the [subject] writ other than his statement that he has not received a copy [thereof]. Such an excuse is highly improbable[,] considering that the subject writ originates from the same office where he belongs. At the very least, as branch sheriff, he has the duty to monitor all writs, orders, and other court processes issued by his Presiding Judge, as he also has the corresponding duty to implement said writs, orders, and processes. His failure to discharge such functions for an unreasonable length of time speaks strongly about his dedication as an officer of the court."<sup>26</sup> Verily, respondent's inordinate delay in implementing the subject writ constitutes a flagrant and culpable refusal of his duties as a sheriff, and as such, he should be held liable for gross neglect of duty.

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<sup>25</sup> *Id.* at 324-327.

<sup>26</sup> *See rollo*, pp. 65, 94.

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*Violation of Supreme Court Rules,  
Directives and Circulars that  
Establish an Internal Policy, Rule of  
Procedure, or Protocol.*

Section 15(e) of Rule 140, as further amended, classifies “Violation of Supreme Court rules, directives and circulars that establish an internal policy, rule of procedure, or protocol” as a less serious charge. To further understand the nature of this offense, the Court’s annotation to this provision is illuminating, to wit:

**NOTES:** The phrase “that establish an internal policy, rule of procedure, or protocol” is added to this provision, considering that the charge “Violation of Supreme Court Rules, Directives, and Circulars” should not indiscriminately apply to any and all Supreme Court issuances, lest mere restatements of general ethical principles, without more, be superfluously considered as a separate charge. It is discerned that only those rules, directives, and circulars **which establish a distinct internal policy, rule of procedure, or protocol should result into a separate offense on its own.** (Emphasis in the original)

Here, the Supreme Court circular—which is not a mere restatement of general ethical principles—violated by respondent is Administrative Circular No. 12, entitled “*Guidelines and Procedure in the Service and Execution of Court Writs and Processes in the Reorganized Courts.*” Pertinently, the eighth guideline of this Circular reads:

8. The sheriff is primarily responsible for the speedy and efficient service of all court processes and writs originating from his court and the branches thereof, and those that may be delegated to him from other courts. He shall submit to the Office of the Court Administrator, Supreme Court, a monthly report which shall indicate therein the number of writs and processes issued and served, as well as the number of writs and processes unserved, during the month, and the names of deputy sheriffs who executed such writ. Unserved writs and processes shall be explained in the report.”

As astutely pointed out by the OCA and the JIB, from the time the subject writ was issued on September 15, 2017 up to the Court’s receipt of the Complaint on July 2, 2018, respondent had likewise failed to submit the required monthly reports as stated in the aforementioned guideline, thereby rendering him administratively liable for violation of Supreme Court rules, directives and circulars that establish an internal policy, rule of procedure, or protocol.

*Simple Misconduct.*

“Misconduct. . . is a transgression of some established and definite rule of action, more particularly, unlawful behavior or gross negligence by the

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public officer. To warrant dismissal from service, the misconduct must be grave, serious, important, weighty, momentous, and not trifling. The misconduct must imply wrongful intention and not a mere error of judgment and *must also have a direct relation to and be connected with the performance of the public officer's official duties amounting either to maladministration or willful, intentional neglect, or failure to discharge the duties of the office. In order to differentiate grave misconduct from simple misconduct, the elements of corruption, clear intent to violate the law, or flagrant disregard of established rule, must be manifest in the former.*<sup>27</sup> Grave misconduct, which is worded as gross misconduct under the Rules, is considered a serious charge under Section 14(a), whereas simple misconduct is deemed as a less serious charge under Section 15(a).

In *Rodil v. Posadas*,<sup>28</sup> the Court explained that to constitute misconduct, there should be a nexus between the act complained of and the respondent-public officer's discharge of duty, *viz.*:

However, it must be emphasized that "to constitute an administrative offense, **misconduct should relate to or be connected with the performance of the official functions and duties** of a public officer. Without the nexus between the act complained of and the discharge of duty, the charge of misconduct shall necessarily fail."

