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FIRST DIVISION

[A.M. No. P-03-1703. September 18, 2003]
(formerly OCA IPI-02-1436-P)

EDNA FE F. AQUINO, *complainant, vs.* **JOSE R. MARTIN, Sheriff IV,** *respondent.*

SYNOPSIS

An administrative case was filed by complainant Edna Fe Aquino against Jose R. Martin, Sheriff IV of the Regional Trial Court of Cauayan City, Isabela for dereliction of duty by reason of non-implementation of the writ of execution issued in favor of Equity Machineries, Inc. (EMI) in various civil cases for collection of a sum of money. In his comment, Martin admitted receiving the writs of execution except for the two mentioned in the complaint which he claimed were not within his area of responsibility. As to the other writs, he claimed to have tried to implement them, but the judgment debtor had no money or property which could be levied upon. His case was assigned to the Executive Judge of the RTC of Cauayan City for investigation, report and recommendation. After investigation, the investigating judge found that respondent failed to perform his duty to execute the writs of execution and failed to make any monthly report to the Court and to party plaintiff Equity Machineries in violation of the Rules of Court. Hence, it was recommended that the respondent be suspended for three months without pay.

According to the Supreme Court, the long delay in the execution of the court judgments in favor of EMI and the respondent's failure to even accomplish the required periodic reports demonstrated respondent's gross inefficiency in the performance of his official duties. He thereby breached his sworn duty to uphold the majesty of the law and the integrity of the justice system. Thus, following the recent jurisprudence for dereliction of duty, a fine in the amount of ₱10,000.00 was imposed on the respondent sheriff, with a stern warning that a repetition of the same or similar act in the future shall be dealt with more severely.

Supreme Court E-Library

SYLLABUS

1. **POLITICAL LAW; LAW ON PUBLIC OFFICERS; COURT PERSONNEL; SHERIFFS; SHOULD DISCHARGE THEIR DUTIES FAITHFULLY, WITH DUE CARE AND UTMOST DILIGENCE; RATIONALE.**— It cannot be overemphasized that the administration of justice is a sacred task. Every employee of the judiciary, in the performance of his duties, should be the embodiment of integrity, uprightness, and honesty. Sheriffs, especially, have an important role to play, being in the forefront in the administration of justice because they are called upon to serve court writs, execute all the processes, and carry into effect the orders of the court. As such, they should discharge their duties faithfully and with due care and the utmost diligence. Inarguably, sheriffs must exert every effort to see to it that the final stage in the litigation process – the execution of a judgment — is carried out in order to ensure a speedy and efficient administration of justice. A decision left unexecuted or indefinitely delayed due to their inefficiency renders it inutile; and worse, the parties who are prejudiced thereby tend to condemn the entire judicial system.

2. **ID.; ID.; ID.; ID.; THE DUTY OF SHERIFFS TO EXECUTE THE JUDGMENT AND MAKE A RETURN ON THE WRIT OF EXECUTION WITHIN THE PERIOD PROVIDED BY THE RULES OF COURT IS MANDATORY.**— Section 14, Rule 39 of the Rules of Court, on the execution of judgments, maps out the duty of sheriffs, thus: Sec. 14. *Return of writ of execution.* — ... If the judgment cannot be satisfied in full within thirty (30) days after his receipt of the writ, the officer shall report to the court and state the reason therefor.... The officer shall make a report to the court every thirty (30) days on the proceedings taken thereon until the judgment is satisfied in full, or its effectivity expires. The returns or periodic reports shall set forth the whole of the proceedings taken, and shall be filed with the court and copies thereof promptly furnished the parties. It is mandatory for the sheriff to execute the judgment and make a return on the writ of execution within the period provided by the Rules of Court. Moreover, the sheriff must make periodic reports on partially satisfied or unsatisfied writs in accordance with the aforecited rule in order that the court and the litigants are apprised of the proceedings undertaken

Supreme Court E-Library

in connection therewith. Such periodic reporting on the status of the writs must be done by the sheriff regularly and consistently every thirty days until they are returned fully satisfied.

