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SUPREME COURT OF THE PHILIPPINES
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Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **January 20, 2020** which reads as follows:*

“A.M. No. 14-08-261-RTC (Re: Cases where no further actions were made due to non-service of summons/writs etc. in the Regional Trial Court, Branch 14, Davao City.)

A.M. No. P-20-4027 [Formerly A.M. No. 14-08-261-RTC – (Re: Cases where no further actions were made due to non-service of summons/writs etc. in the Regional Trial Court, Branch 14, Davao City.) – Office of the Court Administrator v. Robert C. Esguerra, former Sheriff IV, Regional Trial Court, Branch 14, Davao City.)

Antecedents

As a result of a judicial audit conducted on February 2, 2013 in Branch 14, Regional Trial Court (RTC)-Davao City, the Office of the Court Administrator (OCA) discovered that there were ninety-seven (97) cases on which no actions had been taken for a considerable period due to non-service of summonses or other processes and/or the absence of sheriff’s returns and reports. The OCA directed Mr. Roberto C. Esguerra, Sheriff IV of Branch 14, RTC-Davao City, to take appropriate action on these cases and to explain why no administrative action should be taken against him for his failure to serve court processes and to make his returns/reports thereon.

In several letters to the OCA, Sheriff Esguerra repeatedly requested extensions of thirty (30) days each to comply with the OCA directive.¹ Three (3) months after his last letter-request for extension

¹ Rollo, pp. 10-13.

(dated November 29, 2013), Sheriff Esguerra was only able to submit reports on sixteen (16) of the ninety-seven (97) cases. Worse, his reports/returns on the sixteen (16) cases showed that he habitually served summonses/writs late and also filed his reports/returns late.

Upon the recommendation of the OCA, the Court issued Resolution dated October 13, 2014 directing Sheriff Esguerra to take action on the eighty-one (81) remaining cases and explain why no administrative action should be taken against him for failing to serve summonses/writs in said cases and/or to make his returns/reports thereon. Sheriff Esguerra was given fifteen (15) days from notice of the resolution to submit his compliance. But he failed to do so.

Meanwhile, the Court dismissed Sheriff Esguerra from the service in its Decision dated November 11, 2014 in A.M. No. P-14-3272 (*Feliciano O. Francia v. Roberto C. Esguerra*) after finding him guilty of dishonesty, gross neglect and gross inefficiency in the performance of official duties.

By Resolution dated August 19, 2015, the Court directed the Branch Clerk of Court/Officer-in-Charge of Branch 14, RTC-Davao City, Davao del Sur to submit a report on the eighty-one (81) cases listed in the October 13, 2014 Resolution and to cause the immediate service of the corresponding summonses/writs.

Subsequently noting however that despite the lapse of eight (8) months no report had yet been submitted, the Court under Resolution dated April 19, 2016 required the Branch Clerk of Court/Officer-in-Charge to (a) show cause why he should not be held in contempt for failing to submit his report and (b) comply with the August 19, 2015 Resolution.

By letter dated April 12, 2016, Atty. Francisco M. Campaner, the Acting Clerk of Court of Branch 14, submitted his compliance and appended thereto (a) a table of the latest orders issued or actions taken in the eighty-one (81) cases, plus the sixteen (16) cases previously included in Sheriff Esguerra's reports and (b) a certification that Sheriff Esguerra had no money or property accountabilities.

In another compliance dated July 29, 2016, Atty. Campaner reiterated his April 12, 2016 letter and explained that the delay was caused by his additional workload as concurrent Officer-in-Charge/Clerk of Court in the Office of the Clerk of Court (OCC) of the RTC-Davao City. He prayed for the Court's kind understanding

and committed to henceforth faithfully and promptly comply with the Court's orders.

The OCA Report and Recommendation dated March 29, 2017

Based on the table submitted by Atty. Campaner, the OCA noted that the cases listed therein had been dismissed, decided, or archived, or were undergoing trial. Although there were cases where the summonses had not yet been served, the trial court had already authorized an acting process server to serve alias summonses. Considering that all cases had already been acted upon, the matter may now be considered closed and terminated.

The OCA, however, opined that Sheriff Esguerra's repeated failure to serve summonses/writs and to make proper returns amounted to gross neglect of duty, an offense punishable by dismissal from the service. Thus, this incident should be re-docketed as a separate administrative matter against Sheriff Esguerra. Considering that he had already been dismissed in another case, the OCA recommended that he be imposed a fine of Php50,000.00 to be deducted from the value of his accrued leave credits. In coming up with the amount of the fine, the OCA took into account that: (a) there was another pending administrative case against Sheriff Esguerra for nonfeasance, neglect of duty or refusal to perform official duty docketed as A.M. No. P-14-3201; (b) if found guilty in A.M. No. P-14-3201, he may be fined an amount equivalent to one (1) month to six (6) months salary in lieu of the penalty of suspension which can no longer be imposed; and (c) Sheriff Esguerra had a total of 552.994 days' worth of leave credits as of November 30, 2014 with a monetary value of Php565,216.38² which would go a long way to support his family considering he had been separated from the service for more than two (2) years already (as of the time of the writing of the OCA memorandum). From a compassionate standpoint, the OCA believed a fine of Php50,000.00 was in order.

