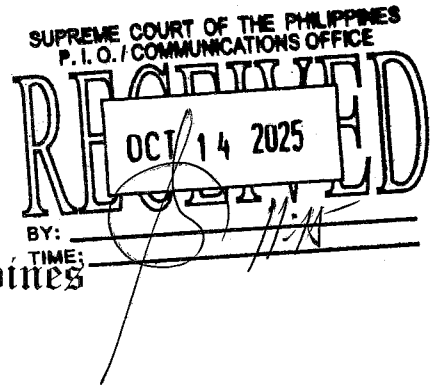




Republic of the Philippines
Supreme Court
Manila



EN BANC

FERDINAND RAYMUND C.
BACOLOT,
Complainant,

A.M. No. P-25-226
[Formerly OCA IPI No. 18-4871-P]

Present:

-versus-

ATTY. JESSIBEL M. PABLO-
DRIESSEN, Clerk of Court VI,
Office of the Clerk of Court (OCC);
VICENTE B. ANGCON, JR.,
Sheriff IV, Branch 19; JIMELITO
O. BABOR, Sheriff IV, OCC; and
DAX S. SUARIN, Clerk III, OCC,
all of the Regional Trial Court
(RTC), Pagadian City, Zamboanga
Del Sur,

Respondents.

GESMUNDO, C.J.,
LEONEN,
CAGUIOA,*
HERNANDO,
LAZARO-JAVIER,**
INTING,
ZALAMEDA,
GAERLAN,
ROSARIO,
LOPEZ,
DIMAAMPAO,
MARQUEZ,**
KHO, JR.,*
SINGH,**** and
VILLANUEVA, JJ.***

Promulgated:

July 1, 2025

X-----X

DECISION

* On official leave.
** On official business.
*** No part due to prior action as Court Administrator.
**** On leave.

LEONEN, S.A.J.:

Employment in the Judiciary demands a high level of integrity, accountability, and respect for the law. Court employees and personnel carry the heavy burden of conducting themselves beyond reproach to maintain our people's belief in the justice system.

This Court resolves the Complaint¹ for grave misconduct and gross dishonesty filed by Ferdinand Raymund C. Bacolot (Bacolot), General Manager of A-1 Properties, Inc. (A-1 Properties) against Atty. Jessibel M. Pablo-Driessen (Atty. Pablo-Driessen), Clerk of Court VI, Office of the Clerk of Court; Vicente B. Angcon, Jr. (Sheriff Angcon), Sheriff IV, Branch 19; Jimelito O. Babor (Sheriff Babor) Sheriff IV, Office of the Clerk of Court; and, Mr. Dax S. Suarin (Suarin), Clerk III, Office of the Clerk of Court, all of the Regional Trial Court of Pagadian City, Zamboanga Del Sur. The Complaint originated from the sale of real properties owned by A-1 Properties in a foreclosure sale commenced by the Land Bank of the Philippines (Landbank) despite the latter's failure to pay filing fees.

On October 12, 2009, A-1 Properties mortgaged 28 parcels of land to Landbank as security for the PHP11,000,000.00 it loaned from the bank. A-1 Properties defaulted on its loan, causing Landbank to file an Application for Extrajudicial Foreclosure of Real Estate Mortgage before the Office of the Clerk of Court, Regional Trial Court, Pagadian City, Zamboanga Del Sur on December 14, 2011. The application was docketed as EJP File No. 1126-2K11.²

Pursuant to Act No. 3135³, Sheriff Angcon issued a Notice of Sale dated January 4, 2012. Acting as officer-in-charge of the Office of the Clerk of Court, Sheriff Babor approved the Notice of Sale. The foreclosure sale was scheduled on February 23, 2012.⁴

The February 23, 2012 foreclosure sale, however, was deferred by virtue of a stay order issued by Branch 12 of the Regional Trial Court, Zamboanga City in relation to A-1 Properties' Petition for Corporate Rehabilitation. When the Petition for Corporate Rehabilitation was dismissed, Landbank filed a Petition for Resumption of Foreclosure Proceedings dated September 20, 2017.⁵

The foreclosure sale pushed through on December 14, 2017, when Landbank emerged as the highest bidder for PHP 37,774.525.32. On February

¹ *Rollo*, pp. 5-9.

² *Id.* at 311-312.

³ An Act to Regulate the Sale of Property Under Special Powers Inserted in or Annexed to Real-Estate Mortgages.

⁴ *Rollo*, p. 312.

⁵ *Id.*

28, 2018, Atty. Pablo-Driessen, as Clerk of Court, issued the Certificate of Sale, which was approved by Executive Judge Dennis P. Vicoy (Executive Judge Vicoy).⁶

On May 3, 2018, A-1 Properties, through its manager, Felipa P. Mula (Mula), wrote a letter⁷ addressed to “the Office of the Clerk of Court Ex-Officio Sheriff,” requesting copies of the “entire case folder” of the foreclosure proceedings. With the May 3, 2018 letter unacted upon, Mula would again write a letter,⁸ this time, addressed to both Atty. Pablo-Driessen and Sheriff Angcon to request for copies of the foreclosure records.

Acting on Mula’s request, Atty. Pablo-Driessen reviewed the foreclosure records. It was only then that she learned of Landbank’s nonpayment of filing fees. This prompted Atty. Pablo-Driessen to report the matter to Executive Judge Vicoy.⁹

In a June 27, 2018 Order,¹⁰ Executive Judge Vicoy ordered Landbank to present proof of payment of the filing fee.¹¹ In its July 9, 2018 Manifestation and Compliance,¹² Landbank manifested that there were no documents in their office to prove that the required docket fee was paid.¹³

Contrary to its undertaking, Landbank still failed to pay the required filing fees. As such, in the July 26, 2018 Order,¹⁴ Executive Judge Vicoy declared the extrajudicial foreclosure void.

On September 17, 2018, Bacolot, as A-1 Properties’ General Manager, filed the present Complaint-Affidavit before the Office of the Court Administrator. He contended that respondents conspired to allow the foreclosure sale despite Landbank’s failure to pay the filing fees. He added that respondents deliberately refused to furnish him copies of the record of the “entire foreclosure records”¹⁵ to prevent him or A-1 Properties from redeeming the foreclosed properties.

The Office of the Court Administrator initially assumed jurisdiction and directed respondents to file their respective comments.¹⁶

⁶ *Id.*

⁷ *Id.* at 49.

⁸ *Id.* at 50.

⁹ *Id.* at 313.

