

Title:

Evelyn Acuña vs. Rodolfo A. Alcantara, Sheriff IV, RTC Branch 50, Villasis, Pangasinan

Facts:

1. **Charge and Context**: Evelyn Acuña charged Rodolfo A. Alcantara, Sheriff IV, with negligence and manifest partiality related to Civil Case No. V-0413 (Gloria R. Ocampo vs. Evelyn Acuña) for “recovery of sum of money with prayer for preliminary attachment.”
2. **Trial Court’s Action**: On December 23, 1997, the trial court granted the preliminary attachment. A writ was issued on Acuña’s two flatboats.
3. **Writ Implementation**: Sheriff Alcantara, while implementing the writ, entrusted the flatboats to a relative of the plaintiff, Gloria R. Ocampo. One of the flatboats subsequently submerged under this relative’s care.
4. **Escalation of the Situation**: Eventually, the flatboats were turned over to the Philippine Coast Guard in Sual, Pangasinan, where they were destroyed by consecutive typhoons.
5. **Respondent’s Defense**: Alcantara argued that he sought initial assistance from the Philippine Coast Guard, who refused without a court order, thus forcing him to dock the flatboats at Sual port and entrust them temporarily. Upon sinking of one flatboat, he obtained a court order for the Coast Guard to take custody.
6. **Incident Report to Court**: By June 5, 1998, Alcantara complied with a court directive to have the Philippine Coast Guard take control, but by then the flatboats had substantially deteriorated due to eventual typhoons.
7. **Court Administrator’s Evaluation**: The evaluation concluded Alcantara was negligent for not immediately securing a court order to transfer custody to a disinterested party.

Issues:

1. **Negligence**: Did Rodolfo A. Alcantara act negligently in the safekeeping of the flatboats attached per the court’s directive?
2. **Partiality**: Was there manifest partiality towards any party traced in Alcantara’s actions?

Court’s Decision:

1. **Negligence**: The Supreme Court found Alcantara guilty of simple negligence. It held

that although the refusal of the Coast Guard was a barrier, Alcantara failed to immediately ask the court for a transfer order. His initial failure to seek immediate judicial direction contributed to the flatboat's deterioration.

2. **Partiality**: There was insufficient evidence or discussion pointing specifically to manifest partiality beyond what would suggest simple negligence.
3. **Fine Reduction**: While recognizing the negligence, the Court deemed the typhoons beyond Alcantara's control and reduced the recommended fine from P5,000.00 to P3,000.00.

Doctrine:

- The duty of a sheriff to preserve attached property with ordinary and reasonable care is underscored.
- A verbal declaration alone does not suffice for attachment; actual possession and control are prerequisites for valid attachment.
- Immediate judicial intervention should be sought if standard procedures are impeded by external refusals (e.g., refusal by the Philippine Coast Guard).

Class Notes:

1. **Negligence of Sheriffs**: Sheriffs have a duty to protect attached property from damage or loss, needing to exercise ordinary and reasonable care.
2. **Attachment Procedures**: Actual possession and control of the attached property are essential for a valid attachment.
 - **Relevant Statute**: Sec. 7, Rule 57 of the Revised Rules of Court: "Custody of property pending trial."
3. **Liability for Damages**: Failure to secure attached property adequately may lead to liability for negligence.
 - **Case Reference**: Tatingco vs. Aguilar, 81 SCRA 599
 - **Case Reference**: National Bureau of Investigation vs. Tuliao, 270 SCRA 351

Historical Background:

- **Judicial Responsiveness**: The case illustrates the judiciary's role in holding court personnel accountable for neglect in executing judicial orders. It reflects a period's commitment to maintaining trust in judicial processes and reinforcing the responsibility of auxiliary services, vital in supporting judicial mandates.
- **Development in Rule of Law**: The case showcases how procedural lapses and external

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uncontrollable elements (like natural disasters) interplay within legal accountability frameworks, highlighting the multi-faceted nature of legal responsibilities and mitigation. ^(Case Brief / Digest)