

EN BANC

[A.M. No. P-15-3393 [Formerly OCA IPI No. 13-4055-P], February 23, 2016]

**SEGUNDINA P. NOCES-DE LEON AND LEONOR P. ALAVE,
PETITIONERS, VS. TERCENCIO G. FLORENDO, SHERIFF IV,
BRANCH 21, REGIONAL TRIAL COURT, VIGAN CITY, ILOCOS SUR,
RESPONDENT**

DECISION

PER CURIAM:

In a letter^[1] dated February 19, 2013, Atty. Florencio C. Canlas, Agent-in-Charge of the National Bureau of Investigation (NBI)-Vigan District Office, Bantay, Ilocos Sur, transmitted to Executive Judge Cecilia Corazon S. Dulay-Archog, Regional Trial Court (RTC) of Vigan City, Ilocos Sur, for appropriate action, the administrative complaints of Leonor P. Alave (Alave) and Segundina Noces-De Leon (De Leon) (petitioners) against respondent Terencio G. Florendo (Florendo), Court Sheriff of RTC of Vigan City, Ilocos Sur, Branch 21, for Grave Misconduct and Dishonesty.

De Leon narrated in her Affidavit of Complaint^[2] that sometime in the first week of April 2012, her daughter Elaine De Leon-De Los Santos (Elaine) arrived from Riyadh, Kingdom of Saudi Arabia, to work on the annulment of her marriage to her estranged husband Manuel Luis De Los Santos (Manuel). As such, De Leon asked her relative, Alave, who retired from the Metropolitan Trial Court of Vigan, to accompany her and Elaine to the house of Florendo who is widely known in their area to facilitate annulment cases.^[3]

On April 4, 2012, the petitioners and Elaine went to Florendo's house and informed him of Elaine's desire to obtain an annulment of her marriage with Manuel. When Elaine asked for the cost of the suit, Florendo solicited the amount of P100,000.00 and assured them that he could cause the issuance of a favorable decision of annulment within four months and that a certain Atty. Marquez will handle the case. Immediately, they raised the money on the same date and gave it to Florendo.^[4]

Sometime in November 2012, Alave received from Florendo a copy of the Decision^[5] in Civil Case No. 1148-C supposedly issued on March 7, 2012 by Judge Gabino B. Balbin, Jr. of the RTC of Candon City, Ilocos Sur, Branch 23 and a Certificate of Finality^[6] dated May 4, 2012 issued by Branch Clerk of Court Atty. Hilda Laroya Esquejo.^[7]

The petitioners, however, found several errors in the contents of the decision. Alave narrated in her Sworn Statement^[8] that the solemnizing officer stated in the decision was Judge Ante when the certificate of marriage clearly indicated that it was Judge Melanio C. Rojas (Judge Rojas) who solemnized the marriage. Also, the

addresses of the petitioner and defendant in the decision were stated as Candon City and Vigan City, respectively, when both parties are from Vigan City, and the decision should have originated from a court in Vigan City.^[9]

Immediately, the petitioners confronted Florendo about the errors in the documents and demanded their money back. Florendo, however, claimed that he delivered the decision and certificate of finality to the petitioners so that the latter could rectify whatever error it may contain. As such, Florendo crossed out the corrections and promised the petitioners that he will deliver the rectified version of the decision as soon as possible.^[10]

Despite Florendo's promise, Alave insisted on the return of their money and sent a demand letter^[11] dated November 27, 2012, which Florendo received as evidenced by the registry return card. But instead of returning the money, he sent to the petitioners a new decision and certificate of finality, albeit unsigned. Alave noticed that the errors had been corrected, but no longer trusting Florendo, she sought the advice of her former superior officer, retired Judge Rojas, who immediately advised the petitioners to send another demand letter and to seek the help of the NBI. Florendo received a second demand letter, but the petitioners disclosed that they could no longer trace his whereabouts because the latter had reportedly been suspended by this Court.^[12]

On March 26, 2013, the Office of the Court Administrator (OCA) issued its 1st Indorsement^[13] directing Florendo to file his comment thereon within ten (10) days from receipt of the Indorsement.