¹⁰ *Id.* at 83–84.

¹¹ *Id.* at 84.

¹² *Id.* at 85–86.

¹³ *Id.* at 86.

¹⁴ *Id.* at 56–57.

¹⁵ *Id.* at 9.

¹⁶ *Id.* at 60–62.

In her November 20, 2018 Comment,¹⁷ Atty. Pablo-Driessen alleged that she initially had no knowledge of Landbank's 2011 application for foreclosure until the bank filed the Petition for Resumption of Foreclosure Proceedings in 2017. According to Atty. Pablo-Driessen, she was already assessing the filing fees to be paid by Landbank when Sheriff Babor told her that no computation was needed considering that the 2017 Petition was only for the resumption of foreclosure proceedings already commenced in 2011. It was also only then that she learned that the 2011 application for foreclosure was handled by Sheriff Angcon, with Sheriff Babor assisting him during the foreclosure sale.¹⁸

After receiving Bacolot's May 3, 2018 letter requesting for copies of the record of the foreclosure proceedings, Atty. Pablo-Driessen referred the request to one Robert B. Blancia (Blancia), the officer-in-charge of the records in the Office of the Clerk of Court. Instead of looking for the records, Blancia tersely replied that the foreclosure records were with Sheriff Angcon. Bacolot then filed another letter-request dated May 23, 2018. This time, Atty. Pablo-Driessen personally looked for the record of the foreclosure proceedings, which indeed turned out to be with Sheriff Angcon. She then took the records from Sheriff Angcon, had them photocopied at her own expense, then gave the photocopies to Bacolot's representative.¹⁹

Atty. Pablo-Driessen then reviewed the record of the foreclosure proceedings, finding out that it did not contain the handwritten computation of filing fees. She also checked the Reports of Collection of the Office of the Clerk of Court, which confirmed the nonpayment of filing fees. Atty. Pablo-Driessen wrote Executive Judge Vicoy of her findings, which eventually led to Executive Judge Vicoy voiding the extrajudicial foreclosure sale after Landbank failed to present proof of payment of filing fees.²⁰

Based on Atty. Pablo-Driessen's own investigation, it turned out that the application for foreclosure was filed on December 14, 2011, during the Office of the Clerk of Court's Christmas Party. She was at the chamber of then Executive Judge Rolando L. Goan to invite him to the party and to follow up on her birthday leave, when a Landbank representative, accompanied by Sheriff Angcon, filed the application for foreclosure.²¹

According to Atty. Pablo-Driessen, the application was received by Suarin. Suarin advised the Landbank representative and Sheriff Angcon to wait for Atty. Pablo-Driessen for the assessment and computation of filing fees. However, Sheriff Angcon allegedly told Suarin to just stamp the

¹⁷ *Id.* at 71-77.

¹⁸ *Id.* at 71-72.

¹⁹ *Id.* at 72-73.

²⁰ *Id.* at 73-74.

²¹ *Id.* at 74.

application as received and have it docketed. Sheriff Angcon then left with the case records.²²

Subsequently, Sheriff Angcon issued the Notice of Sale.²³ Sheriff Babor, whom Atty. Pablo-Driessen allegedly designated as officer-in-charge, approved the Notice of Sale.²⁴ The auction sale was then raffled and assigned to Sheriff Angcon.²⁵

Atty. Pablo-Driessen maintained that the failure to collect the filing fees from Landbank was due to inadvertence. She contended that Landbank, being a government bank, cannot corrupt sheriffs as the bank releases money through disbursement vouchers only.²⁶

For his part, in his November 19, 2018 Comment,²⁷ Sheriff Babor maintained that he acted in good faith in assisting Sheriff Angcon in the extrajudicial foreclosure proceedings considering the number of parcels of land involved.²⁸ He explained that in extrajudicial foreclosure proceedings, the filing fees should have already been paid before the case is given a docket number and assigned to a sheriff. Considering that the application already had a docket number, Sheriff Babor believed that filing fees were already paid for Landbank's application for foreclosure, leading him to approve the Notice of Sale. Sheriff Babor maintained that he was the officer-in-charge of the Office of the Clerk of Court when he approved the Notice of Sale.²⁹

Echoing Sheriff Babor's arguments, Sheriff Angcon maintained in his November 29, 2018 Comment³⁰ that he acted in good faith in conducting the foreclosure proceedings and issuing the Notice of Sale.³¹ He was allegedly unaware that the filing fees were still unpaid because foreclosures are usually turned over to sheriffs only when filing fees have already been paid.³²

In his Reply,³³ Bacolot moved that Suarin be included as a respondent, as the latter admitted to receiving Landbank's application for foreclosure. Bacolot also requested that Atty. Pablo-Driessen be dropped as respondent. He was convinced that Atty. Pablo-Driessen had no prior knowledge of the

²² *Id.* at 74–75.

²³ *Id.* at 20–32.

²⁴ *Id.* at 32.

²⁵ *Id.* at 75.

²⁶ *Id.*

²⁷ *Id.* at 115–118.

²⁸ *Id.* at 115.

²⁹ *Id.* at 116.

³⁰ *Id.* at 93–98.

³¹ *Id.* at 93–94.

³² *Id.* at 94.

³³ *Id.* at 101–105.

2011 application for foreclosure, and that she issued the 2018 Certificate of Sale as part of her ministerial duty.³⁴

In its August 1, 2022 Resolution,³⁵ this Court referred the case to Executive Judge Vicoy for investigation, report, and recommendation. Furthermore, in its December 7, 2022 Resolution,³⁶ this Court ordered Suarin's addition as co-respondent and his filing of comment.

