Supreme Court E-Library

court personnel, for the latter are not the guardians of the former's responsibility.[20]

Be that as it may, the Court deems it necessary to temper respondent's liability in light of the undeniable fact that, as shown by his medical certificate, he had to contend with an illness during the later part of his service in the judiciary, which illness undoubtedly contributed to the deterioration of his health and adversely affected his work efficiency.

WHEREFORE, the Court finds Judge Justo M. Sultan *ADMINISTRATIVELY LIABLE* for failure to dispose subject cases within the prescribed period and to submit the required periodic inventory of cases, and hereby penalizes him with a *FINE* of Twenty Thousand (₱20,000.00) Pesos, to be taken from his withheld retirement benefits.

SO ORDERED.

Melo (Chairman), Vitug, Panganiban, and *Gonzaga-Reyes, JJ.*, concur.

SECOND DIVISION

[A.M. No. P-00-1409. August 16, 2000]

CHRISTOPHER VALENCIA, *complainant, vs.* **RODOLFO L. VALEÑA, Sheriff IV, RTC, Branch 63, Calauag, Quezon,** *respondent.*

SYNOPSIS

The Municipal Trial Court of Tangkayan, Quezon, rendered judgment declaring complainant entitled to the possession of

---

[20] *Lagatic vs. Peñas, Jr.*, 276 SCRA 46, 53 citing: *Tan vs. Madayag*, 231 SCRA 62 and *Nidua vs. Lazaro*, 174 SCRA 581.

Supreme Court E-Library

certain parcels of land used as fishponds. On appeal, the Regional Trial Court of Calauag, Quezon, affirmed the trial court's decision. Three alias writs of execution were issued from 1991 to 1995, all of which were returned unsatisfied. Aggrieved, complainant brought the matter to the Court. Complainant alleged that he suspected respondent to be secretly favoring Quejada. The Office of the Court Administrator (OCA) found the complaint meritorious and recommended that respondent Sheriff Rodolfo L. Valeña be ordered to pay a fine in the amount of ₱2,000.00 for gross inefficiency, with a stern warning that a repetition of similar acts shall be dealt with more severely.

The Supreme Court affirmed the findings of the Court Administrator but increased the penalty from a mere fine of ₱2,000.00 to six (6) months suspension without pay. According to the Court, respondent's failure to carry out what is a purely ministerial duty cannot be justified. His only duty was to eject the losing party from the subject properties in order to place complainant in possession thereof, and to satisfy the money judgment. From the time the writ of execution was issued in 1991 to the time when the OCA rendered its report on April 14, 2000, a period of nine years had lapsed, too long a time for the writ of execution to remain unenforced. The Court stressed that as an officer of the court, respondent was tasked to enable the prevailing party and not the losing party to benefit from the judgment.

SYLLABUS

1. **POLITICAL LAW; ADMINISTRATIVE LAW; PUBLIC OFFICERS; SHERIFFS; RESPONDENT'S FAILURE TO CARRY OUT WHAT IS PURELY A MINISTERIAL DUTY CANNOT BE JUSTIFIED.**— Gross inefficiency in the performance of official duties cannot be tolerated. Respondent's failure to carry out what is a purely ministerial duty cannot be justified. His only duty was to eject Romeo Quejada from the subject properties in order to place complainant in possession thereof, and to satisfy the money judgment. Quejada asked for time to comply with the judgment of the court so that he could confer with his lawyer and harvest the produce of the fishpond. But, after a reasonable opportunity to do so, Quejada could no longer be allowed to remain in possession of the subject

Supreme Court E-Library

properties without raising suspicion that respondent was favoring Quejada. From the time the writ of execution was issued in 1991 to the time when the OCA rendered its report in April 14, 2000, a period of nine years had lapsed, too long a time for the writ of execution to remain unenforced. If Quejada nevertheless refused to leave, respondent could have sought police assistance to enforce the writ. He failed to do this. Instead, he readily accepted Quejada's flimsy excuse that he needed time to consult his counsel first. After once acceding to Quejada's request, respondent should not have accepted any more excuses from Quejada for his failure to comply with the decision.

2. **ID.; ID.; ID.; ID.; AS AN OFFICER OF THE COURT, RESPONDENT WAS TASKED TO ENABLE THE PREVAILING PARTY AND NOT THE LOSING PARTY TO BENEFIT FROM THE JUDGMENT; CASE AT BAR.**— Respondent blames complainant for the latter's alleged failure to follow up the matter. However, this was a problem of respondent's own creation because he allowed Quejada several extensions to leave the property. Complainant was under no obligation to follow up the matter in respondent's office. What was apparently lost to respondent is that the prevailing party in a case is entitled to the fruits of his victory. As an officer of the court, respondent was tasked to enable the prevailing party to benefit from the judgment. After nine years, complainant is entitled to realize the law's promise that his right to possession would be vindicated as speedily as possible to preserve peace and order in the community. For that purpose, the proceedings in ejectment are summary in nature.

