Supreme Court E-Library

FIRST DIVISION

[A.M. No. P-02-1576. July 17, 2003]

VEDASTO TOLARBA, *complainant, vs.* **SHERIFF IV ANGEL C. CONEJERO, Regional Trial Court-OCC, Ligao, Albay,** *respondent.*

SYNOPSIS

Complainant won a civil case for forcible entry. A writ of execution was thereafter issued but not satisfied and respondent sheriff failed to promptly submit returns of service to the court and to furnish the parties copies thereof. Allegedly, complainant missed the opportunity to plant on the land in time for the cropping season thereby causing him damage and prejudice.

As respondent candidly admitted his failure to make his returns within the required period, the Court ruled that a fine of ₱2,000.00 is proper, with stern warning against repetition of similar acts.

SYLLABUS

1. **POLITICAL LAW; ADMINISTRATIVE LAW; COURT EMPLOYEES; SHERIFFS; DUTIES.** – 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.

2. **ID.; ID.; ID.; ID.; ID.; FAILURE TO PROMPTLY SUBMIT RETURNS OF SERVICE AND FURNISH PARTIES COPIES DESERVE REPROOF.** – There can be no question that respondent's failure to promptly submit the returns of service to the court and furnished the parties copies thereof is deserving of reproof. When, as in this case, the law is clear, respondent owes it to himself and to the public he serves to adhere to its dictates. The failure to do so exposes the wrongdoer to administrative sanctions. When the inefficiency of an officer

Supreme Court E-Library

of an officer of the court springs from a failure to consider so basic and elemental a rule, a law or a principle in the discharge of his duties, he is either too incompetent and undeserving of the position and title he holds or is too vicious that the oversight or omission was deliberately done in bad faith or with grave abuse of authority. Respondent Sheriff failed to live up to the above-mentioned standards. In short, he conducted himself in a manner prejudicial to the service.

3. ID.; ID.; ID.; ID.; PROPER PENALTY FOR VIOLATION THEREOF. – In *V.C. Ponce Co., Inc. v. Eduarte,* it was held that the sheriff is a court officer primarily responsible for the *speedy* and efficient service of all court processes and writs originating from his court and the branches thereof and those that may be delegated to him by other courts. As such officer whose duties form an integral part of the administration of justice, a sheriff and his deputies may be properly dismissed, fined, or suspended from office by this Tribunal, in the exercise of its administrative supervision over the judicial branch of the government, for actions committed in violation of the Rules of Court which impedes and detracts from a fair and just administration of justice.

RESOLUTION

YNARES-SANTIAGO, *J.*:

In a verified complaint dated February 22, 2000,[1] Vedasto Tolarba charged Clerk of Court Juanita. P. Fontanal and Sheriff IV Angel C. Conejero, both of the Regional Trial Court of Ligao, Albay, with Malfeasance and Misfeasance.

Complainant averred that he is the plaintiff in Civil Case No. 1048-L entitled, "*Vedasto Tolarba, Plaintiff versus Amado Plopino, Perfecto Plopino and Salvacion Plopino-Oniquit, Defendants*," for Forcible Entry. The 5th Municipal Circuit Trial Court of Ligao-Oas, Albay rendered judgment in his favor. While the case was pending appeal before the Regional Trial Court of Ligao, complainant moved for and obtained a Writ of Execution.

---

[1] *Rollo*, p. 1.

Supreme Court E-Library

The writ was served on defendant Salvacion Plopino-Oniquit on October 4, 1999. However, respondent Clerk of Court submitted her Report of Service to the trial court only on January 25, 2000. Respondent Sheriff, on the other hand, failed to report to the trial court and to state the reasons for the non-satisfaction of the writ. Consequently, complainant missed the opportunity to plant on the land in time for the first cropping season of 2000, thereby causing him damage and prejudice.

In her Comment,[2] respondent Clerk of Court alleged that she received the writ of execution on September 29, 1999. The same was raffled to respondent Sheriff on October 4, 1999. She contends that she was not under any obligation to prepare the return of service since said function belongs to respondent Sheriff.

In his Comment,[3] respondent Sheriff explained that he submitted his "Report or Return of Service" on the writ of execution on January 25, 2000. Upon learning that only one defendant was served with the writ, he immediately caused the service thereof on the other two defendants on February 3, 2000. He thereafter submitted his separate reports of service on February 8 and 9, 2000. He admitted that he failed to act "seasonably and with dispatch in undertaking the return of service of the questioned writ within the reglementary period."[4] Further, he "unwittingly fell short in immediately making a return of the service of the writ on Salvacion Oniquit believing in good faith that conformably to the aforecited rules, and considering the service of the writ was a satisfaction of the judgment in part, he had five (5) years effectivity period of the writ on motion, to have the judgment fully satisfied and thereafter, make the writ returnable to the court of origin or issuing it."[5] He pleads for liberality and asks

---

[2] *Id.*, p. 12.

[3] *Id.*, p. 51.

[4] *Id.*, p. 56; Comment p. 6, par. 1.

[5] *Id.*, p. 58; Comment, p. 8, par. 2.