As for Atty. Campaner, the OCA found that it was his heavy workload that caused the delay in his compliance with the Court's resolution. It cannot be considered as an act of defiance. He should be reminded though that the Court's resolutions and lawful directives should not be treated lightly. Instead, he must comply with them promptly and completely. The OCA recommended, thus:

² This is based on his basic monthly salary of Php21,374.00.

IN VIEW OF THE FOREGOING, it is respectfully recommended for the consideration of the Honorable Court that:

1. the matter with regard to the cases where no further actions were made due to non-service of summons/writs, etc. in Branch 14, Regional Trial Court, Davao City, Davao del [Sur], be considered **CLOSED** and **TERMINATED**;

2. the instant administrative matter be **RE-DOCKETED** as a regular administrative matter against Roberto C. Esguerra, then Sheriff IV, Branch 14, Regional Trial Court, Davao City, Davao del Sur;

3. Mr. Esguerra be found **GUILTY** of gross neglect of duty and be **FINED** in the amount of Fifty Thousand Pesos (P50,000.00) which shall be deducted from the monetary value of his accrued leave credits;

4. the Employees' Leave Division, Office of the Administrative Services, OCA, be **DIRECTED** to compute the balance of the earned leave credits of Mr. Esguerra and forward the same to the Finance Division, Financial Management Office (FMO), OCA, for the computation of the monetary value of his earned leave credits;

5. the FMO be **DIRECTED** to deduct the fine of P50,000.00 from the monetary value of the accrued leave credits of Mr. Esguerra and release the balance, if any, to him subject to availability of funds and clearance requirements; and

6. Atty. Francisco M. Campaner, Clerk of Court V, Acting Branch Clerk of Court, Branch 14, Regional Trial Court, Davao City, Davao del Sur be **REMINDED** to promptly comply with [the] Court's resolutions as these should not be construed as mere requests.

The Court's Ruling

The Court finds the OCA's recommendations well-taken.

First, we note Atty. Campaner's April 12, 2016 letter apprising the Court of the status of each of the eighty-one (81) cases listed in the Resolution dated August 19, 2015 as well as the actions he took thereon.

Second, the Court accepts Atty. Campaner's apology and his explanation that his failure to promptly submit his report on these cases was due to the heavy demands of his numerous duties as concurrent Acting Clerk of Court of Branch 14 and Officer-in-Charge/Clerk of Court of the OCC of the RTC-Davao City. Hence, the Court does not find him liable for contumacious conduct.

We nonetheless emphasize anew that any directive of the Court should not be construed as a mere request, and should be complied with promptly and completely.³ A clerk of court is duty bound to use the reasonable skill and diligence in the performance of his officially designated duties.⁴ At the same time, he or she must give due respect and priority to lawful directives from the Court and the OCA. Atty. Campaner, therefore, is reminded to diligently and faithfully comply with lawful resolutions of the Court.

Third, on the matter of lapses of former Sheriff Esguerra in serving summonses/processes and making his returns/reports in the ninety-seven (97) cases identified during the judicial audit, we re-docket the same as a regular administrative matter and resolve it based on the evidence on record.

All employees in the Judiciary should be examples of responsibility, competence and efficiency. As officers of the court and agents of the law, they must discharge their duties with due care and utmost diligence.⁵

The sheriff has the primary responsibility of ensuring the speedy and efficient service of court processes and orders. In the discharge of his duty a high degree of professionalism is demanded. For it cannot be overemphasized that a decision or process that is left unexecuted or unserved because of the inefficiency, negligence, misconduct, or ignorance of the law of those charged with their execution inevitably delays the administration of justice and rightly deserves the condemnation of the parties who are prejudiced thereby.⁶

Based on the results of the judicial audit and the reports submitted by Sheriff Esguerra himself on the sixteen (16) cases he was eventually able to act on, Sheriff Esguerra had repeatedly failed to serve summonses/processes and submit his returns/reports or habitually served such processes or submitted his reports late. Despite several opportunities given to him to explain his lapses, including the extensions of time granted him, he failed to explain or rectify his inaction and mistakes. For this reason, the Court agrees with the finding of the OCA that Sheriff Esguerra is guilty of gross neglect of duty.

³ See, *Re: Audit Report on Attendance of Court Personnel of RTC, Br. 32, Manila*, 532 Phil. 51, 64 (2006).

