

EN BANC

[A.M. No. P-16-3615 (Formerly A.M. No. 15-8-249-RTC), January 24, 2017]

MARITA TOLENTINO AND FELY SAN ANDRES, COMPLAINANTS, V. SHERIFF IV GLENN A. UMALI, REGIONAL TRIAL COURT, BRANCH 10, MALOLOS CITY, BULACAN, RESPONDENT.

R E S O L U T I O N

PER CURIAM:

For resolution is the Memorandum^[1] dated September 21, 2016 of the Office of the Court Administrator (OCA), recommending that respondent Glenn A. Umali (Umali) be found guilty of grave misconduct, and meted the penalty of dismissal from service with forfeiture of retirement and other benefits except accrued leave credits, and perpetual disqualification from re employment in any government agency or instrumentality.

On February 4 and 5 of 2015, Judge Corazon A. Domingo-Rañola (Judge Rañola), Presiding Judge of the Regional Trial Court (RTC) of Malolos City, Branch 10, received separate letter-complaints^[2] from Marita Tolentino (Tolentino) and Fely San Andres (San Andres), respectively. The letter-complaints alleged that Umali received the amount of One Hundred Thousand Pesos (P100,000.00) from San Andres representing payment of the judgment debt awarded in Tolentino's favor in Criminal Case No. 01-7892 then pending before the Municipal Trial Court (MTC) of Pulilan, Bulacan. It appears, however, that such amount was neither delivered to Tolentino or the clerk of court, nor was it deposited to the MTC's bank account. Thus, the letter-complaints requested a conference before Judge Rañola to resolve the issue.

Subsequently, Judge Rañola held the requested conference, during which Umali agreed to pay the unremitted judgment debt on or before March 13, 2015.^[3]

Thereafter, Judge Rañola reported the matter to Executive Judge Ma. Theresa V. Mendoza-Arcega (Judge Arcega) of the RTC of Bulacan through a Memorandum dated February 17, 2015.^[4] Judge Arcega referred the Memorandum to the OCA for appropriate action.^[4-a]

Pursuant to the OCA's directive, Umali filed his undated comment to the letter-complaints, asserting that the matter was merely a result of a misunderstanding, and that it had been resolved, since he already remitted the full amount of the judgment debt in Tolentino's favor.^[5]

After an evaluation of the records of the case and the submissions of the parties, the OCA made the following recommendations in its Report dated September 21, 2016:

The rule is clear - if the judgment obligee is not present to receive the payment, the judgment obligor shall give the payment to the sheriff.

Thereafter, the sheriff shall turn over the amount paid to the clerk of court within the same day, or if the same is not possible, the sheriff shall deposit the said amount to the depository bank of the court.

Obviously, respondent Sheriff Umali failed to comply with the above-cited rule. **The records reveal that he did not give the amount paid to the clerk of court, nor did he deposit the money to the court's depository bank. As above-discussed, he only remitted the PhP 100,000.00 to Tolentino after the matter was brought to the attention of Judge Rañola. In short, his payment of the PhP 100,000.00 was a result of their conference with Judge Rañola. There is indeed a strong ground to believe that respondent Sheriff Umali had the initial intention of misappropriating the subject amount; and if it was not because of Tolentino and San Andres' letter (sic) to Judge Rañola, the malversation could have been fully consummated.**

Verily, despite the subsequent payment by respondent Sheriff Umali of PhP 100,000.00 to Tolentino, this Office nevertheless opines that he is guilty of grave misconduct. Apart from the clear showing of respondent Sheriff Umali's flagrant disregard of an established rule, his nonfeasance connotes the presence of corruption. Definitely, this is not a case of simple miscommunication or misunderstanding as contended by respondent Sheriff Umali.

Misconduct has been defined as an intentional wrongdoing or a deliberate violation of a rule of law or standard of behavior, especially by a government official. **A misconduct is grave where the elements of corruption, clear intent to violate the law or flagrant disregard of established rule (sic) are present.**

In view thereof, considering that under Section 52, Rule IV of the Uniform Rules on Administrative Cases in the Civil Service, grave misconduct is a grave offense which is punishable by dismissal even on the first offense, respondent Sheriff Umali may therefore be dismissed from the service.^[6] (Emphasis supplied)

The Court agrees with the OCA's recommendation. Under Section 46 (A)(3), Rule 10 on the Schedule of Penalties of the Revised Rules on Administrative Cases in the Civil Service (RRACCS),^[7] grave misconduct is punishable by dismissal from service in the first instance. The penalty of dismissal shall carry with it cancellation of eligibility, forfeiture of retirement benefits, perpetual disqualification from holding public office and being barred from taking civil service examinations.^[8]

Umali's bare assertion that his failure to turn over the judgment debt in accordance with Rule 39 of the Rules of Court resulted from a "misunderstanding" is specious, at best. The fact that Umali did not offer any form of explanation as to the nature, cause and incidents of this so-called misunderstanding shows that it was a mere afterthought and a lame excuse offered after his misdeed had been discovered. Moreover, while the Court is aware that it may consider circumstances to mitigate the imposable penalty prescribed under the RRACCS, no such circumstance has been invoked, nor does any appear from the records of the case.