Due to Florendo's failure to submit his comment, the OCA issued a 1st Tracer,^[14] wherein the OCA reiterated its order directing Florendo to file his comment on the charges against him. As such, he was given another five (5) days from receipt of the 1st Tracer to submit his comment. Despite repeated orders, however, Florendo failed to comply.

On May 12, 2015, the OCA recommended the re-docketing of the matter as a regular administrative case and that Florendo be found guilty of grave misconduct and dishonesty and that he be dismissed from service. Considering, however, that he has been dropped from the rolls effective March 1, 2013 for having been on absence without official leave, the OCA recommended that Florendo be imposed instead the accessory penalty of forfeiture of all benefits, except accrued leave credits, if any, and perpetual disqualification from re-employment in any government instrumentality, including government-owned and controlled corporations.^[15]

After a careful evaluation of the case, this Court finds the recommendation of the OCA to be proper under the circumstances.

In several occasions, this Court had emphasized the heavy burden and responsibility of Court personnel. They have been constantly reminded that any impression of impropriety, misdeed or negligence in the performance of their official functions must be avoided.^[16] Thus, this Court does not hesitate to condemn and sanction such improper conduct, act or omission of those involved in the administration of

justice that violates the norm of public accountability and diminishes or tends to diminish the faith of the public in the Judiciary.^[17]

Soliciting is prohibited under Section 2, Canon I of the Code of Conduct for Court Personnel which provides that "Court personnel shall not solicit or accept any gift, favor or .benefit based on any explicit or implicit understanding that such gift, favor or benefit shall influence their official actions," while Section 2(e), Canon III states that "Court personnel shall not solicit or accept any gift, loan, gratuity, discount, favor, hospitality or service under circumstances from which it could reasonably be inferred that a major purpose of the donor is to influence the Court personnel in performing official duties."

In the present case, records reveal that the conduct of Florendo fell short of the standard required from Court personnel. The acts described in the complaint, the testimonies of the petitioners, and the documentary evidences presented clearly established that Florendo is guilty of grave misconduct and dishonesty, which this Court will not tolerate.

The petitioners sufficiently established Florendo's guilt when they offered as evidence the piece of paper wherein Florendo acknowledged receiving P100,000.00 from them. Also, the Certification dated January 31, 2013 issued by the Branch Clerk of Court Maria Clarissa M. Galima-Singson, Office of the Clerk of Court of the RTC of Candon City, Ilocos Sur, showed that Civil Case No. 1148-C actually pertains to a Quieting of Title case decided by the RTC of Candon City, Ilocos Sur, Branch 71, and not to an annulment case. In fact, there is no record in said office of an annulment case involving Elaine and his estranged husband Manuel.^[18]

Unfortunately, instead of facing the charges against him, Florendo chose to ignore the accusations against him by no longer reporting for work.

Indeed, for his failure to file comment, he is deemed to have impliedly admitted the charges against him.^[19]

Moreover, records show that this is not the first offense committed by Florendo. On February 12, 2009, he was found guilty of dishonesty in A.M. No. P-07-2304 and fined by this Court.^[20] He was likewise found guilty of dishonesty and corruption in A.M. No. P-12-3077 and was suspended for six (6) months per this Court's Decision dated July 4, 2012.^[21]

As to the penalty, under Section 46(A), Rule 10 of the Revised Rules on Administrative Cases in the Civil Service, both gross misconduct and dishonesty are grave offenses that are punishable by dismissal even for the first offense. Section 52(a) of the same Rule provides that the penalty of dismissal shall carry with it the cancellation of eligibility, forfeiture of retirement benefits, perpetual disqualification for re-employment in the government service, and bar from taking civil service examination.

Considering, however, that Florendo had already been dropped from the rolls in a Resolution dated April 23, 2014 in A.M. No. 14-4-108,^[22] the penalty of dismissal from service can no longer be imposed upon him. "Nevertheless, such penalty should be enforced in its full course by imposing the aforesaid administrative