

AUGUSTO V. SANTOS, COMPLAINANT, VS. SHERIFF IV ANTONIO V. LEAÑO, JR., SHERIFF III BENJIE E. LACSINA, SHERIFF III ALVIN S. PINEDA, RESPONDENTS.

A.M. No. P-16-3419 [Formerly OCA IPI No. 11-3648-P]. February 23, 2016

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PER CURIAM:

In the dispensation of justice, sheriffs are considered the "grassroots of our judicial machinery"[1] since their duties and functions inevitably place them in close contact with litigants. The performance of their duties often shapes the public's perception of the judiciary. As such, sheriffs are expected to perform their duties honestly and efficiently. This court does not tolerate any misconduct that diminishes the image and integrity of the judiciary.

On April 15, 2011, Augusto V. Santos (Santos) filed a Verified Complaint-Affidavit[2] before the Office of the Court Administrator for Dereliction of Duty against respondents Sheriff IV Antonio V. Leño, Jr., of the Office of the Clerk of Court of the Regional Trial Court of Tarlac City; Sheriff III Benjamin E. Lacsina of the Office of the Clerk of Court of Municipal Trial Court in Cities, Tarlac City; and Sheriff III Alvin S. Pineda of Branch 2 of the Municipal Trial Court in Cities, Tarlac City.[3]

In the Complaint-Affidavit, Santos alleged that he was the attorney-in-fact of the heirs of the late Lucio Gomez and that he filed on their behalf ejectment cases against various informal settlers occupying their lot in Barangay Binauganan, Tarlac City. The ejectment cases were filed before Branch 1 of the Municipal Trial Court of Tarlac City, and were docketed as Civil Case Nos. 9160 and 9162.[4]

After summary hearing, Santos obtained a favorable judgment. Pursuant to the finality of the trial court's Decision, a Writ of Execution was issued. The respondents in Civil Case Nos. 9160 and 9162 allegedly failed to vacate.[5]

Subsequently, Santos moved for the issuance of a special writ of demolition, which the trial court granted. The Special Writ of Demolition ordered Branch Sheriff Danilo U. Ibarra (Sheriff Ibarra) to demolish the houses of the informal settlers.[6]

Santos alleged that he asked Sheriff Ibarra to implement the Special Writ of Demolition but the Sheriff was reluctant to perform it due to his physical condition.[7] Santos was allegedly referred instead to Benjie E. Lacsina (Sheriff Lacsina), Sheriff III of the Municipal Trial Court in Cities, Tarlac City Office of the Clerk of Court, and later to Antonio V. Leño (Sheriff Leño, Jr.), Sheriff IV of the Regional Trial Court of Tarlac.[8]

Santos alleged that Sheriff Lacsina and Sheriff Leño, Jr. required him to deposit P200,000.00 to cover the sheriffs' expenses such as food and travel allowance and salaries of the demolition crew. He alleged that he deposited the amount with the trial court and the amount was withdrawn; however, no demolition occurred.[9]

Meanwhile, the respondents in Civil Case Nos. 9160 and 9162 were allegedly able to obtain a Writ of Preliminary Injunction before Branch 63 of the Municipal Trial Court. The cases, however, were affirmed on appeal before Branch 64 of the Regional Trial Court of Tarlac City. In view of Branch 64's Decision, Branch 63 lifted the Writ

of Preliminary Injunction. The records were again remanded to Branch 1 of the Municipal Trial Court for execution. Santos alleged that he asked Sheriff Ibarra and Sheriff Lacsina to implement the Decision.[10]

Santos alleged that Sheriff Ibarra and Sheriff Lacsina were reluctant to implement the Decision, with Sheriff Ibarra citing his illness and impending retirement and Sheriff Lacsina stating that some of the informal settlers were known to him as members of Iglesia ni Cristo, the same religious sect of which he was part. Santos was then referred again to Sheriff Leaño, Jr. for the implementation of the Decision.[11]

Sheriff Leaño, Jr. allegedly requested Santos to make his designation official. Santos' lawyer, Atty. Enrico Barin, filed a motion before the court. On June 22, 2010, the Municipal Trial Court issued the Order[12] designating Sheriff Leaño, Jr. and Sheriff Genaro U. Cajuguiran (Sheriff Cajuguiran) to assist Sheriff Ibarra. Santos alleged that there was an agreement among the sheriffs that Sheriff Leaño, Jr. was to prepare the Sheriff's Return and that Sheriff Lacsina and Sheriff Ibarra were going to sign it.[13]

