

PEDRO SAN JOSE, COMPLAINANT, VS. BENJAMIN CENTENO, DEPUTY SHERIFF, REGIONAL TRIAL COURT, STA. CRUZ, LAGUNA, RESPONDENT.*A.M. No. P-89-384. June 23, 1995*

Ponente: KAPUNAN, J.

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Complainant Pedro San Jose filed a sworn complaint dated November 6, 1989 against respondent Benjamin Centeno, Deputy Sheriff of Sta. Cruz, Laguna for ignorance of the law, neglect of duty, and disregard of orders of the court relative to Civil Cases Nos. 798 and 799.

On July 18, 1990, the case was referred to the Executive Judge of the Regional Trial Court of Sta. Cruz, Laguna, for investigation, report and recommendation. However, a year later, complainant Pedro San Jose, through counsel, filed a motion to transfer the venue of the administrative investigation from the RTC in Sta. Cruz, Laguna to the RTC in Manila on account of his sickly condition. On January 13, 1992, the Court issued a resolution directing Executive Judge Jose Catral Mendoza of the RTC, Branch 26, Sta. Cruz, Laguna to forward to the Executive Judge of the RTC of Manila the records of the case. The case was subsequently raffled to Branch 36, presided by Judge Wilfredo P. Reyes.[1]

The complainant, plaintiff in the aforementioned civil cases, alleged that on June 30, 1986 the Municipal Trial Court of Pila, Laguna, issued a Writ of Execution to remove and demolish the nipa houses of the defendants, Danilo Salcida and Leonisa Aleta, in Civil Case No. 798. The order was given to the respondent sheriff for enforcement within sixty (60) days from receipt thereof. It was further alleged that respondent had not implemented the Order of Execution up to and until the time the complaint was filed.

In addition, complainant averred that on October 26, 1989 (should be 1988), the Municipal Trial Court of Pila, Laguna, also issued a Writ of Execution to remove and demolish the house of Mario de Leon, defendant in Civil Case No. 799. It was only in September 1989 that part of the house was demolished by the defendant himself even as he continued to occupy the remaining portion. According to complainant, respondent submitted his report to the court only on February 23, 1989.

Complainant finally alleged that on September 7, 1989, respondent received from him five hundred seventeen pesos (P517.00) for expenses needed to demolish the two houses, but respondent still failed to do his job and submit his report thereon.

In his comment dated June 20, 1990, respondent stated that a similar complaint involving the same subject matter was filed against him by the complainant before the Office of the Ombudsman. He averred that thru the mediation of the Deputy Ombudsman for Luzon, complainant and he had reached an amicable settlement whereby the former agreed to supply the laborers for demolition and secure an Alias Writ of Execution from the MTC of Pila, Laguna, and shoulder all the expenses necessary in the demolition of the defendants' houses in his premises, while the latter, on the other hand, agreed to secure the help of law enforcement officers and supervise the demolition of

the houses in question in exchange for the dismissal of the case filed in the Office of the Ombudsman. However, in view of the failure of complainant to abide with the terms of their agreement, respondent alone was forced to secure the services of some laborers in the demolition of the houses of the defendants.

In his Reply dated July 20, 1990, complainant asseverated that the allegations of respondent in his Comment are "all lies and artificial." He maintained that the Writ of Execution issued by the Municipal Trial Court of Pila in Civil Case No. 798 was given to respondent on September 2, 1986 but the latter submitted his report to the court only on February 23, 1989 or 3 years later. On the other hand, while the Writ of Execution in Civil Case No. 799 was issued on October 26, 1988, he submitted his report only on April 4, 1989 or one year later.

