

**JUDGE ABRAHAM PRINCIPE, PETITIONER, VS. ROMEO R. FLORENDO
– DEPUTY SHERIFF, RESPONDENT.***A.M. No. P-93-825. October 20, 1993*

Ponente: PUNO, J.

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Respondent Romeo R. Florendo, Deputy Sheriff, RTC, Baguio City, is charged with delay in the service of summons.

The complaint was investigated by the Honorable Clarence J. Villanueva, Executive Judge, RTC, 1st Judicial Region, Baguio City. In his Report and Recommendation dated September 24, 1993, Judge Villanueva made the following factual findings, viz:

"It appears that on January 16, 1991, summons was issued in Special Proceedings Case No. 4234 entitled "Jesus Adarme and Jed Arisdan Adarme vs. Dr. Edwin Adarme" for Support, pending at Regional Trial Court, Branch 2, Tuguegarao, Cagayan, presided by complainant Judge Abraham Y. Principe; said summons was sent to the City Sheriff of Baguio City for service, it appearing that the defendant Dr. Edwin Adarme was a resident of the Baguio General Hospital at Baguio City. The said summons was assigned to Deputy Sheriff Romeo R. Florendo (the herein respondent) who actually signed for it in the log book of the City Sheriff on January 28, 1991. On March 25, 1993, Judge Principe issued an Order requiring the City Sheriff of Baguio City to explain the unwarranted and unreasonable delay in making the return of the summons in Special Proceedings Case No. 4234. In his Explanation dated April 6, 1993, respondent Deputy Sheriff admitted having received the summons but that he handed the said summons to his fellow sheriff Crisanto T. Flora, also of the Office of the Clerk of Court, RTC, Baguio City for service as he had to accompany his brother to the Makati Medical Center for a brain scan. From February 28, 1991 until the time when he received the Court Order dated March 25, 1993, respondent never inquired from his fellow sheriff whether the summons was ever served, so that it was only after a period of more than two (2) years that he inquired from his fellow sheriff about the summons in question. Deputy Sheriff Crisanto T. Flora whom respondent Florendo pointed as the fellow sheriff to whom he handed the summons for service was then directed to appear before the investigation body for questioning. In his testimony, Deputy Sheriff Flora averred that he can no longer remember if the summons in question was ever served by him, and since there was no follow up or complaint for a long time, he presumed that said summons was served. However, when asked whether he remembers having been requested by respondent Florendo to serve the summons issued in Special Proceedings Case No. 4234, Deputy Sheriff Flora could not give a categorical answer although he said that in the past, respondent Florendo have (sic) asked him to serve court processes."

These findings are supported by evidence and We adopt the same.

The facts show neglect in the performance of duty on the part of respondent sheriff. He failed to serve the summons in Sp. Proceedings Case No. 4234 for more than two (2) years. His failure cannot be justified by the excuse that on January 28, 1991 when the summons was assigned to him, he had to accompany his brother to the Makati Medical Center for a brain scan and had to request that it be served by his fellow sheriff, Crisanto Flora.

Respondent sheriff then utterly neglected for two (2) years to inquire from sheriff Flora whether said summons had been served. Certainly, two (2) years is too long a time for respondent sheriff to claim confusion due to the sickness of his brother to justify his neglect. The omission of respondent sheriff delayed the disposition of Sp. Proc. Case No. 4234 to the prejudice of the right of the parties therein to speedy justice. Respondent sheriff cannot escape liability which, however, should be mitigated considering that the offense appears to be his first.

IN VIEW WHEREOF, the respondent deputy sheriff Romeo R. Florendo of the Office of the Clerk of Court, RTC, Baguio City is suspended from office for fifteen (15) days without pay, effective upon receipt of this Resolution.

SO ORDERED.

Narvasa, C.J., (Chairman), Regalado, and Nocon, JJ., concur.

Padilla, J., on leave.

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