Santos alleged that he met with Sheriff Leaño, Jr. at Max's Restaurant in Luisita Mall, Tarlac, where the latter provided him with an itemized list of expenditures. He alleged that Sheriff Leaño, Jr. required him to pay half of the expenses with the assurance that a demolition team would be assembled in time for the actual demolition.[14]

Santos allegedly paid Sheriff Leaño, Jr. the amount of ₱100,000.00 as partial payment.[15] He also allegedly paid ₱200,000.00 to Eddie Reyes, the person designated by Sheriff Leaño, Jr. to lead the demolition.[16] He further alleged that Sheriff Lacsina and Sheriff Alvin S. Pineda (Sheriff Pineda) of Branch 2 of the Municipal Trial Court of Tarlac City received, a day before the supposed demolition, their per diems amounting to ₱11,000.00 "for them to show up at the site." [17]

He alleged that Sheriff Leaño, Jr. told him that the demolition would take place in February 2011 and that he requested ₱25,000.00 for the food and transportation of the demolition crew.[18]

Santos alleged that he paid all the amounts requested but the Writ of Demolition was not implemented. He alleged that Sheriff Leaño, Jr. again promised to implement the Writ two (2) weeks after the original promised date but did not follow through on this promise. Because of the failure of Sheriffs Leaño, Jr., Lacsina, and Pineda to implement the Writ, Santos alleged that he was constrained to file the Complaint-Affidavit.[19]

On June 6, 2011, respondents Sheriffs Leaño, Jr., Lacsina, and Pineda were ordered by the Office of the Court Administrator to comment on the Complaint-Affidavit.[20] Respondents Pineda and Lacsina requested an extension often (10) days to file their comment,[21] which the Office of the Court Administrator granted.[22] However, respondents failed to file the required comment despite receipt of notice.[23]

In the Manifestation and Motion[24] dated February 19, 2014, complainant informed this court that he was withdrawing his case against respondents on the ground that his filing of the Complaint-Affidavit was caused by a "mere misunderstanding and/or lack of proper reconciliation of records"[25] during the accounting of expenditures in the demolition.

In its report[26] dated March 30, 2015, the Court Administrator found that respondents' failure to comply with what was purely a ministerial duty constituted gross neglect and gross inefficiency in the performance of official duties.[27] While the estimated expenses for the demolition were approved by the trial court, respondents failed to itemize and liquidate the expenses for the demolition and to issue an official receipt upon receiving complainant's money.[28] This amounted to dishonesty or extortion.[29] Moreover, respondents' refusal to comply with the orders to comment on the Complaint-Affidavit despite notice constituted disrespect not only to the Office of the Court Administrator but also to this court.[30] For these infractions, the Office of the Court Administrator recommended that respondents be dismissed from service.[31]

The findings of fact and recommendations of the Office of the Court Administrator are adopted.

Complainant's withdrawal of his Complaint does not dismiss the administrative case against respondents nor divest this court of its jurisdiction to determine the administrative liabilities of its officers and employees.[32] To maintain the public's trust and confidence in government and its instrumentalities, disciplinary proceedings cannot be made to depend on the whim of complainants who may have lost interest in pursuing the case or succumbed to a settlement with the respondents.[33] To do otherwise would undermine this court's authority under Article VIII, Section 6 of the Constitution.[34] In *Saraza v. Tarn*: [35]

At the outset, it must be emphasized that the withdrawal of an administrative complaint by the complainant does not necessarily warrant the dismissal of the same. Administrative actions cannot depend on the will or pleasure of a complainant who may, for reasons of his own, condone what may be detestable. Neither can the Court be bound by the unilateral act of a complainant in a matter relating to its disciplinary power. After all, complainants in administrative cases against court personnel are, in a real sense, only witnesses.

The withdrawal of an administrative complaint or subsequent desistance by the complainant does not free the respondent from liability, as the purpose of an administrative proceeding is to protect the public service, based on the time-honored principle that a public office is a public trust. It does not operate to divest the Court of jurisdiction to determine the truth behind the matter stated in the complaint. The Courts disciplinary authority cannot be dependent on or frustrated by private arrangements between the parties. An administrative complaint against a court official or employee cannot simply be withdrawn by a complainant who suddenly changes his mind.[36]

Thus, complainant's Motion and Manifestation does not prevent this court from continuing its investigation and taking proper action against respondents.

