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SECOND DIVISION

[A.M. No. P-00-1437. February 6, 2001]

ATTY. JULIAN B. SAN JUAN, JR., *complainant, vs.* **ARIEL S. SANGALANG, Sheriff IV, Regional Trial Court, Branch 114, Pasay City,** *respondent.*

SYNOPSIS

Complainant Atty. Julian B. San Juan, Jr., is counsel for the plaintiff in Civil Case No. 96-1225 entitled, "*Albina Sy vs. Armando Brillantes* and *Cecilia Brillantes*" pending before the Regional Trial Court, Branch 114 of Pasay City. He alleged that he made repeated representations with respondent sheriff Ariel S. Salang for the immediate implementation of the writ of execution of the above-stated case but respondent sheriff always made excuses. Realizing that the respondent sheriff needs monetary consideration, complainant promised to give a substantial amount upon the implementation of the writ. On December 4, 1998, at around 6:00 o'clock in the morning, respondent sheriff, complainant, complainant's liaison officer and a locksmith, proceeded to defendant's residence to implement the writ. At 10:00 o'clock in the morning, since the complainant had a prior commitment, he left the respondent sheriff, respondent's aide, and his liaison officer at the defendants' residence. On that date the sheriff was unable to implement the writ despite the presence of sufficient personal properties of the defendants within the premises. Respondent sheriff then assured him that he would implement the writ within a week if the complainant will pay in advance Ten Thousand Pesos as sheriff's fee. Complainant assured him to immediately attend to the payment of Sheriff's fee after the implementation of the writ. Nevertheless, respondent sheriff neglected, failed and/or refused to implement the writ. On February 15, 1999, complainant was informed by respondent sheriff that he could no longer implement the writ because his "identity has already been quite exposed to the defendants and their relatives nearby and may not be able to effectively get into their premises." Hence, he filed the instant complaint for neglect of duty, grave misconduct and conduct prejudicial to the best interest of

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service. In his comment, respondent sheriff denied the complainant made representations with him. He claimed that it was only on November 17, 1997 that complainant's law office requested for a copy of the said writ. On December 4, 1998, he proceeded with the execution of the writ but he failed since the defendant spouses sternly warned him not to get any of their personal properties and much more, there were presence of make toughies in the premises.

The Court ruled that respondent sheriff's explanation regarding his "reservations in re-implementing the writ" is shallow and inexcusable. Respondent sheriff's negligence and reluctance to follow through and implement the writ on the pretext that he might not be able to effectively gain access to the premises of defendant spouses since they already knew him and could probably conceal their personal properties, speaks of a lack of responsibility and dedication on his part to discharge his duties as sheriff. In the aforecited case of *Vda. De Tisado vs. Tablizo* we ruled that a deputy sheriff is a frontline representative of the justice system in this country. If he shows fear, or worse, is cowed by mere threats from enforcing the legitimate orders of courts, then by his cowardly act, he diminishes the judiciary. He erodes the faith and trust of the citizenry in the ability and capacity of the courts to settle disputes and to safeguard their rights. Specifically, he breaches his sworn duty to uphold the majesty of the law and the integrity of the justice of justice system. However, as regards the other charge that respondent sheriff demanded that the sum of Ten Thousand Pesos (₱10,000.00) as Sheriff's fee be paid in advance before implementing the writ, We agree with the OCA's findings that there is no sufficient evidence to hold respondent sheriff liable therefor. That particular charge is not substantiated by credible evidence on record aside from the bare allegations of complainant. In the case of *Office of the Court Administrator vs. Bucoy* we stated that the quantum of proof necessary for a finding of guilt in administrative cases is substantial evidence or such relevant evidence as a reasonable mind may accept as adequate to support a conclusion. In the case at bar, it appears that respondent sheriff even advanced the payment of the Sheriff's fees for the writ with the Office of the Clerk of Court of Pasay City as evidenced by O.R. Nos. 93618476 and 7669523.

