

ROMULO S. J. TOLENTINO, PETITIONER, VS. SHERIFF ROLANDO A. BORJA, RESPONDENT

Adm. Matter No. R-146-P. March 14, 1986

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Administrative Matter No. R-146-P (Romulo S.J. Tolentino vs. Sheriff Rolando A. Borja). — Complainant, Atty. Romulo Tolentino, charges respondent Deputy Sheriff Rolando Borja of Naga City with conduct unbecoming a public officer, malfeasance, gross misconduct, and dereliction of duty for having failed to implement the Writs of Execution issued in Civil Case No. P-703 and Civil Case No. S-329 of the Regional Trial Court of Naga City, respectively.

Executive Judge Juan Llaguno to whom the case was referred for investigation has recommended the dismissal of the complaint after finding respondent's comment satisfactory.

The records reveal, however, that respondent failed to make a return of the writs within the period provided by law. The Sheriff's Return in Civil Case No. P-703 shows that it was stamped "Received" on October 18, 1983. But since the writ was issued on July 11, 1983, respondent should have made the return a month earlier.

Similarly, in Civil Case No. S-329, the Sheriff's Return shows that it was stamped "Received" on October 19, 1983. Having been issued, however, on July 30, 1983, the return should have been filed on September 1, 1983.

In both instances, therefore, respondent filed his returns beyond the 60-day life-span of the writs of execution prescribed by Section 11, Rule 39 of the Rules of Court. Respondent was thus remiss in the performance of his duties.

ACCORDINGLY, respondent Deputy Sheriff Rolando Borja of Naga City is hereby found guilty of dereliction of duty and is suspended from office for a period of one (1) month, without pay, effective from the date this resolution becomes final.

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