"Sheriffs are officers of the court who serve and execute writs addressed to them by the court, who prepare and submit returns of their proceedings . . . [and] keep custody of attached properties." [37] Proceedings for attachment are said to be "harsh, extraordinary and summary in nature— a rigorous remedy [that] exposes the debtor to humiliation and annoyance." [38] Sheriffs are held to the highest standards in the performance of their duties, keeping in mind that "public office is a public trust." [39]

The duties of a sheriff in implementing a writ of execution for the delivery and restitution of real property are outlined in Rule 39, Section 10(c) and (d) and Section 14 of the Rules of Court:

SEC 10. Execution of judgments for specific act. -

....

(c) Delivery or restitution of real property. The officer shall demand of the person against whom the judgment for the delivery or restitution of real property is rendered and all persons claiming rights under him to peaceably vacate the property within three (3) working days, and restore possession thereof to the judgment obligee, otherwise, the officer shall oust and such persons therefrom with the assistance, if necessary, of appropriate peace officers, and employing such means as may be reasonably necessary to retake possession, and place the judgment obligee in possession of such property. Any costs, damages, rents or profits awarded by the judgment shall be satisfied in the same manner as a judgment for money.

(d) Removal of improvements on property subject of execution. When the property subject of the execution contains improvements constructed or planted by the judgment obligor or his agent, the officer shall not destroy, demolish or remove said improvements except upon special order of the court, issued upon motion of the judgment obligee after due hearing and after the former has failed to remove the same within a reasonable time fixed by the court.

....

SEC. 14. Return of writ of execution. - The writ of execution shall be returnable to the court issuing it immediately after the judgment has been satisfied in part or in full. If the judgment cannot be satisfied in full within thirty (30) days after his receipt of the writ, the officer shall report to the court and state the reason therefor. Such writ shall continue in effect during the period within which the judgment may be enforced by motion. The officer shall make a report to the court every thirty (30) days on the proceedings taken thereon until the judgment is satisfied in full, or its effectivity expires. The returns or periodic reports shall set forth the whole of the proceedings taken, and shall be filed with the court and copies thereof promptly furnished the parties.

The provisions mandate that upon the issuance of the writ of execution, the sheriff must demand that the person against whom the writ is directed must peaceably vacate the property within three (3) working days; otherwise, they will be forcibly removed from the premises. The sheriff must not destroy any improvements on the property unless ordered by the court. After the judgment has been satisfied in part or in full, the sheriff must make a return of the writ. If the writ cannot be satisfied in full within 30 days, the sheriff must report to the court the reason for its non-satisfaction. The sheriff must also make a report to the court every 30 days until the writ is fully satisfied and is rendered ineffective.

Considering the step-by-step process mandated by the Rules, the implementation of a writ of execution is a ministerial act of the sheriff. An act is ministerial if done by "an officer or tribunal [who] performs in the context of a given set of facts, in a prescribed manner and without regard to the exercise of his own judgment, upon the propriety or impropriety of the act done." [40] Sheriffs do not exercise any discretion when implementing a writ of execution. Litigants are not obliged to request the sheriff to execute the writ:

We will reiterate that a sheriff's duty in the execution of a writ is purely ministerial; he is to execute the order of the court strictly to the letter. He has no discretion whether to execute the judgment or not. He is mandated to uphold the majesty of the law as embodied in the decision.

When a writ is placed in the hands of a sheriff, it is his duty, in the absence of any instructions to the contrary, to proceed with reasonable celerity and promptness to execute it according to its mandate. Accordingly, a sheriff must comply with his mandated ministerial duty as speedily as possible. There is even no need for the litigants to "follow up" a writ's implementation. [41]

The Writ of Execution in this case was issued by Branch 1 of the Municipal Trial Court of Tarlac City on February 23, 2009. [42] A Special Writ of Demolition was issued on July 15, 2009. [43] Complainant first approached Sheriff Ibarra of the Municipal Trial Court to request the implementation of the Writ. Due to health reasons, Sheriff Ibarra referred him to respondent Lacsina of the Municipal Trial Court Office of the Clerk of Court, and later, to respondent Leaño, Jr. of the Regional Trial Court.

