

ATTY. ERNESTO G. OÑASA, JR., COMPLAINANT, VS. EUSEBIO J. VILLARAN, DEPUTY SHERIFF, REGIONAL TRIAL COURT, BRANCH 73, ANTIPOLLO, RIZAL, RESPONDENT.

A.M. No. P-94-1012. July 14, 1995

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/54894e883ba1/>

PER CURIAM:

In a sworn letter-complaint dated and filed on 7 February 1994, the complainant charges the respondent, who is the Deputy Sheriff assigned to Branch 73 of the Regional Trial Court (RTC) of Rizal, with misappropriation and use for his own personal needs the amount of P50,000.00 which he garnished and received in connection with the execution of the judgment in Civil Case No. 93-2597 for the recovery of a sum of money filed with the said Branch 73 by the complainant herein (plaintiff therein) against Voltaire Gellido. The complainant also charges the respondent with non-feasance of duty for the latter's failure to issue the Certificate of Sale of Gellido's real property that was sold to the complainant as the highest bidder in the auction sale on execution.

In the resolution of 9 March 1994, we required the respondent to comment on the complaint within ten days from notice thereof. On 8 June 1994, we granted his motion for an extension of ten days, or until 19 April 1994, within which to file his Comment. He failed to do so. Upon being apprised of the respondent's failure to file his Comment, this Court, in the resolution of 22 February 1995, considered him to have waived the filing thereof and deemed this case submitted for decision.

On 15 May 1995, the respondent filed a motion to grant him fifteen days from 3 May 1995 within which to file his Counter- Affidavit. The Court denied it in a resolution dated 5 June 1995. Between the filing of the last motion and its denial and until the present, no such Counter-Affidavit has been filed.

In his letter-complaint, the complainant, who is a lawyer, alleges under oath that a judgment was rendered in his favor in the aforementioned Civil Case No. 93-2597 on 26 April 1993, the dispositive portion of which reads as follows:

WHEREFORE, in view of the foregoing premises, judgment is hereby rendered in favor of the plaintiff and against the defendant, sentencing the defendant to pay the plaintiff the following:

(1)

P120,000.00 including interest at 5% a month reckoned from December 31, 1991 until the principal amount has been fully paid; and

(2)

P50,000.00 as and by way of moral damages;

(3)

Pay the costs of suit.

The judgment having become final and upon the complainant's motion, the trial court issued on 2 July 1993 an order for the issuance of a writ of execution, which was subsequently issued on 5 July 1993.

The writ of execution was given to the respondent for implementation and enforcement. He caused to be levied upon on execution real properties of the defendant which were later on sold at public auction at P150,000.00 to the complainant who was the highest bidder. He further garnished and received the amount of P50,000.00 from the defendant for the full satisfaction of the money judgment. He did not, however, account and turn over this P50,000.00 to the complainant. The latter was compelled to file with the trial court a motion for the release to him of the P50,000.00, which the court granted on 17 November 1993. The respondent did not comply with the trial court's order and until now has not turned over the amount of P50,000.00 to the complainant.

Having received a copy of the complaint and solicited a motion for extension of time to comment thereon, and for having belatedly asked for fifteen days from 3 May 1995 within which to file a Counter-Affidavit, the respondent is presumed to have read and fully understood the gravity of the accusation against him. If the allegations in the complaint were false, it would naturally be expected of him to vigorously deny the same in his comment which was required as part of due process specially since he is presumed to know that he may be administratively punished thereby. He knew that an administrative penalty would be a stain on his public record, tarnish his honor and integrity, and jeopardize his chances of promotion. Yet, for reasons only known to him, he did not file his comment, and worse, he did not submit his Counter-Affidavit which he promised to file within fifteen days from 3 May 1995. Even if the Court denied such motion, the respondent, to show good faith and to manifest his intention to refute the serious allegations, should still have filed the Counter-Affidavit within the period he asked for. It must also be noted that the complaint was made under a solemn oath by a complainant who is a lawyer and therefore an officer of the court and who is presumed, although disputably, to faithfully comply with the mandate of Rule 10.01, Canon 10 of the Code of Professional Responsibility that he should not do any falsehood, nor consent to the doing of any in court, nor to mislead or allow the court to be misled by any artifice. Thus, the respondent's deliberate refusal to traverse or refute the charges made in this complaint can only mean that the allegations are true and that he cannot deny them.

We find, therefore, to be sufficiently established that the respondent received the amount of P50,000.00 by way of garnishment for the partial satisfaction of the judgment in Civil Case No. 93-2597 and that he failed and refused to turn over this amount, less of course the percentage of collection allowed under the law (Section 7, Rule 141, Rules of Court), to the judgment creditor, the herein complainant, in defiance of the order of the trial court of 17 November 1993. Under Section 15, Rule 39 of the Rules of Court, he was under an obligation to pay to the judgment creditor the proceeds of the execution of a money judgment or so much thereof as is necessary for the full satisfaction of the judgment. He is likewise duty bound to submit the Sheriff's Return of Garnishment wherein he was to indicate the portion of the garnished amount to be paid to the complainant (Manual for Clerks of Court, 648). His failure and refusal to comply with the complainant's request and the trial court's order of 17 November 1993 requiring him to immediately turn over to the complainant the garnished amount convinces us that he misapplied or misappropriated it for he offered no explanation for such failure and refusal. As we have previously enunciated, the undue delay in turning over to the complainant the garnished amount leads to only one conclusion and that is, that the respondent had misappropriated the said amount for his own personal use (*Valenton vs. Melgar*, 219 SCRA 372 [1993]).