Supreme Court E-Library

that, if the lapses he committed amounted to negligence, the same be considered excusable.[6]

In a Resolution dated April 10, 2002, the charges against respondent Clerk of Court Juanita P. Fontanal were dismissed, while the complaint against respondent Sheriff IV was re-docketed as a regular administrative matter.[7] Thereafter, complainant[8] and respondent Sheriff[9] manifested that they were willing to have the case submitted for resolution on the basis of the pleadings filed.

Rule 39, Section 14 of the 1997 Rules of Civil Procedure provides:

> *Return of writ of execution.* — The writ of execution shall be returnable to the court issuing it immediately after the judgment has been satisfied in part or in full. 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. Such writ shall continue in effect during the period within which the judgment may be enforced by motion. 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*. (emphasis and italics supplied)

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.[10]

There can be no question that respondent's failure to promptly submit the returns of service to the court and furnished the

---

[6] *Id.*, p. 60; Comment, p. 10, par. 1.

[7] *Id.*, p. 72.

[8] *Id.*, p. 74.

[9] *Id.*, p. 77.

[10] *Pecson v. Sicat, Jr.*, 358 Phil. 606 [1998].

Supreme Court E-Library

parties copies thereof is deserving of reproof. When, as in this case, the law is clear, respondent owes it to himself and to the public he serves to adhere to its dictates. The failure to do so exposes the wrongdoer to administrative sanctions. When the inefficiency of an officer of the court springs from a failure to consider so basic and elemental a rule, a law or a principle in the discharge of his duties, he is either too incompetent and undeserving of the position and title he holds or is too vicious that the oversight or omission was deliberately done in bad faith or with grave abuse of authority.[11]

Respondent Sheriff failed to live up to the above-mentioned standards. In short, he conducted himself in a manner prejudicial to the service.[12] Indeed, in *Canlas v. Balasbas*,[13] we held:

> At the grassroots of our judicial machinery, sheriffs and their deputy sheriffs are indispensably in close contact with the litigants, hence, their conduct should be geared towards maintaining the prestige and integrity of the court, for the image of a court of justice is necessarily mirrored in the conduct, official or otherwise, of the men and women who work thereat from the judge to the least and lowest of its personnel; hence, it becomes the imperative sacred duty of each and everyone in the court to maintain its good name and standing as a temple of justice.

In *V.C. Ponce Co., Inc. v. Eduarte*,[14] it was held that the sheriff is a court officer primarily responsible for the *speedy* and efficient service of all court processes and writs originating from his court and the branches thereof and those that may be delegated to him by other courts. As such officer whose duties form an integral part of the administration of justice,

---

[11] See *Rodriguez v. Bonifacio*, A.M. No. RTJ-99-1510, 6 November, 2000, 344 SCRA 519, 541-542, citing *Cortes v. Agcaoili*, 335 Phil. 848 [1998] and *Carreon v. Municipal Judge Flores*, A.M. No. 111-MJ, 30 May 1975.

[12] *Dionisio v. Gilera*, 371 Phil. 214 [1999].

[13] A.M. No. P-99-1317, 1 August 2000, 337 SCRA 41, 46, citing *Vda. de Abellera v. Dalisay*, 335 Phil. 527 [1997].

[14] A.M. No. RTJ-99-1495, 18 October 2000, 343 SCRA 445, 459.

Supreme Court E-Library

a sheriff and his deputies may be properly dismissed,[15] fined,[16] or suspended[17] from office by this Tribunal, in the exercise of its administrative supervision over the judicial branch of the government, for actions committed in violation of the Rules of Court which impedes and detracts from a fair and just administration of justice.[18]

The Office of the Court Administrator to which the instant case was referred for evaluation and report, recommended that respondent Sheriff be fined the amount of Two Thousand Pesos (₱2,000.00) for his failure to make his returns within the required period. Given the prevailing facts of the case and considering his candor in admitting his lapses, the Court finds the recommended sanction appropriate for respondent's misdeed.

WHEREFORE, in view of all the foregoing, respondent Sheriff IV Angel C. Conejero, RTC-OCC, Ligao, Albay, is hereby *FINED* in the amount of Two Thousand (₱2,000.00) Pesos. He is likewise *STERNLY WARNED* that a repetition of the same or similar offenses shall be dealt with more severely.

SO ORDERED.

Davide, Jr., C. J.(*Chairman*), *Vitug, Carpio,* and *Azcuna, JJ.,* concur.

---

[15] *Araza v. Sheriffs Marlon M. Garcia and Nicolas Tonga*, 381 Phil. 808 [2000].

[16] *OCA v. Sheriff IV Julius Cabe*, A.M. No. P-96-1185, 26 June 2000, 334 SCRA 348.

[17] *Johnny Gomez v. Concepcion*, A.M. No. P-98-1283, 9 May 2000, 331 SCRA 503; *Sebastian v. Valino*, A.M. No. P-91-549, 5 July 1993, 224 SCRA 256.

[18] *Re: Danilo Cunanan*, A.M. No. 91-8-374-OMB, 28 November 1994, 238 SCRA 421, citing *Hipolito v. Mergas*, A.M. No. P-90-412, 11 March 1991, 195 SCRA 6.