

EN BANC

[A.M. NO. P-02-1665, September 13, 2006]

**OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS.
EDWIN N. LATAYAN, SHERIFF IV, REGIONAL TRIAL COURT,
BRANCH 107, QUEZON CITY, RESPONDENT.**

D E C I S I O N

PER CURIAM:

Respondent Edwin N. Latayan ("respondent") is the Sheriff of Branch 107 of the Regional Trial Court of Quezon City ("RTC-Branch 107") while Judge Rosalina L. Pison ("Judge Pison") is that court's presiding judge. On 13 May 2002, Judge Pison ordered the issuance of a writ of execution against Summit Guaranty and Insurance Company, Inc. (SGIC) in Criminal Case No. 01-103713^[1] for the full payment of a P30,000 bond. On 2 July 2002, Judge Pison ordered the issuance of another writ of execution against SGIC in Criminal Case No. 01-105257^[2] for the full payment of a P50,000 bond. Accordingly, Atty. Maria Zoraida Zabat Tuazon ("Atty. Tuazon"), the Branch Clerk of Court, issued the corresponding writs of execution.

On 15 July 2002, respondent telephoned Jennifer Baldueza ("Baldueza"), the Marketing Officer of SGIC, and informed her that the trial court issued a writ of execution for P50,000 against SGIC. Respondent allegedly said that he could conceal the writ of execution if SGIC would give him P25,000. Baldueza replied that SGIC did not have that much money.

On 12 August 2002, respondent again telephoned Baldueza to ask if SGIC already had the money, otherwise he would enforce the writ of execution. Respondent told Baldueza that he would be at the SGIC office on 21 August 2002 at 2:30 p.m. to pick up from Baldueza the P4,000 and he would get the balance some other time.

On 20 August 2002, Baldueza and SGIC Clerk Maria Victoria D. Lim ("Lim") went to the Anti- Organized Crime Unit of the Office for Business Concerns, PNP Criminal Investigation and Detection Group (CIDG-AOCBCD) and lodged a complaint against respondent. The Chief of the Intelligence Branch of the CIDG-AOCBCD prepared two P1,000 bills for powder dusting mixed with four undusted P500 bills for use in the entrapment operation. Lim was assigned to give the money to respondent.

On 21 August 2002, at around 9:00 a.m., joint elements of CIDG-AOCBCD-Intelligence Branch and AFP-ACTAF led by PS1 Arnold Palomo ("PS1 Palomo") and D/Sgt. Noel C. Camada were dispatched to conduct the entrapment operation in Room 306, Aurelio Building, 9th Avenue, Grace Park, Kalookan City. Upon arrival of the team, PS1 Palomo coordinated with the employees of the insurance company while the rest of the team positioned themselves in strategic places within the vicinity and waited for respondent.

At around 3:00 p.m., respondent arrived and talked directly to Lim in a room with its door left open. A few seconds later, Lim handed over the marked money to respondent. The police operatives approached respondent and, then and there, placed him under arrest. When asked for the marked money, respondent reached for his right back pocket, took the marked money and surrendered the amount of P4,000 which included the powder-dusted P1,000-bills.

Respondent was detained and charged in an Information for robbery-extortion. The case was docketed as Criminal Case No. C-66090 (2002). The recommended bail was P100,000 and respondent was eventually released on bail.

During the last week of August 2002, Judge Pison noticed that respondent had not been reporting for work. Judge Pison's clerk of court informed her that respondent was caught in an entrapment operation in Kalookan City and was detained. Later, on a Saturday, Judge Pison received a telephone call in her house from respondent. When Judge Pison asked respondent about the entrapment, respondent allegedly admitted he was involved in an entrapment in Kalookan City and was detained. Judge Pison told respondent to see her at her office on Monday but respondent failed to do so. Thus, Judge Pison requested her clerk of court to tell respondent to tender his resignation.^[3]

Meanwhile, in a letter dated 27 August 2002, Judge Pison wrote the Court Administrator recommending that respondent be suspended from the service. In her letter dated 10 September 2002, Judge Pison attached a certified true copy of the Information and requested the detail of respondent at the Office of the Clerk of Court ("OCC").

On 31 August 2002, respondent submitted his letter of resignation but on 2 September 2002, Judge Pison received a letter from respondent withdrawing this letter of resignation.

Acting on the letter of Judge Pison, the Court issued a Resolution dated 16 December 2002 docketing the case as a regular administrative matter and directing respondent to comment on the documents relative to the robbery and extortion charges against him. The Court suspended respondent pending the final outcome of the criminal case against him considering that the evidence against him was *prima facie* strong.

In his Comment dated 8 April 2003, respondent denies that he demanded money from SGIC in exchange for the non-service of the writ of execution. Respondent claims that the P4,000 he received on 21 August 2002 was part of the initial payment of P6,000 for collection pursuant to the order of Judge Pison. He further claims he called Balduenza of SGIC to remind her that SGIC's pending obligation was due. Respondent prays for the dismissal of this administrative case.^[4]

On 29 April 2003, Judge Pison wrote a letter to the Court Administrator requesting that, whatever might be the outcome of the criminal case, respondent should not be detailed anymore in her sala as she could not allow respondent to work in her court because respondent admitted to her the entrapment.

In the Resolution dated 13 August 2003, the Court resolved to refer this case to