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to neglect or dereliction of duty or outright refusal to perform official duty. In the same vein, here we find respondent sheriff guilty of dereliction of duty or refusal to perform official duty.

We find the penalty of dismissal recommended by the Court Administrator to be too harsh. Under Sec. 52 (a), Rule IV of the Uniform Rules on Administrative Cases in the Civil Service, this offense is punishable with suspension from six (6) months and one (1) day to one (1) year.

**WHEREFORE**, for his dereliction of duty or refusal to perform official duty, respondent Bonifacio V. Maputi, Jr. is hereby *SUSPENDED* from office for *SIX (6) MONTHS WITHOUT PAY* effective upon receipt of this Decision.

**SO ORDERED.**

*Melo (Chairman), Vitug, Panganiban,* and *Carpio, JJ.,* concur.

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**FIRST DIVISION**

[A.M. No. P-00-1441. February 15, 2002]

**RODOLFO S. CRUZ,** *complainant, vs.* **VIRGILIO F. VILLAR, Sheriff IV, OCC-RTC, Pasay City, REYNALDO Q. MULAT, Sheriff IV, RTC, Branch 117, Pasay City and SEVERINO E. BALUBAR, JR., Sheriff IV, RTC, Branch 118, Pasay City,** *respondents.*

**SYNOPSIS**

Complainant Rodolfo S. Cruz charged respondents Sheriff Virgilio F. Villar, Sheriff Reynaldo Q. Mulat and Sheriff Severino F. Balubar, Jr. with Grave Abuse of Authority and Grave Misconduct for having implemented a writ of replevin despite

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the fact that they were shown a certified photocopy of the Order of the Regional Trial Court of Makati City, acting as an insolvency court, declaring the properties subject of the replevin under *custodia legis*. Complainant further averred that respondents violated Supreme Court Circular No. 12 by not requesting assistance from the Office of the Sheriff of Makati City in the implementation of the writ. The Office of the Court Administrator (OCA) submitted its report finding the respondents guilty as charged and recommended that they be fined One Thousand Pesos (₱1,000.00) each with a warning that a repetition of the same or similar acts shall be dealt with more severely.

The Supreme Court agreed with the recommendation of the OCA. The Court stressed that Sheriffs, as public officers are repositories of public trust and are under obligation to perform the duties of their office honestly, faithfully and to the best of their ability. They are bound to use reasonable skill and diligence in the performance of their official duties particularly where the rights of individuals may be jeopardized by their neglect. The conduct required of court personnel must be beyond reproach and must always be free from suspicion that may taint the judiciary. It is, therefore, incumbent upon every member of the judiciary family to work hand in hand in restoring and upholding, rather than destroying, the integrity of the courts to which they belong.

**SYLLABUS**

1. **POLITICAL LAW; ADMINISTRATIVE LAW; PUBLIC OFFICERS; SHERIFFS; GRAVE MISCONDUCT AND ABUSE OF AUTHORITY, PRESENT IN CASE AT BAR.**— A Resolution dated December 4, 2000 was issued docketing the case as a regular administrative matter and referred the same to the Office of the Court Administrator (OCA) for evaluation, report and recommendation. The OCA subsequently submitted its report finding the respondents guilty as charged and recommended that they be fined One Thousand Pesos (₱1,000.00) each with a warning that a repetition of the same or similar acts shall be dealt with more severely, reasoning thus: When respondents tried to seize the properties subject of the writ of replevin dated 26 June 1998, the same were already under *custodia legis* by virtue of [the] court order dated

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24 June 1998. These circumstances placed respondents in a difficult situation. However, the novelty of their predicament did not call for the exercise of their own discretion. The nature of their functions is essentially ministerial. Their prerogatives do not give them any discretion to determine who among the parties is entitled to possession of the subject properties. The appropriate course of action should have been for respondents to inform their judge of the situation by way of a partial Sheriff's Return and wait for instructions on the proper procedure to be observed. These respondents failed to do. We agree with the recommendation of the OCA