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Respondent Sheriff IV Ariel S. Sangalang is hereby adjudged guilty of neglect of duty and he is hereby fined in the sum of Five Thousand Pesos (₱5,000.00)

SYLLABUS

1. **POLITICAL LAW; CONSTITUTIONAL LAW; SUPREME COURT; ADMINISTRATIVE SUPERVISION OVER COURT PERSONNEL; SHERIFFS; TASKED TO EXECUTE FINAL JUDGMENT OF COURTS.** — Sheriffs play an important part in the administration of justice, because they are tasked to execute the final judgment of courts. If not enforced, such decisions are empty victories on the part of the prevailing parties.

2. **ID.; ID.; ID.; ID.; ID.; FAILURE OF SHERIFF TO EXECUTE IS INEXCUSABLE.** — [I]t took respondent sheriff more than a year to implement the writ of execution which should have been done within sixty (60) days from his receipt thereof. While respondent sheriff lays the blame on complainant for such delay, his subsequent act of failing to implement the writ on December 4, 1997 for the simple reason that he was allegedly sternly warned by defendant spouses as well as by some male toughies in the neighborhood not to attempt to levy and take any personal properties of the defendants, is inexcusable. Contrary to his allegations, respondent was not alone at the time because he was with an aide and the complainant's liaison officer. Indeed, as stated by the OCA, together, the three (3) men could have taken the necessary steps to have the writ implemented. Respondent sheriff, however, neglected and refrained from discharging his duties at the very first instance when he was allegedly warned by defendant spouses from enforcing the writ.

3. **ID.; ID.; ID.; ID.; ID.; ID.; SHERIFF'S RELUCTANCE TO IMPLEMENT THE WRIT OF EXECUTION SPEAKS LACK OF RESPONSIBILITY AND DEDICATION TO HIS DUTIES.** — Respondent sheriff's explanation regarding his "reservations in re-implementing the writ" is shallow and inexcusable. Respondent sheriff's negligence and reluctance to follow through and implement the writ on the pretext that he might not be able to effectively gain access to the premises of defendant spouses since they already knew him and could probably conceal their personal properties, speaks of a lack of

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responsibility and dedication on his part to discharge his duties as sheriff.

4. **ID.; ID.; ID.; ID.; NEGLECT OF DUTY; FAILURE TO SUBMIT TO TRIAL COURT REPORTS ON ACTIONS TAKEN IN THE IMPLEMENTATION OF WRIT OF EXECUTION.** — [Respondent sheriff] failed to submit to the trial court his actions taken on or his proceedings on the writ "every thirty (30) days from the date of receipt hereof," as directed explicitly in that writ of execution. The writ of execution is "returnable to the clerk or judge of the court issuing it ... not more than sixty (60) days after its receipt" by the sheriff "who must set forth in writing on its back the whole of his proceedings by virtue thereof." (Sec. 11, Rule 39).

5. **ID.; ID.; ID.; ID.; ID.; COWARDLY ACT, DIMINISHES THE JUDICIARY.** — In the aforecited case of *Vda. De Tisado vs. Tablizo we ruled that "A deputy sheriff is a frontline representative of the justice system in this country. If he shows fear, or worse, is cowed by mere threats from enforcing the legitimate orders of courts, then by his cowardly act, he diminishes the judiciary. He erodes the faith and trust of the citizenry in the ability and capacity of the courts to settle disputes and to safeguard their rights. Specifically, he breaches his sworn duty to uphold the majesty of the law and the integrity of the justice of justice system."*

6. **ID.; ID.; ID.; ID.; ID.; MUST EXERT EVERY EFFORT TO SEE TO IT THAT THE EXECUTION OF JUDGMENT IS CARRIED OUT.** — A Sheriff should exert every effort and, indeed, consider it his bounden duty to see to it that the final stage in the litigation process, namely, that of execution of judgment, is carried out in order to ensure a speedy and efficient administration of justice.

