

****Title:**** Merlinda L. Dagooc vs. Roberto A. Erlina: A Case of Misconduct and Ignorance of the Law by a Public Officer

****Facts:****

Merlinda L. Dagooc filed a complaint against Deputy Sheriff Roberto A. Erlina concerning his handling of the execution of a money judgment in her favor from Civil Case No. L-695. A compromise agreement had resolved the case, and the decision became final and executory. On February 28, 2002, a writ of execution was issued and assigned to Erlina for enforcement. Instead of directly enforcing the judgment by levying the defendants' properties for failing to pay, Erlina had them issue promissory notes to Dagooc, which he instructed her to collect. Discovering the defendants owned real properties contrary to Erlina's claims of their insolvency, Dagooc contested Erlina's actions, arguing mismanagement and lack of due diligence in executing his duties. Erlina, in his defense, claimed to have followed procedure but was misled by a lack of property records at the assessor's office and advised Dagooc to seek an alias writ of execution for property levy. The complaint was evaluated by the Office of the Court Administrator (OCA), finding Erlina guilty of misconduct and gross ignorance of the law, recommending a P5,000 fine.

****Issues:****

1. Whether Deputy Sheriff Roberto A. Erlina failed in his duties by not properly executing the writ of execution according to the provisions of Section 9, Rule 39 of the Revised Rules of Court.
2. Whether Erlina's actions or lack thereof demonstrated incompetence, inefficiency, and ignorance of the law to the detriment of the complainant's right to satisfaction of judgment.

****Court's Decision:****

The Supreme Court found Erlina guilty of inefficiency and incompetence in the performance of official duties, diverging from the OCA's recommended penalty. It highlighted Erlina's failure to comply with the explicit mandates of Section 9, Rule 39 concerning the enforcement of judgments for money. The Court underscored that promissory notes were not an acceptable form of payment under the law and that Erlina should have proceeded to levy the defendants' properties upon their failure to satisfy the judgment debt. It also noted Erlina's baseless claim of defendants' insolvency and his wrong advice regarding the alias writ of execution. Conclusively, Erlina was suspended from the service for one year, with a stern warning regarding future misconduct.

****Doctrine:****

This decision reiterates the legal obligations of sheriffs in executing writs of execution, specifically the strict compliance required with Section 9 of Rule 39 of the Revised Rules of Court. It emphasizes the importance of direct payment or levy of property in satisfying monetary judgments and clarifies the procedural steps that must be taken when a judgment debtor fails to fulfill their financial obligation under a judgment.

****Class Notes:****

- Section 9, Rule 39, of the Revised Rules of Court: Outlines the procedure for enforcing judgments for money, including immediate payment on demand and, alternatively, satisfaction by levy on the judgment debtor's property.
- Execution of Money Judgments: Requires payment in cash, certified bank check, or another acceptable form unless properties are to be levied.
- Role and Duty of Sheriffs: Sheriffs are tasked with the diligent execution of writs according to their literal terms. They must exercise utmost diligence, especially where property levy is concerned, and are not to make exemptions on behalf of judgment debtors.
- Misconduct and Penalty: Inefficiency, incompetence, and ignorance of the law in the performance of official duties by a public officer, especially in judicial executions, result in disciplinary actions including suspension and warnings of more severe consequences for repeated offenses.

****Historical Background:****

This case sheds light on the critical responsibilities of judicial officers in the execution phase of civil litigation, highlighting the standards of accountability and diligence expected from public officials in the Philippines. It underscores the judiciary's stance on ensuring that judgment creditors are not unduly prejudiced by the mishandling of execution processes, reinforcing the integrity of legal procedures in achieving justice.