2. **ID.; ID.; ID.; ID.; AS PUBLIC OFFICERS ARE REPOSITORIES OF PUBLIC TRUST AND ARE UNDER OBLIGATION TO PERFORM THE DUTIES OF THEIR OFFICE HONESTLY, FAITHFULLY AND TO THE BEST OF THEIR ABILITY; THEY ARE BOUND TO USE REASONABLE SKILL AND DILIGENCE IN THE PERFORMANCE OF THEIR DUTIES PARTICULARLY WHERE THE RIGHTS OF INDIVIDUALS MAY BE JEOPARDIZED BY THEIR NEGLECT.**— As ruled in *Hernandez v. Aribuabo*, "[M]any a time we have reminded sheriffs that they are part and parcel of the administration of justice and, therefore, whether on or off-duty they should set the example for obedience and respect for the law. They should always remember that overbearing conduct can only bring their office into disrepute and erode public respect for them. For no public official is above the law." The administration of justice is a sacred task and it demands the highest degree of efficiency, dedication and professionalism. In this regard, the Court finds it necessary to reiterate that "[S]heriffs and deputy sheriffs, being ranking officers of the court and agents of the law, must discharge their duties with great care and diligence. In serving and implementing court writs, as well as processes and orders of the court, they cannot afford to err without affecting adversely the proper dispensation of justice." Sheriffs play an important role in the administration of justice and as agents of the law, high standards are expected of them. They should always hold inviolate and invigorate the tenet that a public office is a public trust. Sheriffs, as public officers are repositories of public trust and are under obligation to perform the duties of their office honestly, faithfully and to the best of their ability. *They are bound to use reasonable skill and diligence in the performance of their official duties particularly where the rights of*

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*individuals may be jeopardized by their neglect.* The conduct required of court personnel must be beyond reproach and must always be free from suspicion that may taint the judiciary. It is therefore incumbent upon every member of the judiciary family to work hand in hand in restoring and upholding, rather than destroying the integrity of the courts to which they belong.

## RESOLUTION

**YNARES-SANTIAGO, *J.*:**

On August 24, 1998, Rodolfo S. Cruz filed an Affidavit-Complaint[1] charging respondents Sheriff Virgilio F. Villar, Sheriff Reynaldo Q. Mulat and Sheriff Severino F. Balubar, Jr. with Grave Abuse of Authority and Grave Misconduct relative to Sp. Proc. No. M-4703 entitled, "*In the Matter of the Petition for Voluntary Insolvency of Spouses Vicente Cruz and Lolita S. Cruz, Fiorelli, Inc., Spouses Vicente Cruz and Lolita Cruz, petitioners.*"

Complainant, the Operations Officer of petitioner Fiorelli, Inc., averred that on June 24, 1998, Judge Pedro N. Laggui of the Regional Trial Court of Makati City, Branch 60, as the Insolvency Court, declared petitioners insolvent and placed their assets under ***custodia legis***.[2]

Complainant further alleged that two (2) days later or on June 26, 1998, Judge Hendrick F. Gingoyon of Branch 117 of the Regional Trial Court of Pasay City issued a Writ of Replevin in Civil Case No. 98-1123, ordering respondent Sheriffs to take possession of approximately 9,755 rolls of textiles.[3]

The following day, respondents implemented the writ of replevin despite the fact that they were shown a certified photocopy of the Order dated June 24, 1998 issued by Judge Laggui. Complainant further averred that respondents violated

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[1] *Rollo*, p. 1.

[2] *Ibid.*, pp. 5-6.

[3] *Id.*, p. 7.

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Supreme Court Circular No. 12 by not requesting assistance from the Office of the Sheriff of Makati City in the implementation of the writ.

In their Joint Answer dated March 12, 1999,[4] respondents claimed that before implementing the writ of replevin, Sheriffs Villar and Mulat coordinated with one Peter Camaya of the Bel-Air Security Force and with the *barangay* officials of said locality through Leo Lara. Sheriff Mulat also went to the Office of the Clerk of Court of the RTC-Makati for proper coordination. However, the only person they found there, a certain Pablo Sy, refused to receive the copy of the sheriff's request for assistance.

Respondents further claimed that they furnished the complainant copies of the summons, complaint and its annexes, writ of replevin, Order dated June 26, 1998 and the replevin bond before enforcing the writ. They also alleged that they acceded to the request of complainant to wait for a certain Sheriff of Makati and their lawyer before implementing the writ. When the latter failed to show up, respondents were constrained to enforce the subject writ because it was a ministerial duty on their part.

In his Reply,[5] complainant explained that respondents found nobody at the Office of the Clerk of Court of Makati RTC when he went there on June 27, 1998 because it was a Saturday.