3. **ID.; ID.; ID.; ID.; VIOLATION IN CASE AT BAR.**— The long delay in the execution of the court judgments in favor of EMI and respondent's failure to even accomplish the required periodic reports demonstrate respondent's gross inefficiency in the performance of his official duties. Such failure of respondent to carry out what is a purely ministerial duty cannot be justified by a general statement that "he tried his best many times" without explaining the details of his action. His lack of diligence and zeal in the performance of his duty is truly deplorable.

4. **ID.; ID.; ID.; ID.; PENALTY.**— The respondent failed to observe the degree of dedication to the duties and responsibilities required of him as a sheriff. He thereby breached his sworn duty to uphold the majesty of the law and the integrity of the justice system. The Court cannot countenance such dereliction of duty, as it erodes the faith and trust of the citizenry in the judiciary. Thus, following recent jurisprudence for dereliction of duty, a fine in the amount of ₱10,000 must be imposed on respondent Sheriff.

RESOLUTION

DAVIDE, JR., *C.J.*:

This is an administrative case against respondent Jose R. Martin, Sheriff IV of the Regional Trial Court (RTC), Cauayan City, Isabela, Branch 19, for dereliction of duty by reason of his non-implementation of the writs of execution issued in favor of Equity Machineries, Inc. (EMI) in various civil cases for collection of a sum of money.

In a sworn letter-complaint[1] of 20 June 2002, Ms. Edna Fe F. Aquino, Credit and Collection Manager of EMI, alleged that five writs of execution issued in favor of EMI in numerous

[1] *Rollo*, 1-2.

Supreme Court E-Library

civil cases were endorsed to the respondent for implementation. Some of these writs were issued as far back as year 2000. Despite repeated demands, the respondent deliberately failed to implement the writs and to inform EMI of the progress of the implementation of the writs.

In his comment[2] of 23 August 2002, Sheriff Martin admitted having received the writs of execution but declared that two of the writs of execution mentioned in the complaint were not within his area of responsibility. As to the other writs, he explained that for a number of times he, together with one Nelson Domingo, then collector of EMI and now a manager of its Santiago City Branch, tried to implement them. However, the judgment debtors had no money or property which could be levied upon. When he again wanted to implement the writs of execution, he learned that the corresponding sheriff's fees had not been paid yet despite demands.

Upon the recommendation[3] of the Office of the Court Administrator, this Court, in a Resolution[4] of 4 December 2002, referred the matter to Executive Judge Henedino P. Eduarte of the RTC of Cauayan City, Isabela, Branch 20, for investigation, report, and recommendation.

Accordingly, the Investigating Judge set the case for hearing. The documentary evidence submitted by the complainant show that because of the unjustified refusal of the respondent to take action on the writs of execution in Civil Cases Nos. 19-928 and 2239, she referred the matter to then Clerk of Court Atty. Raymundo B. Meris.[5] The latter, in turn, issued Memo No. 01-2001 of 8 July 2001 directing the respondent to implement the writs of execution issued in favor of EMI.[6] Respondent,

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[2] *Rollo*, 7.

[3] *Id.*, 8-9.

[4] *Id.*, 10.

[5] Exh. "A".

[6] Exh. "B".

Supreme Court E-Library

however, failed to comply with that memorandum. This prompted the legal counsel of the complainant to send to the respondent a letter demanding the immediate implementation of the said writs of execution and the three other writs in Civil Cases Nos. 2306, 2336, and 2279, as well as the submission of periodic monthly reports on the writs.[7] The demand having been unheeded, the complainant filed this complaint against the respondent with the Office of the Court Administrator.[8]

For his part, the respondent presented as evidence his own affidavit[9] and that of Nelson Domingo.[10] In his affidavit, he claimed that he did his best to implement the writs of execution in Civil Cases Nos. 2239 and 19-928 for several times, during which he was accompanied by Nelson Domingo, then EMI's Collector. They, however, failed to collect even a single centavo because the judgment debtors refused to pay in cash. Neither could they find any personal or real property of the judgment debtors upon which to levy. However, he finally levied a Kia Pride in the possession of the judgment debtor in Civil Case No. 2239, as shown in the Sheriff's Report of 25 September 2002[11] and Sheriff's Notice of Levy and Auction Sale by Execution of 8 October 2002.[12] When he tried to implement the writ of execution in the two civil cases, he found out that the necessary legal fees for their implementation were not yet paid, but he still tried his best to implement the writs. As for the other writs of execution, respondent denied having received them.