7. **REMEDIAL LAW; EVIDENCE; SUBSTANTIAL EVIDENCE IS NECESSARY IN ADMINISTRATIVE CASES; NOT ESTABLISHED IN CASE AT BAR.** — As regards the other charge that respondent sheriff demanded that the sum of Ten Thousand Pesos (P10,000.00) as Sheriff's fee be paid in advance before implementing the writ, We agree with the OCA's findings that there is no sufficient evidence to hold respondent sheriff liable therefor. That particular charge is not substantiated by credible evidence on record aside from the bare allegations of

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complainant. In the case of *Office of the Court Administrator vs. Bucoy* we stated that the quantum of proof necessary for a finding of guilt in administrative cases is substantial evidence or such relevant evidence as a reasonable mind may accept as adequate to support a conclusion. In the case at bar, it appears that respondent sheriff even advanced the payment of the Sheriff's fees for the writ with the Office of the Clerk of Court of Pasay City as evidence by O.R. Nos. 9361847 and 7669523.

8. POLITICAL LAW; CONSTITUTIONAL LAW; SUPREME COURT; ADMINISTRATIVE SUPERSION OVER COURT PERSONNEL; SHERIFF; NEGLECT OF DUTY; PENALTY; ₱5,000.00 FINE. — [R] espondent Sheriff IV Ariel S. Sangalang of the RTC, Branch 114, Pasay City is hereby adjudged guilty of neglect of duty and he is hereby fined in the sum of Five Thousnad Pesos (₱5,000.00) with the warning that the commission o fthe same or similar offense in the future will be dealt with more severly.

D E C I S I O N

DE LEON, JR., *J.*:

On February 26, 1999, a verified complaint was filed with the Office of the Court Administrator (OCA) by Atty. Julian B. San Juan, Jr. charging the respondent, Ariel S. Sangalang, Sheriff IV, Regional Trial Court (RTC) of Pasay City, Branch 114, for Neglect of Duty, Grave Misconduct and Conduct Prejudicial to the Best Interest of the Service.

Complainant Atty. Julian B. San Juan, Jr., is counsel for the plaintiff in Civil Case No. 96-1225 entitled, "*Albina Sy vs. Armando Brillantes and Cecilia Brillantes*" pending before the Regional Trial Court (RTC, for brevity) of Pasay City, Branch 114. On September 29, 1997, the RTC issued a writ of execution in the said case. In October 1997, the complainant allegedly made repeated representations with respondent sheriff for the immediate implementation of the writ but respondent sheriff always made the excuse that he was preoccupied with the implementation of other writs and processes issued by the trial court.

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Realizing that a monetary consideration was apparently needed to facilitate respondent sheriff's implementation of the writ of execution, complainant intimated to respondent sheriff that the latter would receive a "substantial amount" upon the immediate implementation of the writ.

On December 4, 1998, at around 6:00 o'clock in the morning, respondent sheriff together with the complainant, complainant's liaison officer named Eduardo Tibor, and a locksmith, proceeded to the residence of defendant spouses Armando and Cecilia Brillantes in Meycauayan, Bulacan, on board the complainant's car, to implement the writ. Complainant, however, had a prior commitment with the RTC of Manila, Branch 45, at 10:00 o'clock in the morning, so he left the respondent sheriff, respondent's aide, and Tibor at the residence of the said defendant spouses.

Respondent sheriff was unable to implement the writ, notwithstanding the fact that sufficient personal properties of the defendants-spouses were within the premises, including but not limited to, a Mitsubishi Station Wagon. Complainant was informed by respondent sheriff through a telephone call the next day that the writ could not be implemented because the Mitsubishi Station Wagon was covered by a Deed of Sale in favor of a third person. However, respondent allegedly assured the complainant that the writ would be implemented within a week as long as complainant would pay in advance the sum of at least Ten Thousand Pesos (P10,000.00) as Sheriff's fee. Complainant promised to immediately attend to the payment of Sheriff's fee after the implementation of the writ. Respondent sheriff nevertheless neglected, failed and/or refused to implement the same.

On February 4, 1999, complainant sent a letter to respondent sheriff requesting the latter to implement the writ or at least to inform him of his inability to execute the same so that he could file a motion for the appointment of a Special Sheriff with the RTC. On February 15, 1999, complainant was informed by respondent sheriff that the latter could no longer implement the writ because his "identity has already been quite exposed to the defendants and their relatives nearby and may not be

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able to effectively get into their premises." Hence, complainant on February 18, 1999, filed with the RTC an "*Ex-Parte* Motion to Appoint Special Sheriff."