In his March 13, 2023 Comment,³⁷ Suarin maintained that it was his ministerial duty to receive submissions to the Office of the Clerk of Court; and that when Landbank filed the application for foreclosure, he directed the Landbank representative to pay the filing fees to the cash clerk. The Landbank representative allegedly said that he will just return as he had another appointment, but the representative never came back.³⁸

Executive Judge Vicoy wrote his findings in his Amended Investigation report.³⁹ There, Judge Vicoy recommended that Atty. Pablo-Driessen be absolved from administrative liability. He found that she was "left in the dark"⁴⁰ as to the filing of the 2011 application for foreclosure, with Sheriff Angcon bringing the foreclosure records with him. Furthermore, when she learned of the nonpayment of filing fees, she immediately reported the matter to the executive judge. Executive Judge Vicoy also vouched for Atty. Pablo-Driessen's "impeccable character and integrity,"⁴¹ describing her as "upright, incorruptible, and very competent as the Clerk of Court of Pagadian City."⁴²

Executive Judge Vicoy likewise recommended the dismissal of the Complaint against Suarin. He found that Suarin was not aware of what was happening, and that the latter simply received the 2011 application for foreclosure as part of his ministerial duty.⁴³

Considering Sheriff Babor's 40 years in service and retirement in 2022, Executive Judge Vicoy recommended that the sheriff be fined in an amount equivalent to the latter's one-month salary. Executive Judge Vicoy found that, on January 4, 2012 when the Notice of Sale was issued, Atty. Pablo-Driessen was present as shown by the Daily Time Record she signed that day. Furthermore, there was no memorandum or order designating Sheriff Babor as officer-in-charge of the Office of the Clerk of Court on January 4, 2012. Therefore, Sheriff Babor not only usurped the functions of Atty. Pablo-

³⁴ *Id.* at 101–103.

³⁵ *Id.* at 220–221.

³⁶ *Id.* at 235–236.

³⁷ *Id.* at 264.

³⁸ *Id.*

³⁹ *Id.* at 277–285.

⁴⁰ *Id.* at 281.

⁴¹ *Id.* at 282.

⁴² *Id.*

⁴³ *Id.* at 282.

Driessen as Clerk of Court; for some reason, he did not bother informing Atty. Pablo-Driessen of the foreclosure application filed by Landbank.⁴⁴

As for Sheriff Angcon, Executive Judge Vicoy highlighted how it was the sheriff's actions that caused the case to reach this point.⁴⁵ Executive Judge Vicoy emphasized that Sheriff Angcon "dilly dallied"⁴⁶ with A-1 Properties' request for copies of the foreclosure records. According to Executive Judge Vicoy, he tried to secure copies of documents relating to the raffle of foreclosure applications on December 14, 2011 to verify whether the foreclosure was randomly assigned to Sheriff Angcon. However, considering that the application was filed in 2011, Executive Judge Vicoy theorized that the raffle documents could already be destroyed as per a Supreme Court circular ordering the destruction of old and aged documents.⁴⁷

In any case, Executive Judge Vicoy recommended that Sheriff Angcon be fined equivalent to one to two months of the sheriff's salary. In making the recommendation, Executive Judge Vicoy considered Sheriff Angcon's more than 40 years in service and his retirement in June 2023.⁴⁸

In the June 20, 2023 1st Indorsement,⁴⁹ the Office of the Court Administrator referred Executive Judge Vicoy's Amended Investigation Report and Recommendation to Atty. Teresita Aquino Tuazon, Clerk of Court of this Court's Second Division, for appropriate action.

In the July 3, 2023 Resolution,⁵⁰ this Court noted the June 20, 2023 1st Indorsement by the Office of the Court Administrator. Executive Judge Vicoy's Report was likewise noted and referred to the Judicial Integrity Board for evaluation, report, and recommendation within 90 days from receipt of the record.

In the January 19, 2024 Report and Recommendation,⁵¹ the Office of the Executive Director of the Judicial Integrity Board, through Acting Executive Director Eduardo C. Tolentino (Acting Executive Director Tolentino), agreed with the findings of fact and recommendations of Executive Judge Vicoy. According to Acting Executive Director Tolentino, the actions of Sheriffs Angcon and Babor show their intention to have Landbank's application for foreclosure processed without the payment of filing fees. However, there being no proof of corruption, Acting Executive Director Tolentino recommended that the sheriffs be held guilty of simple



⁴⁴ *Id.* at 283.

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ *Id.* at 283–284.

⁴⁸ *Id.* at 284.

⁴⁹ *Id.* at 287.

⁵⁰ *Id.* at 297–298.

⁵¹ *Id.* at 299–310.

neglect of duty for their failure to live up to the high standards imposed on court employees.⁵²

As for Suarin, the Acting Executive Director Tolentino recommended the dismissal of the Complaint. Acting Executive Director Tolentino found no bad faith in Suarin's receipt and docketing of the application for foreclosure considering that the Landbank representative said that he will return to the Office of the Clerk of Court to pay the filing fees.⁵³

While recommending the exoneration of Atty. Pablo-Driessen, Acting Executive Director Tolentino, nevertheless, recommended that she be reminded to be more circumspect in the performance of her duties as Clerk of Court.⁵⁴

In its Report,⁵⁵ the Judicial Integrity Board concurred with the factual findings of the Office of the Executive Director with modification as to the conclusions of law, specifically, as to the administrative offenses committed by respondents.

At the outset of discussing its evaluation, the Judicial Integrity Board said that the payment of filing fees is for the account of Landbank, and that the nonpayment was "Landbank's fault or omission."⁵⁶

The Judicial Integrity Board also found it "intriguing,"⁵⁷ but not indicative of corruption, that the January 4, 2012 Notice of Sale issued by Sheriff Angcon was approved by Sheriff Babor without having the authority to act as officer-in-charge of the Office of the Clerk of Court. Furthermore, when Atty. Pablo-Driessen was assessing the amount of filing fees payable by Landbank to resume the foreclosure proceedings, Sheriff Babor told her that the computation was no longer necessary as the petition was only for resumption of a previous foreclosure proceeding.⁵⁸

In any case, the Judicial Integrity Board said that Atty. Pablo-Driessen "displayed an obvious lack of attention and care in the performance of her duties"⁵⁹ because "[a] simple exercise of diligence would have enabled her to notice what was taking place around her."⁶⁰ The Judicial Integrity Board added that "[a]s Clerk of Court, she must have known that her role as such is

⁵² *Id.* at 307–309.

⁵³ *Id.* at 307.

⁵⁴ *Id.*

⁵⁵ *Id.* at 311–330. The June 25, 2024 JIB Report was penned by Retired Supreme Court Justice Angelina Sandoval-Gutierrez, Acting Chairperson of the JIB. The Report was concurred in by Retired Court of Tax Appeals Justice Cielito N. Mindaro-Grulla, as Third Regular Member of the JIB.

⁵⁶ *Id.* at 320–321.

⁵⁷ *Id.* at 321.

⁵⁸ *Id.*

⁵⁹ *Id.* at 322.