Hence, "case law instructs that where the misconduct committed was not in connection with the performance of duty, the proper designation of the offense should not be Misconduct, but rather, Conduct Prejudicial to the Best Interest of the Service. While there is no hard and fast rule as to what acts or omissions constitute the latter offense, jurisprudence provides that the same 'deals with [the] demeanor of a public officer which tarnishe[s] the image and integrity of [their] public office.'<sup>29</sup> (Emphasis in the original)

Thus, pursuant to *Rodil*, if the act of misconduct does not relate or is not connected with the official functions and duties of the respondent-public officer, then the proper designation of the administrative offense should be conduct prejudicial to the best interest of the service. Notably, this specific offense has been reformulated under the Rules and now falls under the serious charge of "*Grave abuse of authority and/or prejudicial conduct that gravely besmirches or taints the reputation of the service*" under Section 14(1) of the same. To further understand this new designation, the Court's annotations thereto is instructive, to wit:

**NOTES:** This charge is added to cover acts or omissions which are not strictly part of the performance of one's official functions, but

<sup>27</sup> *Office of the Court Administrator v. Amor*, 745 Phil. 1, 8 (2014) [Per J. Perlas-Bernabe, *En Banc*], citing *Echano, Jr. v. Toledo*, 645 Phil. 97, 100-101 (2010) [Per J. Abad, Second Division].

<sup>28</sup> 909 Phil. 120, 128-129, (2021) [*Per Curiam, En Banc*].

<sup>29</sup> *Id.*; citations omitted.

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nonetheless are punished as they diminish or tend to diminish the people's faith in the Judiciary.

This covers *oppression*, as well as *conduct prejudicial to the best interest of the service* under the 2017 RACCS. "Oppression is also known as grave abuse of authority, which is a misdemeanor committed by a public officer, who under color of his office, wrongfully inflict[s] upon any person any bodily harm, imprisonment or other injury. It is an act of cruelty, severity, or excessive use of authority." (See *Ombudsman v. Caberoy*, G.R. No. 188066, October 22, 2014)

On the other hand, *conduct prejudicial to the best interest of the service* refers to acts that "tarnish the image and integrity of [a] public office" without a "direct relation to or connection with the performance of [one's] official duties." (*Office of the Ombudsman-Visayas v. Castro*, 759 Phil. 68 [2015]) ***It must be noted, however, that based on existing jurisprudence, "conduct prejudicial to the best interest of the service" tends to become some sort of a blanket offense to cover all other misdeeds not falling under any specific offense already listed in the Rule. To remedy this situation, the offense is reformulated to "prejudicial conduct that gravely besmirches or taints the reputation of the service."*** (Emphasis in the original)

Verily, the Court's own annotations to the Rules instruct that to fall under "*Prejudicial conduct that gravely besmirches or taints the reputation of the service,*" the act complained of should: (a) be without a direct relation or connection with the performance of the respondent-public officer's official duties; and (b) not be covered by any other specific offense already listed in the Rules.

In this case, it has been established by substantial evidence that respondent received an envelope containing money (regardless of whether the amount is PHP 35,000.00 as alleged by complainant or PHP 32,000.00 as claimed by respondent), which was purportedly for the publication and posting of the notice of auction sale relating to the subject writ—albeit he did not do so personally as he merely received it from another court employee who forwarded it to him. To the Court, this is in violation of Canon I, Section 4 of the Code of Conduct of Court Personnel<sup>30</sup> which mandates all court personnel to "not accept any fee or remuneration beyond what they receive or are entitled to in their official capacity."

Be that as it may, while the Court is aware that there is case law stating that it is highly improper for sheriffs to receive money from winning litigants, regardless of good faith or bad faith in the course of implementing writs of execution,<sup>31</sup> the Court disagrees with the recommendation to hold respondent liable for gross misconduct. To reiterate, for there to be gross (or grave)

<sup>30</sup> AM No. 03-06-13-SC, May 15, 2004.