In his comment to the complaint filed before the Office of the Court Administrator (OCA, for short), respondent sheriff denied that complainant made representations with him on October 7, 1997 and personally requested for the implementation of the writ since it was only on November 17, 1997 that a certain Roberto Advincula of J.B. San Juan and Associates Law Office requested for a copy of the aforesaid writ.

Respondent sheriff maintains that the complainant called him up during the latter part of November 1998 to inquire if there was a need to file a Motion for Issuance of an Alias Writ of Execution inasmuch as a considerable length of time had already elapsed from the time the original writ was issued. After verifying from the records that the original writ could still be implemented, respondent sheriff tried to proceed with the execution of the writ on December 4, 1998. Unfortunately, the execution of the writ failed to materialize.

Respondent sheriff claims that he failed to proceed with the execution of the writ inasmuch as a Honda Civic car was intentionally parked behind the Mitsubishi Station Wagon rendering futile any attempt to push or maneuver it out of the garage; and that the defendant spouses sternly warned respondent sheriff against an attempt to get any personal properties from them; that relatives of defendant spouses as well as males from nearby houses whom respondent termed, in his comment, as "probably toughies," likewise warned him, who was at the time allegedly alone and unarmed, not to attempt to get the Mitsubishi Station Wagon since the same was "too much to answer for the money judgment" amounting to a little more than Two Hundred Fifty Thousand Pesos (P250,000.00) including attorney's fees.

Respondent sheriff denied complainant's allegation that he was reluctant to implement writ without receiving a "substantial amount." Respondent sheriff claims that he even paid for the

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implementation fee of the writ with the Clerk of Court of the RTC of Pasay City by using his personal money. Respondent said that when they were already at Meycauayan, Bulacan,complainant told him in confidence that he had already forgotten about the need for the enforcement of the writ until his client reminded him about it.

Respondent sheriff further explained that the reason why he had some reservations in re-implementing the writ was because he may not effectively gain access to the defendant spouses' premises since they already knew him and would then have the chance to conceal their properties. Respondent sheriff stated that in any event, upon motion of complainant, the RTC of Pasay, Branch 114, had already issued an Order dated February 19, 1999 designating a Special Sheriff for the enforcement of the alias writ of execution.

The OCA found respondent sheriff's contention untenable. In his Memorandum dated September 15, 2000, Court Administrator Alfredo Benipayo stated that it took respondent sheriff more than a year before serving the writ to the defendant spouses and hence failed to execute the writ with considerable dispatch resulting in a delay in the administration of justice. Citing the case of *Vda. De Tisado vs. Tablizo,*[1] the OCA said that a Deputy Sheriff "is a frontline representative of the justice system in the country" and therefore "if he shows fear, or worse, is cowed by mere threats from enforcing the legitimate orders of courts, then by his cowardly act, he diminishes the judiciary." The OCA further noted that respondent sheriff was in fact accompanied by an aide and the complainant's liaison officer and hence, together, they could have taken the necessary steps to implement the court's orders fully, if not by attaching the Mitsubishi Wagon, then by levying and taking the other personal properties of the defendant spouses.

The OCA, however, found no sufficient basis to hold respondent sheriff liable on the charge of misconduct and/

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[1] 253 SCRA 646, 653 [1996].

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or conduct prejudicial to the best interest of the service arising from complainant's allegation that respondent sheriff demanded the sum of ₱10,000.00 as sheriff's fee to be paid in advance.

The OCA, thus, made the recommendation that:

a) the instant complaint be RE-DOCKETED as an administrative matter;

b) respondent be FINED in the amount of Three Thousand Pesos (₱3,000.00) with warning that a repetition of the same or similar acts in the future shall be dealt with more severely.

The OCA noted that while the penalty meted by this Court on the Sheriff in the Tablizo case was suspension of six (6) months without pay, a fine of P3,000.00 on herein respondent sheriff would suffice inasmuch as this is only the first offense of the respondent sheriff.

We agree with the findings of the OCA but not as to the amount of fine recommended.