⁶⁰ *Id.*

a delicate task which demands dedication, high degree of efficiency, and effective personnel and work management.”⁶¹ For these reasons, it recommended that Atty. Pablo-Driessen be found guilty of simple neglect of duty and be fined in the amount of PHP 18,000.00.⁶²

As for Suarin, the Judicial Integrity Board affirmed the finding that his receipt of the Landbank’s application was a ministerial duty for which he cannot be faulted. The Judicial Integrity Board even found it commendable that Suarin instructed the Landbank representative to wait for the Clerk of Court’s computation of filing fees then pay to the cashier. Considering that Suarin, as clerk, had no authority or discretion to determine whether a pleading complied with the Rules of Court, including the payment of filing fees, the Judicial Integrity Board said that Suarin has no administrative liability.⁶³

As for Sheriffs Angcon and Babor, the Judicial Integrity Board recommended that they be found guilty of simple misconduct. The Board said that Sheriff Angcon should have known that the docketing of cases without the payment of filing fees is violative of procedural rules. Furthermore, Sheriff Angcon failed to act on the multiple requests of A-1 Properties for copies of the foreclosure records. Had he only heeded the request at the first instance, the Judicial Integrity Board said that “this administrative matter could have been averted.”⁶⁴

Specifically for Sheriff Babor, the Judicial Integrity Board found that he first approved the Notice of Sale without authority; and second, misled Atty. Pablo-Driessen into ceasing from computing the filing fees due from Landbank.⁶⁵

The Judicial Integrity rejected Sheriffs Angcon and Babor’s defense of good faith considering that they should have been more cautious given the number of parcels of land to be sold at the foreclosure sale.⁶⁶

Citing Rule 140⁶⁷ of the Rules of Court, the Judicial Integrity Board recommended that Sheriff Angcon and Sheriff Babor each be fined in the amount of PHP 18,000.00.

ACCORDINGLY, we respectfully **RECOMMEND** to the Honorable Supreme Court that:



⁶¹ *Id.*

⁶² *Id.* at 323, 328.

⁶³ *Id.* at 323–324.

⁶⁴ *Id.* at 324.

⁶⁵ *Id.*

⁶⁶ *Id.* at 325.

⁶⁷ Discipline of Members, Officials, Employees, and Personnel of the Judiciary.

- 1.) the instant administrative complaint against respondent Dax Suarin, Clerk III, Office of the Clerk of Court, Regional Trial Court, Pagadian City, Zamboanga Del Sur be **DISMISSED** for insufficiency of evidence;
- 2.) the present complaint be **RE-DOCKETED** as a regular administrative matter against respondents Atty. Jessibel M. Pablo-Driessen, Clerk of Court VI, Vicente B. Angcon, Jr., Sheriff IV, Branch 19, and Jimelito O. Babor, Sheriff IV, Office of the Clerk of Court, all of the Regional Trial Court, Pagadian City, Zamboanga Del Sur;
- 3.) respondent Atty. Pablo-Driessen be found **GUILTY** of Simple Neglect of Duty in the Performance or Non-Performance of Official Functions and be **FINED** in the sum of PHP 18,000.00 payable within three months from the time the decision or resolution is promulgated. If unpaid, such amount shall be deducted from her accrued leave credits;
- 4.) respondents Angcon, Jr. and Babor be found **GUILTY** of Simple Misconduct constituting violations of the Code of Conduct for Court Personnel and be **FINED** in the amount of PHP 18,000.00 each payable within three months from the time the decision or resolution is promulgated. If unpaid, such amount shall be deducted from their retirement benefits including their accrued leave credits[.]⁶⁸

The issue for this Court's resolution is whether respondents Atty. Jessibel M. Pablo-Driessen, Sheriff Vicente B. Angcon, Jr., Sheriff Jimelito O. Babor, and Mr. Dax S. Suarin are guilty of grave misconduct or gross dishonesty.

The Complaint, Comments, and Reply; the November 21, 2022 Report and the March 27, 2023 Amended Investigation⁶⁹ of Executive Judge Vicoy; and the June 25, 2024 Report of the Judicial Integrity Board are all noted. Furthermore, the present Complaint is re-docketed as a regular administrative matter against respondents.

Moreover, this Court adopts and approves the findings of fact of the Judicial Integrity Board but modifies its conclusions of law. Respondent Atty. Pablo-Driessen and Suarin are found guilty of simple neglect of duty.

As for Sheriff Angcon, Jr., he is found guilty of grave misconduct, whereas Sheriff Babor is found guilty of simple misconduct.

A.M. No. 99-10-05-0, aptly titled "Procedure in Extra-Judicial Foreclosure of Mortgage," clearly outlines the duties of clerks of court and

⁶⁸ *Rollo*, pp. 328–329.

⁶⁹ *Id.* at 288–296.

sheriffs in extrajudicial foreclosures. The provisions of A.M. No. 99-10-05-0 relevant to this case are reproduced below for easy reference:

A.M. No. 99-10-05-0

PROCEDURE IN EXTRA-JUDICIAL FORECLOSURE
OF MORTGAGE
(AS FURTHER AMENDED, AUGUST 7, 2001)

In line with the responsibility of an Executive Judge under Administrative Order No. 6, dated June 30, 1975, for the management of courts within his administrative area, included in which is the task of supervising directly the work of the Clerk of Court, who is also the *Ex-Officio* Sheriff, and his staff, and the issuance of commissions to notaries public and enforcement of their duties under the law, the following procedures are hereby prescribed in extrajudicial foreclosure of mortgages:

1. All applications for extra-judicial foreclosure of mortgage whether under the direction of the sheriff or a notary public, pursuant to Act 3135, as amended by Act 4118, and Act 1508, as amended, shall be filed with the Executive Judge, through the Clerk of Court who is also the Ex-Officio Sheriff.
2. Upon receipt of an application for extra-judicial foreclosure of mortgage, it shall be the duty of the Clerk of Court to:
 - a) receive and docket said application and to stamp thereon the corresponding file number, date and time of filing;
 - b) collect the filing fees therefore pursuant to Rule 141, Section 7(c), as amended by A.M. No. 00-2-01-SC, and issue the corresponding official receipt;
 - c) examine, in case of real estate mortgage foreclosure, whether the applicant has complied with all the requirements before the public auction is conducted under the direction of the sheriff or a notary public, pursuant to Sec. 4 of Act 3135, as amended;
 - d) sign and issue the certificate of sale, subject to the approval of the Executive Judge, or in his absence, the Vice-Executive Judge. No certificate of sale shall be issued in favor of the highest bidder until all fees provided for in the aforementioned sections and in Rule 141, Section 9(1), as amended by A.M. No. 00-2-01-SC, shall have been paid; *Provided*, that in no case shall the amount payable under Rule 141, Section 9(1), as amended, exceed P100,000.00;
 - e) after the certificate of sale has been issued to the highest bidder, keep the complete records, while awaiting any redemption within a period of one (1) year from date of registration of the certificate of sale with the Register of Deeds concerned, after which, the records shall be archived. Notwithstanding the foregoing provision, juridical persons whose property is sold pursuant to an extra-judicial foreclosure, shall have the right to redeem the property until,

but not after, the registration of the certificate of foreclosure sale which in no case shall be more than three (3) months after foreclosure, whichever is earlier, as provided in Section 47 of Republic Act No. 8791 (as amended, Res. of August 7, 2001).