In his Report and Recommendation dated January 21, 1994, Judge Wilfredo P. Reyes made the following findings, to wit:

The undersigned investigator finds that the first writ of execution issued in Civil Case No. 798 was actually executed by Centeno even if the return was filed more than three (3) years late. San Jose sought to evade the fact that the house of Aleta was transferred without his consent. However, the evidence adduced reveals that San Jose in his complaint and his testimony reveal that there are contradictions and inconsistencies thereon, as in fact, he never denied the report though the same was filed three (3) years late. In his reply, San Jose merely doubted the unreasonable length of time that Centeno prepared his report but not his statement in said September 2, 1986 report that he consented to the transfer of the house of Aleta to the rear portion of the lot and the retention of the house of Salcida in the lot because Aleta and Salcida who were the defendants in Civil Case No. 798 will be paying rents and that they have no place to go.

More so, San Jose in his testimony tried to assert that the transfer was made before he filed the ejectment case but he said that the transfer could have been made by the one in-charge presumably referring to Centeno. This is a revelation that San Jose knew of the transfer and who initiated the transfer but San Jose, to the mind of the undersigned investigator was simply tailoring his facts to suit his complaint.

It is rather surprising why San Jose was referring to Centeno as the one in-charge of the matter of transferring the house of Aleta when he allegedly not yet filed an ejectment case. It shows that San Jose knew of the transfer and who was in-charge of the matter. He can not admit this fact since it will show that Centeno was not at fault but himself. Likewise, San Jose is merely questioning the fact that the report made by Centeno as regards the implementation of the writ of execution in Civil Case No. 799 was late by a year but not the fact that what is contained therein actually transpired. In fact, San Jose in his testimony never stated that the writ of execution in Civil Case No. 799 was never executed and satisfied. He likewise limited his testimony to the writ of execution issued in Civil Case No. 798 and the houses of Aleta and Salcida.

The undersigned investigator also finds that San Jose gave and provided for laborers and public assistance necessary for the implementation of the alias writ of execution until September 7, 1989. Legal fees do not embrace the cost of additional laborers and their meals San Jose himself provided. The fact that Centeno initially asked for P400.00 but actually received P517.00 is immaterial since not a single centavo was used by Centeno for his personal benefit. In fact, the alias writ of execution was implemented not for the benefit of Centeno but for the benefit of San Jose.

On the other hand, the very report of the ocular inspection which was conducted pursuant to the request of San Jose reveals that there were more than two (2) houses in the lot subject of Civil Case No. 798 for ejectment. It is the impression of San Jose that once the writ of execution was issued all houses located in his lot can be demolished; But such is not the case. The writ of execution can only be implemented against parties over whom the court has acquired jurisdiction. In the instant case, only the defendants in Civil Case Nos. 798 & 799.

During his cross-examination, San Jose insisted that the house of Salcida still existed on his lot. However, the very report of Rosauro M. Magtalas which is admitted by San Jose shows that Salcida's house near the road was no longer standing on his lot. In addition, the other houses alleged to belong to Salcida located at the rear portion of San Jose's lot "is not existing anymore; vacant." More so, the allegations of San Jose that Aleta still resided in a house built on his lot is merely his "supposition". Later, he tried to substantiate his allegations by quoting some neighbors as "nandiyan pa raw". His first statement is inadmissible for being an unsupported opinion and conclusion which he is not competent to do so. The second statement is clearly hearsay since his source seeks only the echo of some other people by using the Filipino word "raw". In fact, his source in clearly disclaiming responsibility to his statement which gives his words has no evidentiary weight.

Furthermore, the undersigned investi-gator, finds that San Jose after securing the writ of execution in Civil Case No. 798 against Aleta and Salcida thought that he could avail of the writ as a leverage to compel the seventeen (17) other families occupying his lot to pay their rentals. When these people stopped paying, he moved for the issuance of an alias writ of execution and filed a new case for ejectment wherein Aleta and Salcida were again impleaded as defendants along with other persons living in his lot. When the alias writ of execution was being implemented, San Jose felt that it should include the others even if the case he filed anew was still pending appeal. Thus, he confused or purposely intended to include the houses of other people to be the houses of Aleta and Salcida.

The core of this dispute arose when Centeno asked for an amount higher than what he thought is the cost of additional labor and meals. San Jose reacted to the fact that other people can get a better deal from him but he wanted to get what he wanted by including other houses in the coverage of the alias writ of execution in Civil Case No. 798, when clearly the houses involved in that case are no longer existing so as to save in the execution of a new writ for the other case he filed against the other occupants of his lot.