⁴ See, *Judge Salvador v. Serrano*, 516 Phil. 412 432 (2006).

⁵ *Tiu v. Dela Cruz*, 552 Phil. 13, 21 (2007).

⁶ *Atty. Talion v. Ayupan*, 425 Phil. 41, 50 (2002).

Jurisprudence defines neglect of duty as the failure of an employee to give one's attention to a task expected of him. Gross neglect, on the other hand, is such neglect from the gravity of the case, or the frequency of instances, becomes so serious in its character as to endanger or threaten the public welfare.⁷ The numerous times that Sheriff Esguerra had served court processes and submitted his returns/reports late, or worse, failed to serve processes or submit his reports at all, have been documented in the judicial audit. Taking into account as well Sheriff Esguerra's cavalier attitude and apparent lack of remorse, this Court simply cannot countenance his grave dereliction in the discharge of his official duties.

The *Revised Uniform Rules on Administrative Cases in the Civil Service* pertinently provide:

RULE 10
Schedule of Penalties

SECTION 46. *Classification of Offenses.* — Administrative offenses with corresponding penalties are classified into grave, less grave or light, depending on their gravity or depravity and effects on the government service.

A. The following **grave offenses** shall be punishable by **dismissal** from the service:

1. Serious Dishonesty;
2. **Gross Neglect of Duty;**

x x x (Emphases supplied.)

Thus, Sheriff Esguerra's offense would have merited the penalty of dismissal from the service had he not been already separated from the service in another administrative case and all his benefits, save for his accrued leave credits, were forfeited. In several precedents, where this Court could no longer impose the penalty of dismissal in view of the previous separation from the service of respondent, we held that the imposition of a fine deducted from the value of respondent's accrued leave credits would suffice.⁸ Bearing in mind the factors pointed out by the OCA and prevailing

⁷ *Executive Judge Ulat-Marrero v. Torio, Jr.*, 461 Phil. 654, 660 (2003).

⁸ See, for example, *Cañada v. Judge Suerte*, 570 Phil. 25, 36, 38 (2008); and *Sibulo v. San Jose*, 511 Phil. 80, 87 (2005).

jurisprudence,⁹ we deem it appropriate to impose a fine of Php40,000.00 on Sheriff Esguerra to be deducted from the value of his accrued leave credits.

WHEREFORE, the Court resolves to:

1) **CONSIDER** A.M. No. 14-08-261-RTC (*Re: cases where no further actions were made due to non-service of summons/writs, etc., in the Regional Trial Court, Branch 14, Davao City*) **CLOSED** and **TERMINATED**;

2) **REMIND** Atty. Francisco M. Campaner, Clerk of Court V, Acting Branch Clerk of Court, Branch 14, Regional Trial Court, Davao City, to henceforth promptly and completely comply with the Court's resolutions;

3) **RE-DOCKET** this matter as a regular administrative matter against Roberto C. Esguerra, former Sheriff IV, Branch 14, Regional Trial Court, Davao City, Davao del Sur (A.M. No. P-20-4027);

4) **FIND** Roberto C. Esguerra **GUILTY** of gross neglect of duty in A.M. No. P-20-4027 and **DIRECT** him to pay a **FINE** in the amount of Forty Thousand Pesos (Php40,000.00) which shall be deducted from the monetary value of his accrued leave credits;

5) **DIRECT** the Employees' Leave Division, Office of the Administrative Services, OCA, to compute the balance of the earned leave credits of Mr. Esguerra and forward the same to the Finance Division, Financial Management Office (FMO), OCA, for the computation of the monetary value of his earned leave credits; and

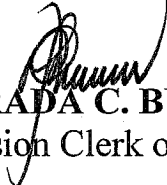
6) **DIRECT** the FMO to deduct the fine of Forty Thousand Pesos (Php40,000.00) from the monetary value of the accrued leave credits of Mr. Esguerra and release the balance, if any, to him subject to availability of funds and clearance requirements.

The Compliance dated July 29, 2016 of Clerk of Court V/Acting Branch Clerk of Court Francisco M. Campaner, Regional Trial Court, Branch 14, Davao City, Davao del Sur; and the Memorandum dated March 29, 2017 of the Office of the Court Administrator, are both **NOTED**.

⁹ In *Garingan-Ferreras v. Umblas*, 803 Phil. 25, 35 (2017), we imposed a fine of Php40,000, in lieu of the penalty of dismissal, on a court employee already dismissed from the service in a previous administrative case.

SO ORDERED.”

Very truly yours,


LIBRADA C. BUENA
Division Clerk of Court

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Court Administrator
Hon. Raul B. Villanueva (x)
Hon. Jenny Lind R. Aldecoa-Delorino (x)
Hon. Leo Tolentino Madrazo (x)
Deputy Court Administrators
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