Where the application concerns the extrajudicial foreclosure of mortgages of real estates and/or chattels in different locations covering one indebtedness, only one filing fee corresponding to such indebtedness shall be collected. The collecting Clerk of Court shall, apart from the official receipt of the fees, issue a certificate of payment indicating the amount of indebtedness, the filing fees collected, the mortgages sought to be foreclosed, the real estates and/or chattels mortgaged and their respective locations, which certificate shall serve the purpose of having the application docketed with the Clerks of Court of the places where the other properties are located and of allowing the extrajudicial foreclosures to proceed thereat.

3. The notices of auction sale in extrajudicial foreclosure for publication by the sheriff or by a notary public shall be published in a newspaper of general circulation pursuant to Section 1, Presidential Decree No. 1079, dated January 2, 1977, and non-compliance therewith shall constitute a violation of Section 6 thereof.
4. The Executive Judge shall, with the assistance of the Clerk of Court, raffle applications for extrajudicial foreclosure of mortgage under the direction of the sheriff among all sheriffs, including those assigned to the Office of the Clerk of Court and Sheriffs IV assigned in the branches.
5. The name/s of the bidder/s shall be reported by the sheriff or the notary public who conducted the sale to the Clerk of Court before the issuance of the certificate of sale.

This Resolution amends or modifies accordingly Administrative Order No. 3 issued by then Chief Justice Enrique M. Fernando on 19 October 1984 and Administrative Circular No. 3-98 issued by the Chief Justice Andres R. Narvasa on 5 February 1998.

The Court Administrator may issue the necessary guidelines for the effective enforcement of this Resolution.

The Office of the Court Administrator Circular No. 7-2002 reiterates these duties of clerks of court and sheriffs. The relevant provisions of the Circular are as follows:

OCA CIRCULAR NO. 7-2002

TO : *All Executive Judges, Clerks of Court,
Sheriffs in the Office of the Clerk of Court
and Branch Sheriffs in the Regional Trial
Courts*



SUBJECT : *Guidelines for the Enforcement of Supreme Court Resolution of December 14, 1999 in Administrative Matter No. 99-10-05-0 (Re: Procedure in Extra-Judicial Foreclosure of Mortgage), as Amended by the Resolutions dated January 30, 2001 and August 7, 2001*

These guidelines are issued pursuant to the Supreme Court *En Banc* Resolution of December 14, 1999 in Administrative Matter No. 99-10-05-0, as amended by the resolutions of January 30, 2001; and August 7, 2001, directing the Office of the Court Administrator to prepare the guidelines for the enforcement of A.M. No. 99-10-05-0 on the extra-judicial foreclosure of mortgages.

SECTION 1. All applications for extra-judicial foreclosure of mortgage, whether under the direction of the Sheriff or a notary public pursuant to Act No. 3135, as amended, and Act 1508, as amended, shall be filed with the Executive Judge, through the Clerk of Court, who is also the *Ex-Officio* Sheriff (A.M. No. 99-10-05-0, as amended, March 1, 2001).

SECTION 2. Upon receipt of the application, the Clerk of Court shall:

- a. Examine the same to ensure that the special power of attorney authorizing the extra-judicial foreclosure of the real property is either inserted into or attached to the deed of real estate mortgage (Act No. 3135, Sec. 1, as amended);
- b. Give a file number to the application and endorse the date and time of its filing and thereafter docket the same, keeping, in this connection, separate docket books for extra-judicial foreclosure sales conducted by the Sheriff and those conducted by notaries public;
- c. For the conduct of extra-judicial foreclosure of real estate or chattel mortgage under the direction of the sheriff, collect the appropriate filing fees and issue the corresponding official receipt pursuant to the following schedule:

If the amount of the indebtedness or the mortgagee's claim is:

(1)	Less than P50,000.00	P275.00
(2)	P50,000.00 or more but less than P100,000.00	400.00
(3)	P100,000.00 or more but less than P150,000.00	500.00
(4)	P150,000.00 or more but less than P200,000.00	650.00
(5)	P200,000.00 or more but less than P250,000.00	1,000.00
(6)	P250,000.00 or more but less than P300,000.00	1,250.00
(7)	P300,000.00 or more but less than P400,000.00	1,500.00
(8)	P400,000.00 or more but less than P500,000.00	1,750.00



- | | | |
|------|---|----------|
| (9) | P500,000.00 or more but not more than P1,000,000.00 | 2,000.00 |
| (10) | For each P1,000.00 in excess of P1,000,000.00 | 10.00 |

(Section 7(c), Rule 141, Rules of Court, as amended by A.M. No. 00-2-01-SC, February 1, 2000).

Cooperatives, thrift banks, and rural banks are not exempt from the payment of filing fees and other fees under these guidelines (A.M. No. 98-9-280-RTC, September 29, 1998; A.M. No. 99-3-93-RTC, April 20, 1999; and A.M. No. 92-9-408-0).

- d. In case the application for the extra-judicial foreclosure of mortgages of real estates and/or chattels in different locations covering one indebtedness, issue, apart from the official receipt for the fees, a certificate of payment indicating the amount of indebtedness, the filing fees collected, the mortgages sought to be foreclosed, the real estates and/or chattels mortgaged and their respective locations, for purposes of having the application docketed with the Clerks of Court in the places where the other properties are located and of allowing the extra-judicial foreclosure to proceed thereat. (A.M. No. 99-10-05-0, par. 2(e)).

SECTION 3. The application for extra-judicial foreclosure shall be raffled under the supervision of the Executive Judge, with the assistance of the Clerk of Court and *Ex-Officio* Sheriff, among all Sheriffs including those assigned to the Office of the Clerk of Court and Sheriffs assigned in the branches of the court. A Sheriff to whom the case has been raffled shall be excluded in the succeeding raffles and shall participate again only after all the Sheriffs have been assigned a case each by raffle (Administrative Circular No. 3-98 Feb. 5, 1998).