However, the lateness by which Centeno filed his report to the Pila Court is not excusable by the fact that San Jose had not advanced the cost of assistance of private laborers, the pendency of another case wherein Aleta and Salcida were also included as defendants nor the fact that San Jose reached a Compromise with Aleta and Salcida. What Centeno should have done was to file his report stating that San Jose did not provide the necessary assistance in terms of manpower to implement the writ of execution and in the process reached a compromise with Aleta and Salcida. The pendency of the new case for ejectment was not a bar to the implementation of the writ of execution against Aleta and Salcida as the dispositive portion of the decision in the new case excluded Aleta and Salcida from the coverage thereof. Thus, whether the writ of execution can be implemented or not, Centeno should have made his report within the period provided by the Rules. He is not required to execute completely before he makes his report. What he should have done was to make a periodic report to the court. This is so because Centeno is tasked in his capacity as a Sheriff to make a report no matter what happens and precisely notify the court of whatever is happening in the implementation of the writ.[2] (Underlining ours)

The above findings are fully supported by evidence.

Indeed, the facts show neglect in the performance of duty on the part of respondent sheriff when he failed to submit his report on time. In so doing, he caused serious delay in the implementation of lawful orders of the Court. The Writ of Execution in Civil Case No. 798 issued on June 30, 1986 was returnable to the court not later than 60 days after receipt thereof by respondent, pursuant to Section 11, Rule 39 of the Rules of Court. Yet, respondent submitted his report only on February 23, 1989 or three (3) years after. The Writ of Execution in Civil Case No. 799 was issued on October 26, 1988, but he submitted his report only on April 4, 1989. Respondent sheriff utterly neglected, for a considerable period of time, to report to the lower court the incidents of the aforementioned execution in Civil Cases Nos. 798 and 799, for that he cannot escape liability.

Officers charged with the delicate task of enforcement and/or implementation of judgments must, save only in cases where a restraining order is issued, act with considerable dispatch so as not to unduly delay the administration of justice.[3] When a writ is placed in the hands of a sheriff, it is his duty, in the absence of special instructions, to proceed with reasonable swiftness and promptness to execute it in accordance with its mandate.[4]

Moreover, the sheriff, an officer of the court upon whom the execution of a final judgment depends, must be circumspect and proper in his behavior. It is said that execution is the fruit and end of the suit and is the life of the law.[5] It is his responsibility to see to it that the ends of justice are served.

Needless to state, 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 true temple of justice.[6] Everyone therefore is enjoined to act with propriety and decorum and must, at all times, be beyond suspicion. This Court will not countenance any act that falls short of such a rigid standard.

WHEREFORE, the court hereby imposes on Deputy Sheriff Benjamin Centeno a fine of P5,000.00 with a STERN WARNING that the same or similar acts in the future will be dealt with more severely. Let a copy of this resolution be attached to the personal records of respondent.

SO ORDERED.

Padilla, (Chairman), Davide, Jr., and Quiason, JJ., concur.
Bellosillo, J., on official leave.

[1] Rollo, p. 199.

[2] Report and Recommendation, pp. 6-9; Rollo, pp. 172-195.

[3] *Jumio v. Egay-Eviota*, A.M. No. P-92-746, March 29, 1994, *Maya v. Bassig*, 138 SCRA 49 [1985].

[4] 47 Am. Jur. Sheriffs, Police and Constables 855 cited in *Jumio v. Egay-Eviota*, *supra*.

[5] *Eduarte v. Ramos*, A.M. No. P-94-1069, November 9, 1994; *Miro v. Tan*, A.M. No. P-93-977, August 17, 1994; *Tan v. Herras*, 195 SCRA 1 [1991]; *Philippine Airlines v. Court of Appeals*, 181 SCRA 557 [1990].

[6] *Recto v. Racelis*, 70 SCRA 438 [1976].

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