While Sheriff Ibarra was not impleaded in this case due to his death, his act of referring complainant to other sheriffs was irregular. If Sheriff Ibarra was physically unable to fulfill his duties due to his ill health, he should have informed the court so it could make other arrangements for the execution of judgment.

Under Administrative Circular No. 12, sheriffs shall execute writs of their courts only within their territorial jurisdiction. [44] If there is no deputy sheriff assigned or appointed to a court, only the judge may, at any time, designate any of the deputy sheriffs of the Office of the Clerk of Court to execute the writs. [45] The judge may be allowed to designate a deputy sheriff from another branch but must first secure the consent of the Presiding Judge. [46]

Respondent Leaño, Jr. was aware that his designation was irregular since he requested that complainant file a motion in court "to make [his] designation official." [47] Both respondents Leaño, Jr. and Lacsina's acceptance of their designation without the requisite order from the court was in direct violation of Administrative Circular No.

12.

What is worse is that through their illegal designation, respondents were able to commit more infractions. Respondent Lacsina, on his part, made it appear to complainant that he could validly execute the Special Writ of Demolition but refused to do so because of his religious affiliations. Respondent Leaño, Jr., on the other hand, accepted the designation with the knowledge that it was illegal, and then proceeded to ask complainant to deposit P200,000.00,[48] the amount approved by the court as the estimates of expenses.

It was only on June 22, 2010 that Judge Marvin B. Mangino of the Municipal Trial Court ordered respondent Leaño, Jr. and Sheriff Cajuguiran to assist Sheriff Ibarra in implementing the Special Writ of Demolition.[49] Upon his official designation, respondent Leaño, Jr. met with complainant and handed him a handwritten list of itemized expenses:

LIST OF EXPECTED EXPENDITURES AS REQUESTED BY SHERIFF DONG LEAÑO:

PER DIEM OF PNP OFFICIALS - (PROVINCIAL & CITY OFFICIALS)

47,000

PER DIEM SHERRIF [sic] BENJE LACSINA

10,000-

SHERRIF [sic] JEN CAUGIRAN [sic]

10,000-

SHERRIF [sic] DONG LEAÑO

10,000-

PER DIEM OF LOCAL OFFICIALS

BINAUGANAN & MALIWALO

20,000-

FOOD & TRANSPORTATION

20,000-

DEMOLITION CREW SALARIES

FOR 100 PERSONS

50,000-

TEAM LEADER DEMOLITION CREW

10,000-

POLICE COMPONENT FOR

20 OFFICERS & MEN

20,000-

P197,000[50]

Complainant alleged that respondent Leaño, Jr. told him to pay half of the approved amount to ensure that the demolition team would be assembled on time.[51] Complainant allegedly paid half of the amount requested and another P100,000.00 to Eddie T. Reyes, a private individual allegedly assigned to lead the demolition crew.[52] Respondents Lacsina and Pineda (of Branch 2 of the Municipal Trial Court of Tarlac City) were paid per diems "for them to show up at the site."[53] According to acknowledgement receipts presented by complainant, respondent Lacsina received P8,000.00[54] while respondent Pineda received P3,000.00.[55] On a separate occasion, respondent Leaño, Jr. again asked complainant for P25,000 for expenses, itemized as follows:

3/14/2011

1. 5 [illegible] Vehicles = 2500/each -

2,500.00

2. Food for 100 personnel including snacks -

15,000.00

3. Food for Policemen 50 personnel -

5,000.00

22,500.00

+ 2,500.00

EXPENSES -

P25,000.00

received

[signed]

3/14/2011

JOLIBEE[sic] 1:00 PM[56]

Under Rule 141, Section 10 of the Rules of Court, expenses for the execution of writs shall be paid by the interested party based on estimates by the sheriff and subject to the approval of the court. Upon approval of the estimates, the party must deposit the amount with the clerk of court who shall disburse it to the sheriff. The sheriff must liquidate the amount within the same period of filing the return before the court. Sections 9 and 10 state:

SEC. 10. Sheriffs, PROCESS SERVERS and other persons serving processes. -

....