SECTION 4. The Sheriff to whom the application for extra-judicial foreclosure of mortgage was raffled shall do the following:

- a. Prepare a Notice of Extra-judicial Sale. . . .[.]

....

SECTION 6. After the sale, the Clerk of Court shall collect the appropriate fees pursuant to Sec. 9(1), Rule 141, as amended by A.M. No. 00-2-01-SC, computed on the basis of the amount actually collected by him, which fee shall not exceed P100,000.00 (A.M. No. 99-10-05-0, March 1, 2001, 2[d]). The amount paid shall not be subject to a refund even if the foreclosed property is subsequently redeemed.

....

SECTION 8. The Sheriff or the notary public who conducted the sale shall report the name/s of the bidder/s to the Clerk of Court.

SECTION 9. Upon presentation of the appropriate receipts, the Clerk of Court shall issue and sign the Certificate of Sale, subject to the approval of the Executive Judge or, in the latter's absence, the Vice-Executive Judge. Prior to the issuance of the Certificate of Sale, the Clerk of Court shall, in extra-judicial foreclosure conducted under the direction of



the sheriff, collect P300.00 as provided in Section 20(d), Rule 141, as amended, and in extra-judicial foreclosure sales conducted under the direction of a notary public, collect the appropriate fees pursuant to Rule 141, §20(e), which amount shall not exceed P100,000.00 (Minute Res., A.M. No. 99-10-05-0, August 7, 2001).

SECTION 10. After the Certificate of Sale has been issued, the Clerk of Court shall keep the complete records for a period of one (1) year from the date of registration of the certificate of sale with the Register of Deeds, after which the records shall be archived. Notwithstanding the foregoing, juridical persons whose property is sold pursuant to an extra-judicial foreclosure shall have the right to redeem the property until, but not later than, the registration of the certificate of foreclosure sale which in no case shall be more than three (3) months after foreclosure, whichever is earlier (R.A. 8791, Section 47). In case the property is redeemed, the Clerk of Court shall assess the redemptioner's fee as provided in Section 7 (k), Rule 141, as amended. If the property is not redeemed, the Clerk of Court shall, as a requisite for the issuance of the final Deed of Sale, assess the highest bidder the amount of P300.00 as provided in Section 20(d), Rule 141, as amended.

SECTION 11. These guidelines shall take effect on April 22, 2002.

From the foregoing, the Clerk of Court has the duty to collect the filing fees for the conduct of foreclosure proceedings,⁷⁰ which Atty. Pablo-Driessen indubitably failed to do. While it is true that filing fees are for the account of those applying for foreclosure, which, in this case is Landbank, clerks of court are not just passive receivers of filing fees. A.M. No. 99-10-05-0 imposes on them the responsibility to ensure that all the necessary fees have been paid even before the public auction is conducted and the certificate of sale is issued.

Atty. Pablo-Driessen alleged that in 2017, when Landbank filed its Petition for Resumption of Foreclosure, she was already computing the filing fees, but Sheriff Babor told her that no filing fees were due because the petition was only for resumption of foreclosure proceedings already commenced in 2011. This should have already prompted Atty. Pablo-Driessen to check for herself the records of the foreclosure proceedings as she initially thought that the filing fees were not yet paid.

It should not have taken two letters from A-1 Properties to impel Atty. Pablo-Driessen to verify whether Landbank actually paid the required filing fees. In 2018, she should have first checked that all the required fees, including the filing fees, were paid before issuing the Certificate of Sale, in line with the Procedure in Extra-Judicial Foreclosure of Mortgage, as amended.⁷¹ After the conduct of the public sale, it was also her duty to keep custody of the complete records of the foreclosure proceedings while awaiting the possible redemption of the foreclosed properties.⁷² Had Atty. Pablo-

⁷⁰ A.M. No. 99-10-05-0, sec. 2(b); OCA Circular No. 7-2002, sec. 2(c).

⁷¹ A.M. No. 99-10-05-0, sec. 2(d); OCA Circular No. 7-2002, sec. 9.

⁷² A.M. No. 99-10-05-0, sec. 2(e); OCA Circular No. 7-2002, sec. 10.

Driessen taken custody of the records from Sheriff Angcon, she would have discovered upon reviewing the first few pages of the records that no official receipt exists showing the payment of filing fees.

For these reasons, Atty. Pablo-Driessen remains guilty of simple neglect of duty in the performance of official functions, defined as failure to give attention to a task or "disregard of a duty resulting from carelessness or indifference."⁷³ Simple neglect of duty is a less serious charge,⁷⁴ punished with either suspension from office without salary and other benefits for not less than one month nor more than six months;⁷⁵ or a fine of more than PHP 35,000.00 but not exceeding PHP 100,000.00.⁷⁶ Considering that this is Atty. Pablo-Driessen's first offense, a mitigating circumstance⁷⁷ that lowers the amount of fine to not less than half of the minimum prescribed for the offense,⁷⁸ we find the fine of PHP 30,000.00 as the appropriate penalty.

Suarin is likewise liable for simple neglect of duty. His duty was not limited to receiving documents. It was equally his duty as Clerk III to refer to the Clerk of Court all cases, pleadings, documents, and communications received.⁷⁹ Here, it does not appear that he referred Landbank's 2011 application for foreclosure to Atty. Pablo-Driessen or, at the very least, informed Atty. Pablo-Driessen of the filing of the application for foreclosure considering that Sheriff Angcon immediately took possession of the case records upon the filing of the application. Suarin limited himself to advising the Landbank representative and Sheriff Angcon to wait for Atty. Pablo-Driessen for the assessment and computation of filing fees without actually informing Atty. Pablo-Driessen of the application for foreclosure. Had he referred the application, Atty. Pablo-Driessen would not have been uninformed of Landbank's 2011 application for foreclosure and its nonpayment of filing fees.

Given the circumstances, we find the penalty of fine of PHP 18,000.00 on Suarin as the appropriate penalty for his simple neglect of duty considering that this is his first offense.

Sheriffs Angcon and Babor deserve a more severe penalty. Their actions, taken together, constitute gross misconduct constituting violations of the Code of Conduct for Court Personnel.

⁷³ *Re: Complaint of Aero Engr. Reci Against CA Marquez and DCA Bahia Relative to Crim. Case No. 05-236956*, 805 Phil. 290, 292 (2017) [Per J. Perlas-Bernabe, *En Banc*].

