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FIRST DIVISION

[A.C. No. P-1821. September 28, 1979]

ANACLETA VILLANUEVA, *complainant, vs.* **PEDRO SANTOS, Deputy Sheriff of Zambales,** *respondent.*

SYLLABUS

POLITICAL LAW; ADMINISTRATIVE LAW; PUBLIC OFFICERS AND EMPLOYEES; COURT PERSONNEL; SHERIFFS; NEGLECT OF DUTY; COMMITTED IN CASE AT BAR.—There is no necessity for a formal investigation to determine the respondent's administrative liability. He admits having delayed the return of the writ. The respondent only made the return on September 2, 1977 after he had allegedly served said writ on June 13, 1977. Section 11, Rule 39 of the Revised Rules of Court requires that a return should be made of the writ of execution not more than sixty (60) days after its receipt by the officer. It is clear, therefore, that the respondent neglected his duty. The respondent admits that he "forgot all about the request of the claimant's counsel for a copy of the Sheriff's Return." The words uttered by the respondent to the complainant are uncalled for. Under the established facts, the respondent should be imposed a penalty of suspension for one (1) month without pay.

D E C I S I O N

FERNANDEZ, *J.*:

In a letter-complaint in Tagalog filed on January 18, 1978, Anacleta Villanueva charged Pedro Santos, Deputy Sheriff of Zambales, with discourtesy and refusal or unjustifiable neglect to perform an official duty in that the respondent failed to enforce a writ of execution within the period prescribed by law.[1]

The letter-complaint alleged that Anacleta Villanueva was awarded death compensation benefits in WC Case No. 1263-ROL;

[1] *Rollo*, pp. 1-3.

Supreme Court E-Library

that a writ of execution was issued in said case on May 24, 1977; that when the complainant learned that the writ had been transmitted to the Office of the Provincial Sheriff of Zambales, she went there and was informed that the writ had not yet been served; that upon returning to the Sheriff's office a few days later, she was simply told that the writ was served on June 13, 1977, that the complainant thereafter engaged the services of a lawyer who sent a letter on November 17, 1977 to the Provincial Sheriff of Zambales inquiring what action had been taken on the writ; that no reply having been received, the complainant's counsel wrote another letter dated December 9, 1977 again asking what action had been taken on the writ of execution; that the letter was personally delivered to the respondent Deputy Provincial Sheriff by the complainant; and that upon receiving the letter, the respondent allegedly uttered the following words in Tagalog to the complainant:

"Huwag ka nang mag-abala; sayang lamang ang pagod at ginagastos mo dahil hindi nila aamining bayaran ang hinahabol mo. Ang mabuti niyan ay mag-asawa ka na lang at huwag mo ng intindihin at habulin iyong hinahabol mo."[2]

In his comment, the respondent alleged that he received the writ of execution on June 2, 1977 and he served the same on June 13, 1977 although the complainant had not paid the sheriff's fees; that he only accomplished the return of the writ on September 2, 1977 because of his belief that the judgment-debtor "might be able to produce and pay the amount of obligation x x x" but no payment was made; that the respondent failed to act on the letter-request of the complainant's counsel because of "pressure of work x x x"; and that he did not intend to insult the complainant but only gave her fatherly advice "to look out for agents and lawyers who might only be interested in her money x x x."[3]

There is no necessity for a formal investigation to determine the respondent's administrative liability. He admits having delayed

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[2] *Rollo*, p. 3.

[3] *Rollo*, pp. 10-11.

Supreme Court E-Library

the return of the writ. The respondent only made the return on September 2, 1977 after he had allegedly served said writ on June 13, 1977. Section 11, Rule 39 of the Revised Rules of Court requires that a return should be made of the writ of execution not more than sixty (60) days after its receipt by the officer. It is clear, therefore, that the respondent neglected his duty.

The respondent admits that he "forgot all about the request of the claimant's counsel for a copy of the Sheriff's Return."

The words uttered by the respondent to the complainant are uncalled for.

Under the established facts, the respondent should be imposed a penalty of suspension for one (1) month without pay.

WHEREFORE, the respondent, Pedro Santos, Deputy Provincial Sheriff of Zambales, is hereby found guilty of neglect of duty and is suspended from office for a period of one (1) month without pay effective from the date this decision becomes final.

SO ORDERED.

Teehankee (Chairman), Actg. C.J., Makasiar, Guerrero, De Castro, and *Melencio-Herrera, JJ.,* concur.