In addition to the fees hereinabove fixed, the amount of ONE THOUSAND (P1,000.00) PESOS shall be deposited with the Clerk of Court upon filing of the complaint to defray the actual travel expenses of the sheriff, process server or other court-authorized persons in the service of summons, subpoena and other court

processes that would be issued relative to the trial of the case. In case the initial deposit of ONE THOUSAND (P1,000.00) PESOS is not sufficient, then the plaintiff or petitioner shall be required to make an additional deposit. The sheriff, process server or other court authorized person shall submit to the court for its approval a statement of the estimated travel expenses for service of summons and court processes. Once approved, the Clerk of Court shall release the money to said sheriff or process server. After service, a statement of liquidation shall be submitted to the court for approval. After rendition of judgment by the court, any excess from the deposit shall be returned to the party who made the deposit.

In case a request to serve the summons and other process is made to the Clerk of Court and Ex-officio sheriff who has jurisdiction over the place where the defendant or the person subject of the process resides, a reasonable amount shall be withdrawn from said deposit by the Clerk of the Court issuing the process for the purchase of a postal money order to cover the actual expenses of the serving sheriff.

With regard to sheriff's expenses in executing writs issued pursuant to court orders or decisions or safeguarding the property levied upon, attached or seized, including kilometrage for each kilometer of travel, guards' fees, warehousing and similar charges, the interested party shall pay said expenses in an amount estimated by the sheriff, subject to the approval of the court. Upon approval of said estimated expenses, the interested party shall deposit such amount with the clerk of court and ex-officio sheriff, who shall disburse the same to the deputy sheriff assigned to effect the process, subject to liquidation within the same period for rendering a return on the process. The liquidation shall be approved by the court. Any unspent amount shall be refunded to the party making the deposit. A full report shall be submitted by the deputy sheriff assigned with his return, and the sheriff's expenses shall be taxed as costs against the judgment debtor.

On June 11, 2010, the Municipal Trial Court approved Sheriff Ibarra's estimated expenses amounting to P200,000.00.[57] This amount was supposed to be deposited to the clerk of court who should then disburse it to Sheriff Ibarra, respondent Leaño, Jr. and Sheriff Cajuguiran, the sheriffs assigned to execute the Writ.

Instead of following proper procedure, respondent Leaño, Jr. directly solicited and received money for expenses from the complainant. Respondents Lacsina and Sheriff Pineda both received per diems from the complainant even though they were not the sheriffs assigned by the court. The sheriffs never gave complainant an official receipt for the amounts received; on the contrary, acknowledgments of the amounts received were merely written on various scraps of paper. The amounts received were also not liquidated. Further, the Special Writ of Demolition was not fully served and implemented.

A sheriff's failure to implement a writ of execution has previously been characterized by this court as gross neglect of duty.[58] A sheriff's failure to liquidate expenses is considered simple misconduct,[59] while the solicitation of sheriff's expenses without observing the proper procedure is considered dishonesty or extortion.[60] As earlier mentioned, respondents blatantly violated Administrative Circular No. 12 when they agreed to execute a writ without the consent of the trial court.

Under the Revised Rules on Administrative Cases in the Civil Service, dishonesty and gross neglect of duty is punishable by dismissal from service, while simple misconduct is punishable by suspension of one (1) month and (1) day to six (6) months for the first offense. This court has previously punished a sheriff with a fine of P10,000.00 for violating a circular of this court.[61]

Respondents were given numerous opportunities by the Office of the Court Administrator to deny these allegations and interpose their defenses. However, they failed to file their comments on the Complaint despite being directed by the Office of the Court Administrator to do so.[62] In *Martinez v. Zoleta*: [63]

[A] resolution of the Supreme Court requiring comment on an administrative complaint against officials and

employees of the judiciary should not be construed as a mere request from the Court. Nor should it be complied with partially, inadequately or selectively. Respondents in administrative complaints should comment on all accusations or allegations against them in the administrative complaints because it is their duty to preserve the integrity of the judiciary. Moreover, the Court should not and will not tolerate future indifference of respondents to administrative complaints and to resolutions requiring comment on such administrative complaints.[64](Emphasis supplied)

While the tracers of the Office of the Court Administrator are not resolutions of this court, the same principle applies to them. Court personnel who are subject to administrative complaints cannot just ignore directives for them to comment on a complaint. Doing so only shows their utter lack of respect for this court and the institution they represent.

Due to the nature of their duties, sheriffs are often in direct contact with litigants. As such, they must not exhibit conduct that may discredit the public's faith in the judiciary. They must perform their duties with the utmost honesty and diligence considering that even the slightest deviation in the prescribed procedure may affect the rights and interests of these litigants.