Sheriffs play an important part in the administration of justice, because they are tasked to execute the final judgment of courts. If not enforced, such decisions are empty victories on the part of the prevailing parties.[2]

As observed by the OCA, it took respondent sheriff more than a year to implement the writ of execution which should have been done within sixty (60) days from his receipt thereof. While respondent sheriff lays the blame on complainant for such delay, his subsequent act of failing to implement the writ on December 4, 1997 for the simple reason that he was allegedly sternly warned by defendant spouses as well as by some male toughies in the neighborhood not to attempt to levy and take any personal properties of the defendants, is inexcusable. Contrary to his allegations, respondent was not alone at the time because he was with an aide and the complainant's liaison officer. Indeed, as stated by the OCA, together, the three (3) men could have taken the necessary steps to have the writ

[2] *Dilan vs. Dulfo,* 304 SCRA 460, 468 [1999].

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implemented. Respondent sheriff, however, neglected and refrained from discharging his duties at the very first instance when he was allegedly warned by defendant spouses from enforcing the writ. Respondent sheriff's explanation regarding his "reservations in re-implementing the writ" is shallow and inexcusable. Respondent sheriff's negligence and reluctance to follow through and implement the writ on the pretext that he might not be able to effectively gain access to the premises of defendant spouses since they already knew him and could probably conceal their personal properties, speaks of a lack of responsibility and dedication on his part to discharge his duties and as sheriff. Besides, he failed to submit to the trial court his actions taken on or his proceedings on the writ "every thirty (30) days from the date of receipt hereof," as directed explicitly in that writ of execution. The writ of execution is "returnable to the clerk or judge of the court issuing it ... not more than sixty (60) days after its receipt" by the sheriff "who must set forth in writing on its back the whole of his proceedings by virtue thereof." (Sec. 11, Rule 39).

In the aforecited case of *Vda. De Tisado vs. Tablizo* we ruled that

> *A deputy sheriff is a frontline representative of the justice system in this country. If he shows fear, or worse, is cowed by mere threats from enforcing the legitimate orders of courts, then by his cowardly act, he diminishes the judiciary. He erodes the faith and trust of the citizenry in the ability and capacity of the courts to settle disputes and to safeguard their rights. Specifically, he breaches his sworn duty to uphold the majesty of the law and the integrity of the justice system.*[3]

A Sheriff should exert every effort and, indeed, consider it his bounden duty to see to it that the final stage in the litigation process, namely, that of execution of judgment, is carried out in order to ensure a speedy and efficient administration of justice.[4]

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[3] *Supra*, note 1.

[4] *Lacuata vs. Bautista,* 235 SCRA 290, 294 [1994].

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However, as regards the other charge that respondent sheriff demanded that the sum of Ten Thousand Pesos (₱10,000.00) as Sheriff's fee be paid in advance before implementing the writ, We agree with the OCA's findings that there is no sufficient evidence to hold respondent sheriff liable therefor. That particular charge is not substantiated by credible evidence on record aside from the bare allegations of complainant. In the case of *Office of the Court Administrator vs. Bucoy*[5] we stated that the quantum of proof necessary for a finding of guilt in administrative cases is substantial evidence or such relevant evidence as a reasonable mind may accept as adequate to support a conclusion.In the case at bar, it appears that respondent sheriff even advanced the payment of the Sheriff's fees for the writ with the Office of the Clerk of Court of Pasay as evidence by O.R. Nos. 9361847[6] and 76699523.[7]

In sum, respondent Sheriff is guilty only of the charge of neglect of duty.

WHEREFORE, respondent Sheriff IV Ariel S. Sangalang of the RTC, Branch 114, Pasay City is hereby adjudged guilty of neglect of duty and he is hereby fined in the sum of Five Thousand Pesos (₱5.000.00) with the ***WARNING*** that the commission of the same or similar offense in the future will be dealt with more severely.

SO ORDERED.

Bellosillo, (Chairman), Mendoza, Quisumbing, and *Buena,* concur.

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[5] 235 SCRA 588, 593 [1994].

[6] Annex "B".

[7] Annex "C".