

****Title**:** Asuncion Y. Ariñola vs. Angeles D. Almodiel, Jr.

****Facts**:**

1. Complainant Asuncion Y. Ariñola and her husband filed a civil case for the collection of a sum of money with damages against Spouses John Mark Viceo and Ma. Michelle Lobrigo (Civil Case No. 1475) at the Municipal Trial Court in Cities (MTCC), Masbate City.
2. The MTCC ruled in favor of the Ariñolas on May 28, 2012, ordering the Viceos to pay P209,000.00.
3. The MTCC's judgment became final on July 6, 2012, and a Writ of Execution was issued on July 18, 2012, to Sheriff III, Angeles D. Almodiel, Jr.
4. Respondent Sheriff served the Writ and Notice of Demand for Immediate Payment on July 25, 2012, followed by the delivery of a Notice of Levy upon Realty to the Provincial Assessor and the Viceos on July 26 and July 30, 2012.
5. The property was confirmed to be under John Mark Viceo's name via relevant certifications.
6. A report about the Writ's implementation was submitted on August 3, 2012.
7. Following the failure of the Viceos to pay, the Sheriff arranged for the publication of a Notice of Sale on Execution of Real Property.
8. Before the sale, Sheriff discovered the property had been sold to Konrad Ramos, who then filed a Third-Party Claim.
9. The MTCC invalidated the sale due to improper service of the Notice of Levy to Ramos on July 11, 2014, and commanded the execution to be continued correctly.
10. Despite this order, from July 11, 2014, until the complaint against the Sheriff was filed on August 25, 2016, execution remained unfulfilled, leading Ariñola to file an administrative complaint.

****Issues**:**

1. Whether Respondent Sheriff Angeles D. Almodiel, Jr. was guilty of gross neglect of duty, inefficiency, incompetence, and refusal to perform official duties in executing the Writ of Execution.

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

1. ****Neglect of Duty**:**

- The Court agreed with the OCA's finding that Almodiel failed to perform his duties in implementing the Writ of Execution. He neither fully enforced the judgment nor complied with the Rules of Court that mandated periodic reporting. He cited safety concerns and the difficulty in locating alternative properties, but these were not deemed sufficient

justifications.

2. **Inappropriate Service**:

- The Sheriff's failure to serve the Notice of Levy upon the real property's actual occupant (Ramos) rendered the levy invalid. The Court cited procedural non-compliance leading to an invalid execution process.

3. **Penalty**:

- For Simple Neglect of Duty, the Court imposed a fine of P5,000.00 rather than suspension, considering that suspension would unduly affect public service functions.

Doctrine:

1. **Execution of Judgment**: The order is paramount, and failure to execute diminishes the essence of a judicial victory—an unexecuted judgment offers no real remedy.
2. **Section 14, Rule 39**: Costly neglect of periodic reporting is deemed simple neglect of duty.
3. **Sanctions for Neglect**: Respondents can face penalties, ranging from fines to suspension, based on precedents for preventing service interruption.

Class Notes:

1. **Sheriff's Report Requirements**:

- Immediate return upon partial or full satisfaction of judgment.
- Explanation if the judgment cannot be fully satisfied.
- Thirty-day intervals for updates until full satisfaction (§14, Rule 39).

2. **Elements of a Valid Levy**:

- Filing order of execution with the Register of Deeds.
- Leaving copies with the property's actual occupant (§7, Rule 57; §9, Rule 39).

3. **Sanctions**:

- Simple neglect leads to either suspension or fine (§46(D)(1), Rule 10, RRACCS).

Historical Background:

This case illustrates systemic issues with judicial enforcement, including procedural adherence by court officers like sheriffs. It underscores the need for rigorous process compliance to uphold judicial decrees' efficacy. This scenario is significant in the context of Philippine judicial reform efforts and standardizes protocols to ensure judicial decisions translate into concrete resolutions, maintaining public trust in the justice system.