⁷⁴ RULES OF COURT, Rule 140 (as amended by A.M. No. 21-08-09-SC), sec. 15(b).

⁷⁵ RULES OF COURT, Rule 140 (as amended by A.M. No. 21-08-09-SC), sec. 17(2)(a).

⁷⁶ RULES OF COURT, Rule 140 (as amended by A.M. No. 21-08-09-SC), sec. 17(2)(b).

⁷⁷ RULES OF COURT, Rule 140 (as amended by A.M. No. 21-08-09-SC), sec. 19(1)(a).

⁷⁸ RULES OF COURT, Rule 140 (as amended by A.M. No. 21-08-09-SC), sec. 20.

⁷⁹ THE 2002 REVISED MANUAL FOR CLERKS OF COURT, Vol. 1, Part 7, Chapter II, Part D, par. 2.1.12, subparagraph 2.1.12.3 (2002).

Sheriff Angcon's actions in accompanying the Landbank representative in filing the application for foreclosure; and in instructing Suarin to simply receive the application and assign it a docket number without waiting for Atty. Pablo-Driessen's assessment of the filing fees give the appearance of impropriety and undue patronage.⁸⁰ Sheriffs, technically auctioneers in foreclosure sales, should not fraternize with mortgagees, banks, or their representatives to avoid the appearance of rigged bidding for the borrower's foreclosed properties.

It also appears that there was no raffle that randomly assigned Landbank's application for foreclosure. Instead, Sheriff Angcon arrogated unto himself the conduct of the foreclosure proceedings, being a "Sheriff-friend"⁸¹ of the Landbank representative. Both Sheriff Angcon⁸² and Sheriff Babor⁸³ allege that the application for foreclosure was filed on November 15, 2011, which is false. While *dated* November 15, 2011, the application for foreclosure was actually filed a month after, on December 14, 2011.⁸⁴ That Sheriff Angcon and Sheriff Babor knew the existence of the application for foreclosure even before it was filed supports Suarin's allegation that, upon Landbank's filing of the application, Sheriff Angcon immediately took the case records, meaning, there was no raffle of the application for foreclosure. It was also not a coincidence that Sheriff Angcon subsequently conducted the foreclosure proceedings. From the foregoing, there is no other conclusion that there was no raffle, in violation of Section 4 of A.M. No. 99-10-05-0 and Section 3 of the Office of the Court Administrator Circular No. 7-2002.

It follows that the Notice of Sale that Sheriff Angcon issued was not valid. He was not the sheriff to whom the application for extrajudicial foreclosure was raffled. Therefore, he had no authority under Section 4 of OCA Circular No. 7-2002 to issue the Notice of Extra-judicial Sale.

Worse, Sheriff Angcon had the Notice of Sale approved by Sheriff Babor, supposedly in the latter's capacity as officer-in-charge of the Office of the Clerk of Court on January 4, 2012. However, as evidenced by her Daily Time Record on that day, Atty. Pablo-Driessen was present in the office. There was also no memorandum or order designating Sheriff Babor as officer-

⁸⁰ CODE OF CONDUCT FOR COURT PERSONNEL, *INCORPORATION OF OTHER RULES*, sec. 1 in relation to Republic Act No. 6713, sec. 4(b) which provides:

Section 4. Norms of Conduct of Public Officials and Employees. - (A) Every public official and employee shall observe the following as standards of personal conduct in the discharge and execution of official duties:

....
(b) *Professionalism.* - Public officials and employees shall perform and discharge their duties with the highest degree of excellence, professionalism, intelligence and skill. They shall enter public service with utmost devotion and dedication to duty. They shall endeavor to discourage wrong perceptions of their roles as dispensers or peddlers of undue patronage.

⁸¹ *Rollo*, p. 75.

⁸² *Id.* at 94.

⁸³ *Id.* at 64.

⁸⁴ *Id.* at 18.

in-charge. Therefore, Sheriff Babor, without authority, approved the Notice of Sale.

Then, when Landbank filed its Petition for Resumption of Foreclosure Proceedings in 2017, Sheriff Babor falsely told Atty. Pablo-Driessen that there was no need to assess Landbank filing fees.

That the foreclosure sale was voided and that A-1 Properties and Landbank eventually compromised do not exonerate Sheriffs Angcon and Babor. The Judiciary still incurred a loss of PHP 102,000.00⁸⁵ in filing fees for which respondents must be held administratively accountable.

The actions of Sheriffs Angcon and Babor belie their good faith in their conduct of the foreclosure sale. Instead, their actions show that they purposefully kept Atty. Pablo-Driessen uninformed of Landbank's nonpayment of the filing fees and arrogated unto themselves the conduct of the foreclosure proceedings without a raffle. Their acts constitute misconduct, defined as "wrongful, improper or unlawful conduct motivated by a premeditated, obstinate or intentional purpose."⁸⁶ Adding the element of their flagrant disregard of established rules,⁸⁷ Sheriffs Angcon and Babor are guilty of gross misconduct, a serious charge that warrants either dismissal from service; suspension from office without salary and other benefits for more than six months but not exceeding one year; or a fine of more than PHP 100,000.00 but not exceeding PHP 200,000.00.⁸⁸ However, considering the supervening events of Sheriff Angcon's dropping from the rolls in 2023 and Sheriff Babor's retirement in 2022, this Court may administratively penalize them under Rule 140, Section 18 of the Rules of Court, which provides:

SECTION 18. *Penalty in Lieu of Dismissal on Account of Supervening Resignation, Retirement, or other Modes of Separation of Service.* – If the respondent is found liable for an offense which merits the imposition of the penalty of dismissal from service but the same can no longer be imposed due to the respondent's supervening resignation, retirement, or other modes of separation from service except for death, he or she may be meted with the following penalties in lieu of dismissal:

- (a) Forfeiture of all or part of the benefits as the Supreme Court may determine, and disqualification from reinstatement or appointment to any public office, including government-owned or -controlled corporations. *Provided, however,* that the forfeiture of benefits shall in no case include accrued leave credits; and/or
- (b) Fine as stated in Section 17(1) (c) of this Rule.

⁸⁵ RULES OF COURT, Rule 141, sec. 7(c). *See also* OCA Circular No. 7-2002, sec. 2(c).