Indubitably then, the act of the respondent constitutes grave misconduct and/or grave dishonesty (*Id.*). And not only is he guilty of dishonesty and grave misconduct but also of conduct grossly prejudicial to the best interest of the service and gross neglect of duty (Section 46(b)(1), (3), (4), and (27), Chapter 6, Subtitle A, Title I, Book V, E.O. No. 292, otherwise known as the Administrative Code of 1987), for which his dismissal from the service is

warranted. He made a mockery of the principle enshrined in the Constitution that a public office is a public trust. In *Sy vs. Academia* (198 SCRA 705, 717 [1991]), this Court stated:

The administration of justice is a sacred task. By the very nature of their duties and responsibilities, all those involved in it must faithfully adhere to, hold inviolate, and invigorate the principle solemnly enshrined in the 1987 Constitution that a public office is a public trust; and all public officers and employees must at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty and efficiency, and act with patriotism and justice, and lead modest lives (Section 1, Article XI).

This Court condemns and would never countenance any conduct, act or omission on the part of all those involved in the administration of justice which would violate the norm of public accountability and would diminish or even just tend to diminish the faith of the people in the Judiciary....

Indeed, the conduct and behavior of everyone connected with the dispensation of justice, be he a judge or the lowliest clerk, should be circumscribed with the heavy burden of responsibility. His conduct, at all times, must not only be characterized by propriety and decorum but above all else must be beyond suspicion. Every employee of the judiciary should be an example of integrity, uprightness, and honesty (*Jereos, Jr. vs. Reblando, Sr.*, 71 SCRA 126 [1976]; *Annang vs. Vda. de Blas*, 202 SCRA 635 [1991]; *Añonuevo vs. Pempeña*, 234 SCRA 168 [1994]; *Cunanan vs. Tuazon*, 237 SCRA 380 [1994]; *Re: Danilo Cunanan*, 238 SCRA 421 [1994]).

The Memorandum of the Office of the Court Administrator submitted in compliance with the internal resolution of this Court of 22 February 1995 requiring it to submit an evaluation, report, and recommendation in this case shows that the respondent had earlier been disciplinarily dealt with by this Court for administrative infractions.

In the resolution of 3 February 1993 in Administrative Matter No. P-88-213 (*Carait vs. Villaran*), this Court suspended the respondent for one month for failure to execute a judgment. In the resolution of 11 May 1994 in Administrative Matter No. P-93?937 (*Medoranda vs. Villaran*), this Court imposed upon the respondent a fine of P500.00, with imprisonment for five days in case of non-payment thereof, for his failure to comply with a show cause resolution of 10 November 1993 arising out of his failure to comply with the prior resolution directing him to file a comment on the complaint. In the subsequent resolution of 18 August 1994, the fine was increased to P1,000.00, with imprisonment for ten days if the same is not paid. On 15 February 1995, he was adjudged in contempt and ordered imprisoned for ten days.

The Office of the Court Administrator further disclosed that the respondent's personnel file (201) in this Court reveals that in the order of Judge Marietta Legaspi of the RTC of Antipolo, Rizal, of 24 February 1989 in Civil Case No. 903-A (*Encomienda vs. Magpantay*), the respondent was adjudged guilty of contempt and was ordered arrested and imprisoned until he produced the vehicle subject matter of the said case, which was levied on October 1988, and sold the same at public auction.

All of these infractions and display of improper conduct demonstrate beyond doubt that the respondent is unfit to be in the service of the judiciary and he should not be allowed to stay a minute longer therein. The Supreme Court cannot countenance any act or omission which diminishes or tends to diminish the faith of the people in the judiciary (*Eduarte vs. Ramos*, 238 SCRA 36 [1994]). His refusal to comply with this Court's lawful order requiring him to file his comment to the complaint despite the grant of his motion for extension of time within which to file it shows his utter lack of interest to remain with, if not contempt of, the system to which he has all along pretended to belong (*Parane vs. Reloza*, 238 SCRA 1 [1994]).

WHEREFORE, for dishonesty, grave misconduct, and conduct grossly prejudicial to the best interest of the service, respondent EUSEBIO J. VILLARAN, Deputy Sheriff, Branch 73, Regional Trial Court of Antipolo,

Rizal, is DISMISSED from the service with forfeiture of all benefits and with prejudice to re-employment in any branch or service of the government, including government-owned and controlled corporations. This dismissal is immediately executory upon his receipt of a copy of this Decision which must be served through personal service by the Office of the Court Administrator.

SO ORDERED.

Narvasa, C.J., Feliciano, Padilla, Regalado, Davide, Jr., Romero, Melo, Quiason, Puno, Vitug, Kapunan, Mendoza, and Francisco, JJ., concur. Bellosillo, J., on official leave.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.