A Resolution dated December 4, 2000[6] was issued docketing the case as a regular administrative matter and referred the same to the Office of the Court Administrator (OCA) for evaluation, report and recommendation. The OCA subsequently submitted its report finding the respondents guilty as charged and recommended that they be fined One Thousand Pesos (₱1,000.00) each with a warning that a repetition of the same or similar acts shall be dealt with more severely, reasoning

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[4] *Id.*, pp. 15-16.

[5] *Id.*, p. 17.

[6] *Id.*, p. 23.

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thus:

When respondents tried to seize the properties subject of the writ of replevin dated 26 June 1998, the same were already under *custodia legis* by virtue of [the] court order dated 24 June 1998. These circumstances placed respondents in a difficult situation. However, the novelty of their predicament did not call for the exercise of their own discretion. The nature of their functions is essentially ministerial. Their prerogatives do not give them any discretion to determine who among the parties is entitled to possession of the subject properties.[7] The appropriate course of action should have been for respondents to inform their judge of the situation by way of a partial Sheriff's Return and wait for instructions on the proper procedure to be observed.[8] These respondents failed to do.

We agree with the recommendation of the OCA.

As ruled in *Hernandez v. Aribuabo*,[9] "[M]any a time we have reminded sheriffs that they are part and parcel of the administration of justice and, therefore, whether on or off-duty they should set the example for obedience and respect for the law. They should always remember that overbearing conduct can only bring their office into disrepute and erode public respect for them. For no public official is above the law."

The administration of justice is a sacred task and it demands the highest degree of efficiency, dedication and professionalism.[10] In this regard, the Court finds it necessary to reiterate that "[S]heriffs and deputy sheriffs, being ranking officers of the court and agents of the law, must discharge their duties with great care and diligence. In serving and implementing court writs, as well as processes and orders of the court, they cannot afford to err without affecting adversely the proper dispensation of justice."[11] Sheriffs play an important

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[7] *NBI v. Tuliao,* 270 SCRA 351 [1997].

[8] *Mamanteo v. Magummun*, 311 SCRA 259 [1999].

[9] A.M. No. P-00-1439, 347 SCRA 1, 5 [2000].

[10] *Contreras v. Mirando,* 280 SCRA 608, 610 [1997].

[11] *Magat v. Pimentel,* 346 SCRA 153, 159 [2000], citing *Bornasal, Jr. v. Montes,* 280 SCRA 181 [1997], citing *NBI v. Tuliao,* 270 SCRA 351

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role in the administration of justice and as agents of the law, high standards are expected of them.[12] They should always hold inviolate and invigorate the tenet that a public office is a public trust.[13]

Sheriffs, as public officers are repositories of public trust and are under obligation to perform the duties of their office honestly, faithfully and to the best of their ability. *They are bound to use reasonable skill and diligence in the performance of their official duties particularly where the rights of individuals may be jeopardized by their neglect.*[14] The conduct required of court personnel must be beyond reproach and must always be free from suspicion that may taint the judiciary.[15] It is therefore incumbent upon every member of the judiciary family to work hand in hand in restoring and upholding, rather than destroying the integrity of the courts to which they belong.[16]

**WHEREFORE,** based on the foregoing, respondents Sheriffs Virgilio F. Villar, Reynaldo Q. Mulat and Severino E. Balubar are found *GUILTY* of Grave Abuse of Authority and Misconduct in Office and are *FINED* One Thousand Pesos (₱1,000.00) each. They are likewise *STERNLY WARNED* that a repetition of the same or similar acts shall be dealt with more severely.

**SO ORDERED.**

*Davide, Jr., C.J. (Chairman), Puno,* and *Kapunan, JJ.,* concur.

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[1997] and *Vda. de Abellera v. Dalisay,* 268 SCRA 64 [1997]; *Ignacio v. Payumo,* 344 SCRA 169, 172 [2000].

[12] *Llamado v. Ravelo,* 280 SCRA 597 [1997].

[13] *Ventura v. Concepcion,* 346 SCRA 14, 18 [2000].

[14] *Pecson v. Sicat, Jr., supra,* at 131.

[15] *Abanil v. Ramos, Jr.,* 346 SCRA 20, 24 [2000].

[16] *Contreras v. Mirando, supra,* at 611.