Nelson Domingo stated in his affidavit that he is presently the Branch Manager of EMI in Santiago City and that he is aware that Sheriff Martin did his best to implement the writs

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[7] Exh. "C".

[8] Exh. "D".

[9] Exh. "1".

[10] Exh. "2".

[11] Exh. "4".

[12] Exh. "5".

Supreme Court E-Library

of execution in Civil Cases Nos. 2239 and 19-928 because he personally accompanied the latter in executing the writs in his capacity as then EMI's Collection Agent. He added that they failed to collect because the judgment debtors questioned the liquidated damages and that the judgment debtor in Civil Case No. 19-928 promised to settle his obligation and to see a lawyer regarding the mode of payment.

To rebut respondent's sworn statement that the judgment debtors in Civil Case No. 19-928 did not have any property upon which to levy, the complainant submitted tax declarations[13] in their name showing that they have two parcels of land in Rizal, Santiago City. She also presented Official Receipt MVRR No. 86040821[14] dated 17 July 2001 to prove that the KIA Pride with plate number TJA-467, which was levied upon by the respondent to satisfy the judgment in Civil Case No. 2239, was not owned by the judgment debtor in the said case, but by a certain Elvira P. Dela Cruz.

In his Report and Recommendation of 2 April 2003, Judge Eduarte took judicial notice of Civil Cases Nos. 2239, 2306, 2336, 19-928, and 2279. He confirmed the existence of the writs of execution in the first three civil cases. He stated that the records in the fourth civil case could not be found, while the fifth case was not filed by EMI. After considering all the evidence, the Investigating Judge held:

> His claim that the necessary fees for the execution of the writs were not yet paid is belied by his own admission that he tried his best to implement this but failed. Since he received the writs for execution, it is his duty to enforce them. The collection of legal fees for the execution of the writs is the concern of the Clerk of Court. He should have informed the Clerk of Court that the fees had not yet been paid, instead of using it as a lame excuse to cover up his dereliction of duty to enforce the writs.
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[13] Exh. "F" and Exh. "G".

[14] Exh. "H".

Supreme Court E-Library

All told, respondent failed to perform his duty to execute the writ of execution in Civil Case No. 19-928. He also failed to make any monthly report to the Court and the plaintiff Equity, in violation of Section 14, Rule 39, Rules of Court. In Civil Case No. 2239, respondent also failed to perform his duty to execute the writ of execution, and when he finally did, he levied on a property not owned by the defendant. This is tantamount to a failure to perform his duty. He also failed to make monthly report to the Court and to the plaintiff Equity as required by Section 14, Rule 39, Rules of Court.

Hence, the Investigating Judge recommended that the respondent be suspended for three months without pay.

It cannot be overemphasized that the administration of justice is a sacred task. Every employee of the judiciary, in the performance of his duties, should be the embodiment of integrity, uprightness, and honesty. Sheriffs, especially, have an important role to play, being in the forefront in the administration of justice because they are called upon to serve court writs, execute all the processes, and carry into effect the orders of the court. As such, they should discharge their duties faithfully, and with due care and the utmost diligence.[15] Inarguably, sheriffs must exert every effort to see to it that the final stage in the litigation process — the execution of a judgment — is carried out in order to ensure a speedy and efficient administration of justice.[16] A decision left unexecuted or indefinitely delayed due to their inefficiency renders it inutile; and worse, the parties who are prejudiced thereby tend to condemn the entire judicial system.[17]

Section 14, Rule 39 of the Rules of Court, on the execution of judgments, maps out the duty of sheriffs, thus:

Sec. 14. *Return of writ of execution.* — . . . If the judgment cannot be satisfied in full within thirty (30) days after his receipt of the writ,

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[15] *Benitez v. Acosta*, A.M. No. P-01-1473, 27 March 2001, 355 SCRA 380, 389.