Considering the numerous infractions committed by respondents, the proper penalty to be imposed upon them is dismissal from service. The judiciary is not obliged to keep dishonest, neglectful, and disobedient personnel within its ranks.

WHEREFORE, respondents Sheriff IV Antonio V. Leaño, Jr. of the Office of the Clerk of Court of the Regional Trial Court of Tarlac City, Sheriff III Benjamin E. Lacsina of the Office of the Clerk of Court of the Municipal Trial Court in Cities, Tarlac City, and Sheriff III Alvin S. Pineda of Branch 2 of the Municipal Trial Court in Cities, Tarlac City, are hereby **DISMISSED** from the service with forfeiture of all retirement benefits and privileges, except for accrued leave credits, if any, with prejudice to re-employment in any branch or instrumentality of government, including government-owned or controlled corporations.

SO ORDERED.

Sereno, C.J., Carpio, Velasco, Jr., Leonardo-De Castro, Brion, Peralta, Bersamin, Del Castillo, Perez, Reyes, Perlas-Bernabe, Leonen, Jardeleza, and Caguioa, JJ., concur.
Mendoza, J., on leave.

NOTICE OF JUDGMENT

Sirs/Mesdames:

Please take notice that on February 23, 2016 a Decision/Resolution, copy attached herewith, was rendered by the Supreme Court in the above-entitled case, the original of which was received by this Office on April 27, 2016 at 1:30 p.m.

Very truly yours,

(SGD)

FELIPA G. BORLONGAN-ANAMA
Clerk of Court

[1] Tan v. Paredes, 502 Phil. 305, 314 (2005) [Per Curiam, En Banc].

[2] Rollo, pp. 3-7.

[3] Id. at 2. The Complaint-Affidavit also impleads a private individual, Eddie Reyes. He is not included in this administrative matter since this court only has administrative supervision over its employees and officers.

[4] Id. at 3.

[5] Id. at 4.

[6] Id.

[7] Id. Santos initially filed a complaint before the Office of the Ombudsman but the complaint was referred to the Office of the Court Administrator. In the Complaint filed by Santos before the Office of the Ombudsman and attached as records to this case, Santos alleged that Sheriff Ibarra referred him to Regional Trial Court Sheriffs Antonio V. Leano, Jr. and Genaro U. Cajuguiran (Id. at 36). According to Santos, both Sheriff Leano, Jr. and Sheriff Cajuguiran required him to deposit P200,000.00 in order to execute the writ. Both received the amount but failed to execute the judgment (Id.). However, only Sheriff Leano, Jr. was included in the Complaints before the Office of the Ombudsman and this court

[9] Id.

[10] Id. at 4-5.

[11] Id. at 5.

[12] Id. at 25. The Order was issued on June 22, 2010 by Judge Marvin B. Mangino of Branch I of the Municipal Trial Court, Tarlac City.

[13] Id. at 5.

[14] Id.

[15] Id.

[16] Id.

[17] Id. at 38.

[18] Id. at 6.

[19] Id.

[20] Id. at 385.

[21] Id. at 388.

[22] Id. at 389-390.

[23] Id. at 391-392.

[24] Id. at 401.

[25] Id.

[26] Id. at 394-400, Administrative Matter for Agenda. The report was written by Court Administrator Jose Midas P. Marquez and Deputy Court Administrator Jenny Lind R. Aldecoa-Delorino.

[27] Rollo, p. 397.

[28] Id. at 398.

[29] Id. at 399.

[30] Id. at 396.

[31] Id. at 399.

[32] See *Escalona v. Padillo*, 645 Phil. 263 (2010) [Per Curiam, En Banc]; *Dagsa-an v. Conag*, 352 Phil. 619 (1998) [Per J. Vitug, First Division]; and *Lapeha v. Pamarang*, 382 Phil. 325 (2000) [Per J. Mendoza, Second Division].

[33] See *Sy v. Academia*, 275 Phil. 775 (1991) [Per Curiam, En Banc]; *Escalona v. Padillo*, 645 Phil. 263 (2010) [Per Curiam, En Banc]; and *Saraza v. Tarn*, 489 Phil. 52 (2005) [Per J. Ynares-Santiago, First Division].

[34] CONST., art. VIII, sec. 6 provides:

SECTION 6. The Supreme Court shall have administrative supervision over all courts and the personnel thereof.

[35] 489 Phil. 52 (2005) [Per J. Ynares-Santiago, First Division].