⁸⁶ *Re: Letter-Complaint of Mr. Recarredo S. Valenzuela, Against Mr. Ricardo R. Giganto*, 671 Phil. 510, 520 (2011) [Per J. Carpio, *En Banc*]. (Citation omitted)

⁸⁷ *Solema v. Almeda-Fajardo*, 947 Phil. 22, 32 (2023) [Per J. Singh, *En Banc*].

⁸⁸ RULES OF COURT, Rule 140 (as amended by A.M. No. 21-08-09-SC), sec. 17(1)(a)(b)(c).

Considering the mitigating circumstances of first offense⁸⁹ and length of service of at least 10 years with no previous disciplinary record where respondents were meted with an administrative penalty,⁹⁰ we deem appropriate the penalty of fine in the amount of PHP 50,000.00⁹¹ each for Sheriff Angcon and Sheriff Babor.

Per Rule 140, Section 22 of the Rules of Court, respondents should pay their fines within 30 days from the finality of this Decision, which is immediately executory. If unpaid within the period given, indirect contempt proceedings shall be commenced against them pursuant to Rule 71, Section 3 of the Rules of Court.⁹²

ACCORDINGLY, the September 17, 2018 Complaint-Affidavit filed by Ferdinand Raymund C. Bacolot; the November 19, 2018 Comment filed by Jimelito O. Babor, Sheriff IV, Office of the Clerk of Court, Regional Trial Court, Pagadian City, Zamboanga Del Sur; the November 20, 2018 Comment filed by Atty. Jessibel M. Pablo-Driessen, Clerk of Court VI, Office of the Clerk of Court, Regional Trial Court, Pagadian City, Zamboanga Del Sur; the November 29, 2018 Comment filed by Sheriff Vicente B. Angcon, Jr., Sheriff IV, Branch 19, Regional Trial Court of Pagadian City, Zamboanga Del Sur; the March 13, 2023 Comment filed by Dax S. Suarin, Clerk III, Office of the Clerk of Court, Regional Trial Court, Pagadian City, Zamboanga Del Sur; the November 21, 2022 Report, as well as the March 27, 2023 Amended Investigation by Executive Judge Dennis P. Vicoy, Regional Trial Court, Pagadian City, Zamboanga Del Sur; and the June 25, 2024 Report of the Judicial Integrity Board are all **NOTED**.

This Court resolves to **ADOPT** and **APPROVE** the findings of fact but **MODIFIES** the conclusions of law and recommendations by the Judicial Integrity Board in its June 25, 2024 Report. Respondent Atty. Jessibel M. Pablo-Driessen is found **GUILTY** of simple neglect of duty in the performance of official functions and is ordered to **PAY** a fine in the amount of PHP 30,000.00. Respondent Dax S. Suarin is found **GUILTY** of simple neglect of duty in the performance of official functions and is ordered to **PAY** a fine in the amount of PHP 18,000.00.

Respondents Sheriff Vicente B. Angcon, Jr. and Sheriff Jimelito O. Babor are found **GUILTY** of gross misconduct constituting violations of the Code of Conduct for Court Personnel. Their offense merits the penalty of dismissal from service. However, since Sheriff Angcon has been dropped from the rolls in 2023 and Sheriff Babor retired in 2022, dismissal from

⁸⁹ RULES OF COURT, Rule 140 (as amended by A.M. No. 21-08-09-SC), sec. 19(1)(a).

⁹⁰ RULES OF COURT, Rule 140 (as amended by A.M. No. 21-08-09-SC), sec. 19(1)(b).

⁹¹ RULES OF COURT, Rule 140 (as amended by A.M. No. 21-08-09-SC), sec. 20.

⁹² See *Ignacio v. Balading*, A.M. No. P-24-150, July 30, 2024 [Per J. Leonen, *En Banc*].

service may no longer be imposed. In lieu of dismissal, Sheriff Angcon and Sheriff Babor are ordered to **PAY** a fine of PHP 50,000.00 each.

Respondents shall pay their respective fines within 30 days from the finality of this Decision. If unpaid, contempt proceedings shall be commenced against them pursuant to Rule 71, Section 3 of the Rules of Court for disobeying a lawful order of this Court.

SO ORDERED.



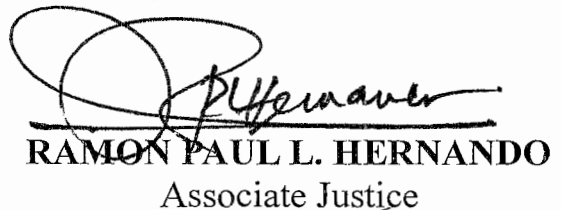
MARVIC M.V.F. LEONEN
Senior Associate Justice

WE CONCUR:



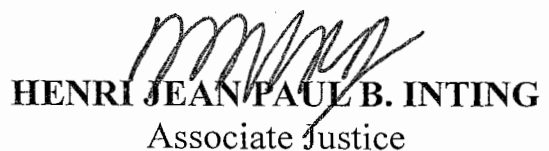
ALEXANDER G. GESMUNDO
Chief Justice

(On official leave)
ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

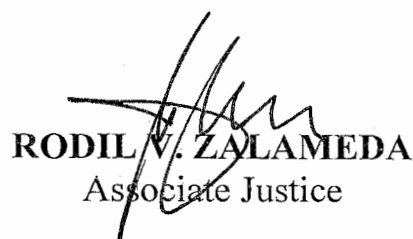


RAMON PAUL L. HERNANDO
Associate Justice

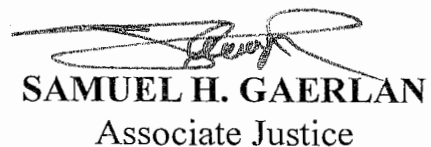
(On official business)
AMY C. LAZARO-JAVIER
Associate Justice



HENRI JEAN PAUL B. INTING
Associate Justice



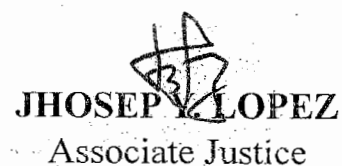
RODIL V. ZALAMEDA
Associate Justice



SAMUEL H. GAERLAN
Associate Justice



RICARDO R. ROSARIO
Associate Justice



JHOSEP V. LOPEZ
Associate Justice

~~JAPAR B. DIMAAMPAO~~
Associate Justice

(No part)
JOSE MIDAS P. MARQUEZ
Associate Justice

(On official leave)
ANTONIO T. KHO, JR.
Associate Justice

(On leave)
MARIA FILOMENA D. SINGH
Associate Justice

(No part)
RAUL B. VILLANUEVA
Associate Justice