<sup>31</sup> See *Astorga v. Villanueva*, 754 Phil. 534, 569 (2015) [*Per Curiam, En Banc*]; *Francia v. Esguerra*, 746 Phil. 423, 429 (2014) [*Per Curiam, En Banc*]; *Sundiang v. Bacho*, 724 Phil. 166, 172 (2014) [*Per J. Peralta, Third Division*].

misconduct “the elements of corruption, clear intent to violate the law, or flagrant disregard of established rule, must be manifest[.]”<sup>32</sup> In this case, however, it bears pointing out as found by EJ Peliño in her Investigation Report<sup>33</sup> dated April 7, 2022, ***respondent neither personally requested for nor personally received the envelope containing money from complainant.*** Rather, it was complainant himself who *motu proprio* delivered the envelope to the court, and the same was received by another court personnel, Fe Forcadilla. Furthermore, respondent’s assertion that he had returned the money to complainant, albeit belatedly, was not seriously disputed.<sup>34</sup> Nevertheless, the fact remains that respondent received such envelope instead of downright rejecting it. Given this factual backdrop, the Court only finds respondent liable for simple misconduct.

*Penalties to be Imposed on Respondent.*

Respondent’s administrative liabilities having been established, the Court now goes to the penalties to be imposed on him.

Gross neglect of duty is considered as a serious charge, which is punishable by any of the following penalties found under Section 17(1) of the Rules, i.e.: (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 months but not exceeding one year; or (c) a fine of more than PHP 100,000.00 but not exceeding PHP 200,000.00.

On the other hand, under Section 17(2) of Rule 140, as further amended, less serious charges—such as violation of Supreme Court rules, directives and circulars that establish an internal policy, rule of procedure, or protocol, and simple misconduct—are punishable by any of the following: (a) suspension from office without salary and other benefits for not less than one month nor more than six months; or (b) a fine of more than PHP 35,000.00 but not exceeding PHP 100,000.00.

Further, Section 21 of Rule 140, as further amended, provides that “[i]f 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.”

<sup>32</sup> *Office of the Court Administrator v. Amor*, 745 Phil. 1, 8 (2014) [Per J. Perlas-Bernabe, *En Banc*], citing *Echano, Jr. v. Toledo*, 645 Phil. 97, 101 (2010) [Per J. Abad, Second Division].

<sup>33</sup> *Rollo*, pp. 78–80.

<sup>34</sup> *Id.*

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Finally, Section 19(2)(a) thereof provides that “[f]inding of previous administrative liability where a penalty is imposed, regardless of nature and/or gravity” is an aggravating circumstance which, under Section 20 allows the Court to “impose the penalties of suspension or fine for a period or amount not exceeding double of the maximum prescribed under this Rule.” These provisions find significance in this case, considering that upon a review of respondent’s personnel records, he had been previously found administratively liable and penalized, as follows: (a) in *Palines v. De Jesus* (A.M. No. P-16-3454), he was suspended for eight months and one day; (b) in *Office of the Court Administrator v. Presiding Judge Guiling et al.*,<sup>35</sup> he was fined in the amount of PHP 20,000.00; and (c) in *Ballesteros v. De Jesus* (A.M. No. P-17-3701), respondent was again fined in the amount of PHP 3,000.00.

Applying the foregoing provisions in this case, the Court finds that respondent should be separately penalized for each of the administrative offenses that he is found liable for, since they arise from separate acts. However, and pursuant to the suggestions of Justice Amy C. Lazaro-Javier during the deliberations of this case, the Court opts to mete on respondent the penalty of fine for each offense, considering that he performs frontline functions; and his absence would most probably impede the smooth operations of the Court and the prompt administration of justice.