[36] Id. at 55, citing *Armando R. Canillas v. Corazon V. Pelayo*, 435 Phil. 13, 16 (2002); *Lapena v. Pamarang*, 382 Phil. 325 (2000); *Enojas, Jr. v. Gacott, Jr.*, 379 Phil. 27 (2000); *Balajadia v. Gatchalian*, 484 Phil. 27 (2004); *Atty. Virgilia C. Carman v. Judge Alexis A. Zerrudo*, 466 Phil. 569 (2004) [Per J. Puno, Second Division]; and *Office of the Court Administrator v. Morante*, 471 Phil. 837 (2004) [Per Curiam, En Banc].

[37] *Villanueva-Fabella v. Judge Lee*, 464 Phil. 548, 567 (2004) [Per J. Panganiban, First Division], citing the 2002 Revised Manual for Clerks of Court, vol. 1, chap. VI and VII.

[38] Id. at 568, citing *Lirio v. Ramos*, 331 Phil. 378 (1996) [Per J. Davide, Jr., Third Division].

[39] CONST., art. XI, sec. 1 provides:

SECTION 1. Public office is a public trust. Public officers and employees must at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty, and efficiency, act with patriotism and justice, and lead modest lives.

[40] *Office of the Court Administrator v. Tolosa* (formerly A.M. OCA I.P.I. No. 02-1383-RTJ), 667 Phil. 9, 16-17 (2011) [Per J. Brion, Third Division], citing *Cobarrubias v. Apostol*, 516 Phil. 377(2006) [Per J. Carpio, Third Division].

[41] *Anico v. Pilipia* (Formerly OCA I.P.I. No. 08-2977-P), 670 Phil. 460, 470 (2011) [Per Curiam, En Banc], citing *Judge Calo v. Dizon*, 583 Phil. 510 (2008) [Per J. Chico-Nazario, Third Division].

[42] Rollo, pp. 18-19.

[43] Id. at 20-21.

[44] Supreme Court Adm. Circ. No. 12, item 2 provides:

2. All Clerks of Court of the Metropolitan Trial Court and Municipal Trial Courts in Cities, and/or their deputy sheriffs shall serve all court processes and execute all writs of their respective courts within their territorial jurisdiction[.]

[45] Supreme Court Adm. Circ. No. 12, item 3 provides:

3. The judge of the Regional Trial Court, Metropolitan Trial Court, and the Municipal Trial Court in Cities, in the absence of the deputy sheriff appointed and assigned in his sala, may at any time designate any of the deputy sheriffs in the office of the Clerk of Court. However, the said judge shall not be allowed to designate the deputy sheriff of another branch without first securing the consent of the Presiding Judge thereof[.]

[46] Supreme Court Adm. Circ. No. 12, item 3 provides:

3. The judge of the Regional Trial Court, Metropolitan Trial Court, and the Municipal Trial Court in Cities, in the absence of the deputy sheriff appointed and assigned in his sala, may at any time designate any of the deputy sheriffs in the office of the Clerk of Court. However, the said judge shall not be allowed to designate the deputy sheriff of another branch without first securing the consent of the Presiding Judge thereof[.]

[47] Rollo, p.5.

[48] Id. at 22.

[49] Id. at 25.

[50] Id. at 26.

[51] Id. at 5.

[52] Id. at 93.

[53] Id. at 38.

[54] Id. at 27-28.

[55] Id. at 27.

[56] Id. at 30.

[57] Id. at 22.

[58] See *Anico v. Pilipiña* (formerly OCA I.P.I. No. 08-2977-P), 670 Phil. 460 (2011) [Per Curiam, En Banc].

[59] See *Garcia v. Montejar* (formerly A.M. OCA I.P.I. No. 06-2392-P), 648 Phil. 231 (2010) [Per J. Brion, Third Division].

[60] See *Anico v. Pilipina* (formerly OCA I.P.I. No. 08-2977-P), 670 Phil. 460 (2011) [Per Curiam, En Banc]

[61] See *Romero v. Sison* (formerly OCA IPI No. 99-667-P), 533 Phil. 312 (2006) [Per J. Garcia, Second Division].

[62] See rollo, pp. 391-392, OCA Tracers.

[63] 374 Phil. 35 (1999) [Per Curiam, En Banc].

[64] Id. at 47, citing *Josep vs. Abarquez*, 330 Phil. 352 (1996) [Per J. Padilla, First Division].

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