D E C I S I O N

MENDOZA, *J.*:

This is a complaint against Rodolfo L. Valeña, sheriff of the Regional Trial Court, Branch 63, Calauag, Quezon, for failure to enforce the writ of execution in Civil Case No. C-846. It appears that, in Civil Case No. 037, the Municipal Trial Court of Tagkawayan, Quezon, rendered judgment declaring complainant entitled to the possession of certain parcels of land used as fishponds. On appeal, the Regional Trial Court of

Supreme Court E-Library

Calauag, Quezon, affirmed the trial court's decision. Romeo Quejada, the opposing party, filed a petition for relief from judgment, but it was denied. His motion for reconsideration was likewise denied by the RTC in an order dated September 13, 1989.

As certified by the branch clerk of court[1], the order became final and executory on October 11, 1989. Accordingly, a writ of execution was issued on February 13, 1991, but it was returned unsatisfied. Respondent sheriff said that Quejada had refused to deliver possession of the properties to complainant because the latter had invested ₱200,000.00 on the lands and wanted to consult his lawyer first.[2] Three alias writs of execution were issued from 1991 to 1995, all of which were returned unsatisfied. With regard to the last writ issued on July 7, 1995, respondent sheriff's return stated:

> That in the first week of September, 1995, undersigned received said Alias Writ from the plaintiff Christopher Valencia;
>
> That on September 14, 1995, undersigned met with Christopher Valencia together with his counsel, Atty. Donardo Paglinawan at Brgy. Aloneros, Guinayangan, Quezon and altogether proceeded to Brgy. Cabuguang, Tagkawayan, Quezon to serve said Alias Writ;
>
> *That at the house of Romeo Quejada, who refused to sign the alias Writ in the presence of his wife and his Army son but that there was an agreement that after the harvest of the prawns in the fishpond subject of this case by the end of October, 1995, defendant will turn over to the plaintiff possession of the fishpond*;[3]

Complainant, therefore, brought this matter to this Court, alleging that respondent had failed to execute the decision because he readily accepted Quejada's excuse that he had to consult his lawyer before complying with the court's order. Complainant alleged he suspected respondent to be secretly favoring Quejada.

---

[1] Ma. Chona E. P. Navarro; *Rollo*, p. 16.

[2] Sheriff's Return dated March 15, 1991.

[3] *Rollo*, p. 10. (Italics supplied)

Supreme Court E-Library

Respondent denies the allegations against him. He blames complainant himself for not informing him of Quejada's failure to turn over possession of the subject fishponds after harvest. Respondent explains that, as the only sheriff assigned to Branch 63 of the Calauag RTC, the responsibility of serving summons, complaints, writs, and other court processes, fell on him entirely. With such heavy workload, he just could not keep track of Quejada's promise that he would vacate the property as soon as he had harvested the prawns from the fishpond. Respondent further says that the properties in question are located far from the court and are in the "critical" areas of Quezon province.

The Court Administrator, to whom this matter had been referred for investigation, found the complaint meritorious. In his report, dated April 14, 2000, he stated:[4]

> To begin with, the subject matter of this case is the judgment of the Municipal Trial Court in Civil Case No. C-037 for ejectment dated September 13, 1989 which has become final and executory on October 11, 1989 but *remained unexecuted up to the present.* Feeling aggrieved, complainant brought to the attention of this office the inordinate delay in the execution of the judgment which he attributes to respondent's lack of zeal in executing the same.
>
> x x x x x x x x x
>
> *In the instant case, respondent, on more than one occasion, had failed to execute the judgment by submitting himself to the whims, caprice and ploy of defendant to delay the delivery of the possession of the proper to the plaintiff. This scheme of the defendant had become more apparent for he was able to drag the execution of the judgment for more than nine (9) years and respondent has become the instrument in this annoying scheme. This attitude of respondent can not be countenanced.*

It is well settled that the sheriff's duty in the execution of a writ issued by a court is purely ministerial. (*Evangelista vs. Pensurga*, 242 SCRA 702) The Sheriff is also responsible for the speedy and efficient implementation of writs of execution. (*Casal vs. Concepcion*, 242 SCRA 369) This duty becomes more significant in ejectment cases where the rule is that the judgments therein must be executed

[4] Dated April 14, 2000. (Italics supplied).

