

SECOND DIVISION

[A.M. NO. P-04-1783 (FORMERLY OCA IPI NO. 02-1519-P), August 07, 2006]

LETICIA S.A. RESURRECCION, COMPLAINANT, VS. RUSTICO I. IBUNA, JR., SHERIFF IV, REGIONAL TRIAL COURT, BINANGONAN, RIZAL, RESPONDENT.

R E S O L U T I O N

CORONA, J.:

In an affidavit-complaint dated November 19, 2002, Leticia S.A. Resurreccion charged respondent Rustico I. Ibuna, Jr., sheriff IV of the Regional Trial Court of Binangonan, Rizal, with violation of RA 6713.^[1]

Resurreccion alleged that she purchased from one Liberty Aralar bighead carp fingerlings worth P450,000 which she paid in full. On November 8, 2002, respondent sheriff wrote, for and in behalf of Aralar, a letter demanding payment of about P250,000 that complainant allegedly still owed Aralar. Complainant claimed that Ibuna used his office to harass her.

Respondent denied the allegations against him. He denied harassing complainant but admitted preparing the letter and personally serving it on her. He explained that Aralar sought his assistance on the matter and he helped her without getting anything in return. He pointed out that, instead of being condemned for what he did, he should be "commended for an exemplary act."

Quoting the provisions of RA 6713, Section 5 (d)^[2] and Section 4 (e),^[3] he claimed that public officials and employees must attend to anyone who wants to avail himself of the services of their office and must, at all times, act promptly and expeditiously. He added that in his 19 years of government service, this was the first time he was slapped with an administrative complaint.

The complaint was referred to the Office of the Court Administrator (OCA) for investigation, report and recommendation. In its report dated July 3, 2003,^[4] the OCA found that respondent sheriff acted beyond the scope of his office when he prepared the demand letter. The OCA declared that respondent had no business giving counsel to parties and preparing demand letters, which was often done in anticipation of litigation. According to the OCA, the job rightly pertained only to persons or professionals engaged in the private practice of law. Thus, the OCA found respondent guilty of conduct unbecoming of his office, a light offense, and recommended:

[T]hat the present administrative complaint be **RE-DOCKETED** as a regular administrative matter and that respondent sheriff, Rustico I. Ibuna, Jr., be **REPRIMANDED** for conduct unbecoming his office with a