[16] *Lacuata v. Bautista*, A.M. No. P-94-1005, 12 August 1994, 235 SCRA 290, 294.

[17] *Portes v. Tepace*, A.M. No. P-97-1235, 30 January 1997, 267 SCRA 185, 194.

Supreme Court E-Library

the officer shall report to the court and state the reason therefor. . . . The officer shall make a report to the court every thirty (30) days on the proceedings taken thereon until the judgment is satisfied in full, or its effectivity expires. The returns or periodic reports shall set forth the whole of the proceedings taken, and shall be filed with the court and copies thereof promptly furnished the parties.

It is mandatory for the sheriff to execute the judgment and make a return on the writ of execution within the period provided by the Rules of Court. Moreover, the sheriff must make periodic reports on partially satisfied or unsatisfied writs in accordance with the aforecited rule in order that the court and the litigants are apprised of the proceedings undertaken in connection therewith. Such periodic reporting on the status of the writs must be done by the sheriff regularly and consistently every thirty days until they are returned fully satisfied.[18]

Undisputed by the respondent sheriff are the nonimplementation of the writ of execution in Civil Case No. 19-928 and his failure to make the appropriate reports thereon, as required by the Rules of Court. As to the writ of execution of 23 October 2000 in Civil Case No. 2239, the Investigating Judge found that the respondent sat on it and did not make the required monthly report. It was only after almost two years or on 25 September 2002, after the filing of this administrative complaint, that he tried to implement the said writ by levying on the KIA Pride with plate no. TJA-467, which turned out to be owned by a certain Elvira dela Cruz, and not by the judgment debtor. As to the writs of execution in Civil Cases Nos. 2306 and 2236 both dated 9 November 2001, there is nothing in the record before us that will show that the respondent received them.

The long delay in the execution of the court judgments in favor of EMI and respondent's failure to even accomplish the required periodic reports demonstrate respondent's gross inefficiency in the performance of his official duties. Such failure of respondent to carry out what is a purely ministerial duty

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[18] *Concerned Citizen v. Torio*, A.M. No. P-01-4190, 11 July 2002.

Supreme Court E-Library

cannot be justified by a general statement that "he tried his best many times" without explaining the details of his action. His lack of diligence and zeal in the performance of his duty is truly deplorable.

Clearly, the respondent failed to observe the degree of dedication to the duties and responsibilities required of him as a sheriff. He thereby breached his sworn duty to uphold the majesty of the law and the integrity of the justice system. The Court cannot countenance such dereliction of duty, as it erodes the faith and trust of the citizenry in the judiciary.[19] Thus, following recent jurisprudence for dereliction of duty, a fine in the amount of ₱10,000 must be imposed on respondent Sheriff.[20]

WHEREFORE, respondent Jose R. Martin, Sheriff IV of the Regional Trial Court, Cauayan City, Isabela, Branch 19, is hereby *FINED* in the amount of ₱10,000, with a stern warning that a repetition of the same or similar act in the future shall be dealt with more severely.

SO ORDERED.

Vitug, Ynares-Santiago, Carpio, and *Azcuna, JJ.,* concur.

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[19] *Dilan v. Dulfo*, A.M. No. P-99-1293, 11 March 1999, 304 SCRA 460, 471.

[20] *Santos v. Gonzales-Muñoz*, A.M. No. P-02-1628, 14 August 2002; *Lumbre v. De la Cruz*, A.M. No. MTJ-01-1379, 10 September 2002; *Oliveros v. San Jose*, A.M. No. P-02-1582, 28 January 2003.