Thus, for gross neglect of duty, respondent is meted a fine of PHP 210,000.00. On the other hand, for violation of Supreme Court rules, directives and circulars that establish an internal policy, rule of procedure, or protocol, and simple misconduct, respondent is meted with a fine of PHP 110,000.00 each. Respondent is required to pay these fines in accordance with Rule 140, as further amended, Section 22 reads:

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.

As a final note, the Court deems it worthy to reiterate the disquisition in *Sarmiento v. Mendiola*,<sup>36</sup> where the Court stated:

Thus, sheriffs play an important part in the administration of justice. In view of their exalted position, their conduct should be geared towards

<sup>35</sup> 853 Phil. 767 (2019) [Per J. Carandang, *En Banc*].

<sup>36</sup> 653 Phil. 12 (2010) [Per J. Carpio, Second Division].

maintaining the prestige and integrity of the court. In *Escobar Vda. de Lopez v. Luna*, we ruled that sheriffs have the obligation to perform the duties of their office honestly, faithfully and to the best of their abilities. They must always hold inviolate and invigorate the tenet that a public office is a public trust. As court personnel, their conduct must be beyond reproach and free from any suspicion that may taint the judiciary. They must be circumspect and proper in their behavior. They must use reasonable skill and diligence in performing their official duties, especially when the rights of individuals may be jeopardized by neglect. They are ranking officers of the court entrusted with a fiduciary role. They play an important part in the administration of justice and are called upon to discharge their duties with integrity, reasonable dispatch, due care, and circumspection. Anything less is unacceptable. This is because in serving the court's writs and processes and in implementing the orders of the court, sheriffs cannot afford to err without affecting the efficiency of the process of the administration of justice. Sheriffs are at the grassroots of our judicial machinery and are indispensably in close contact with litigants, hence their conduct should be geared towards maintaining the prestige and integrity of the court, for the image of a court of justice is necessarily mirrored in the conduct, official or otherwise, of the men and women who work thereat, from the judge to the least and lowest of its personnel.<sup>37</sup>

**ACCORDINGLY**, the Court finds respondent Reyner S. De Jesus, Sheriff IV, Branch 109, Regional Trial Court, Pasay City, **GUILTY** of gross neglect of duty; violation of Supreme Court rules, directives and circulars that establish an internal policy, rule of procedure, or protocol; and simple misconduct. He is meted with the following penalties:

- (a) For gross neglect of duty, respondent is meted with the penalty of **FINE** of PHP 210,000.00;
- (b) For violation of Supreme Court rules, directives and circulars that establish an internal policy, rule of procedure, or protocol, respondent is meted with a **FINE** of PHP 110,000.00; and
- (c) For simple misconduct, respondent is meted with a **FINE** of PHP 110,000.00.

**SO ORDERED.**

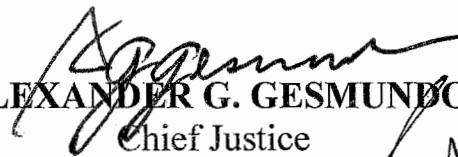
  
**ANTONIO T. KHO, JR.**  
Associate Justice

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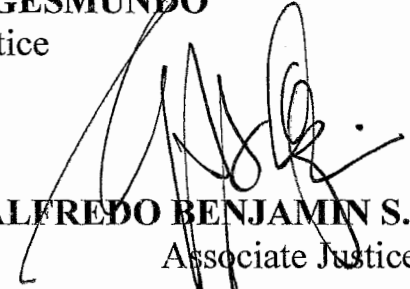
<sup>37</sup> *Id.* at 19-20.