Supreme Court E-Library

immediately when it is in favor of the plaintiff. (*Salientes vs. Intermediate Appellate Court*, 746 SCRA 150)

RECOMMENDATION: Respectfully submitted for the consideration of the Honorable Court is our recommendation that respondent Sheriff Rodolfo L. Valena be ordered to pay a FINE in the amount of ₱2,000.00 for gross inefficiency, with a STERN WARNING that a repetition of similar acts shall be dealt with more severely.

Gross inefficiency in the performance of official duties cannot be tolerated. Respondent's failure to carry out what is a purely ministerial duty[5] cannot be justified. His only duty was to eject Romeo Quejada from the subject properties in order to place complainant in possession thereof, and to satisfy the money judgment. Quejada asked for time to comply with the judgment of the court so that he could confer with his lawyer and harvest the produce of the fishpond. But, after a reasonable opportunity to do so, Quejada could no longer be allowed to remain in possession of the subject properties without raising suspicion that respondent was favoring Quejada. From the time the writ of execution was issued in 1991 to the time when the OCA rendered its report in April 14, 2000, a period of nine years had lapsed, too long for the writ of execution to remain unenforced. If Quejada nevertheless refused to leave, respondent could have sought police assistance to enforce the writ. He failed to do this. Instead, he readily accepted Quejada's flimsy excuse that he needed time to consult his counsel first. After once acceding to Quejada's request, respondent should not have accepted any more excuses from Quejada for his failure to comply with the decision.

When respondent attempted to enforce the third *alias* writ of execution on September 14, 1995, he should have refused Quejada's request to be allowed to stay until he had harvested the prawns in the fishpond, for he was bereft of authority to grant the same. That respondent granted the request only heightened the suspicion that he was really favoring Quejada.

---

[5] *Araza vs. Garcia*, A. M. No. P-00-1363, Feb. 8, 2000; *Caseñares v. Almeida, Jr.*, A.M. No. P-00-1359, Feb. 2, 2000.

Supreme Court E-Library

Respondent blames complainant for the latter's alleged failure to follow up the matter. However, this was a problem of respondent's own creation because he allowed Quejada several extensions to leave the property. Complainant was under no obligation to follow up the matter in respondent's office.

What was apparently lost to respondent is that the prevailing party in a case is entitled to the fruits of his victory. As an officer of the court, respondent was tasked to enable the prevailing party to benefit from the judgment. After nine years, complainant is entitled to realize the law's promise that his right to possession would be vindicated as speedily as possible to preserve peace and order in the community. For that purpose, the proceedings in ejectment are summary in nature.

The Court Administrator recommends that respondent be fined ₱2,000.00 for his gross inefficiency.

In *Vda. de Tisado v. Tablizo*,[6] a sheriff failed to enforce several writs of execution ordering him to reinstate the complainant to the possession of a piece of land. His inaction covered a period of five years. As a result, complainant had to file an action for revival of the judgment, which was granted by the trial court. A writ of execution was issued anew, but the sheriff still failed to enforce the same. The sheriff explained that his failure to enforce the writ was due to the belligerent and defiant attitude of the defendant in the case. The Court did not find the explanation satisfactory. The sheriff was found guilty of gross inefficiency and suspended for six months without pay. It was held:

> The mere fact that defendants, in a threatening manner, prohibited respondent Trampe from entering the premises is no excuse for him to retreat and refuse to enforce the writ of execution: A deputy sheriff is a front-line 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,

[6] 253 SCRA 646 (1996).

Supreme Court E-Library

he breaches his sworn duty to uphold the majesty of the law and the integrity of the justice system.[7]

In accordance with the ruling in *Tablizo*, respondent must be meted out the penalty of suspension for six months.

WHEREFORE, respondent is found *GUILTY* of gross inefficiency and is *SUSPENDED* for six months without pay, with a *WARNING* that repetition of the same or similar acts in the future will be dealt with more severely.

SO ORDERED.

Bellosillo (Chairman), Quisumbing, Buena, and *De Leon, Jr., JJ.*, concur.

FIRST DIVISION

[G.R. Nos. 121047-57. August 16, 2000]

PONCIANO LAYUG, *petitioner, vs.* **SANDIGANBAYAN and PEOPLE OF THE PHILIPPINES,** *respondents.*

SYNOPSIS

Petitioner Ponciano Layug, a public school teacher, was convicted of 11 counts of falsification of public documents. In his appeal, petitioner asserted that the facts narrated in his daily time records were not absolutely false and that there was no falsification as there was "some colorable truth" in the daily time record. Moreover, in filling up his daily time record, petitioner acted in good faith.

The Supreme Court found the appeal meritorious and acquitted petitioner. According to the Court, petitioner cannot be faulted

---

[7] *Id.*, at 653.