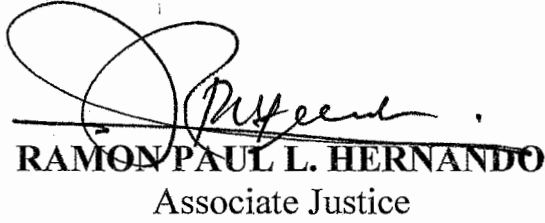
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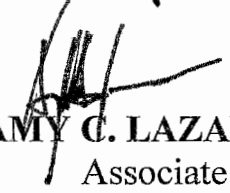
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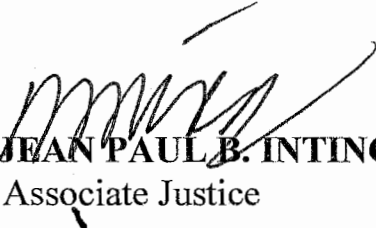
  
**ALEXANDER G. GESMUNDO**  
Chief Justice

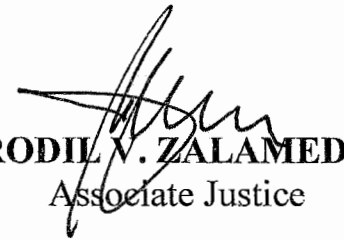
  
**MARVIC M.V.F. LEONEN**  
Senior Associate Justice

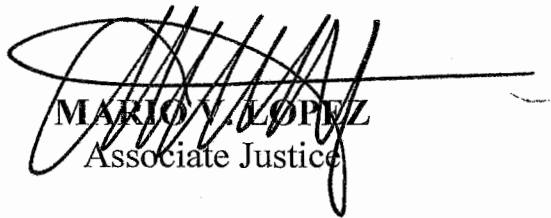
  
**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice

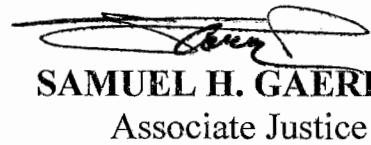
  
**RAMON PAUL L. HERNANDO**  
Associate Justice

  
**AMY C. LAZARO-JAVIER**  
Associate Justice

  
**HENRI JEAN PAUL B. INTING**  
Associate Justice

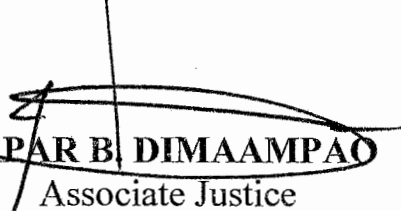
  
**RODIL V. ZALAMEDA**  
Associate Justice

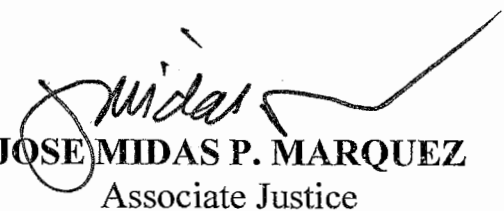
  
**MARIO V. LOPEZ**  
Associate Justice

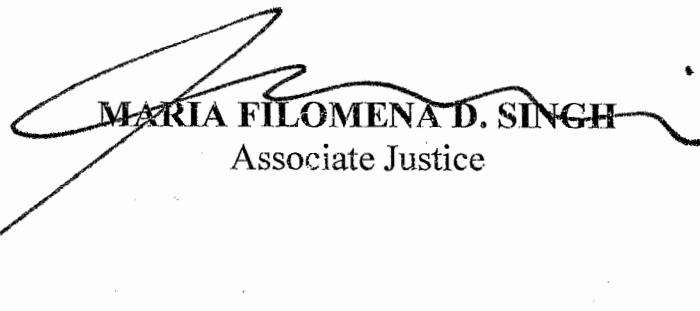
  
**SAMUEL H. GAERLAN**  
Associate Justice

  
**RICARDO R. ROSARIO**  
Associate Justice

  
**JHOSEP V. LOPEZ**  
Associate Justice

  
**JAPAR B. DIMAAMPAO**  
Associate Justice

  
**JOSE MIDAS P. MARQUEZ**  
Associate Justice

  
**MARIA FILOMENA D. SINGH**  
Associate Justice

