

GLORIA R. SAYSON, FRANCISCO R. RELLOSOSA, RUSTICO Y. CAPARAS, COMPLAINANTS, VS. EFREN LUNA, SHERIFF III, METROPOLITAN TRIAL COURT, BRANCH 37, QUEZON CITY, RESPONDENT.

A.M. No. P-04-1829. July 07, 2004

Ponente: CALLEJO, SR., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/5af82a3fb1c9/>

CALLEJO, SR., J.:

The instant administrative case arose from the Affidavit-Complaint[1] dated August 4, 1999 of Gloria R. Sayson, Francisco R. Rellorosa and Rustico Y. Caparas charging Efren Luna, Sheriff III, Metropolitan Trial Court, Branch 37, Quezon City, with grave misconduct and/or conduct prejudicial to the best interests of the service relative to Civil Case No. 37-15744, entitled Genaro Serrano v. Gregorio Rellorosa.

The complainants alleged that the weekend before July 15, 1999, Gregorio Rellorosa informed them that his car would be levied upon pursuant to a writ of execution issued by the Metropolitan Trial Court of Quezon City, and that it was scheduled to be sold at public auction at 10:00 a.m. on July 15, 1999. Rellorosa requested them to participate in the bidding, to which they agreed, subject to the condition that in case one of them would win the bid, they would allow Rellorosa to redeem the car within one year at the bid price plus accrued interest.

The complainants alleged that at 9:00 a.m. of July 15, 1999, they met Rellorosa and agreed to pool their resources so that they would come out as the highest bidder. They also met the respondent sheriff that same morning. Upon being told that the scheduled auction sale had been postponed to July 19, 1999, the complainants left. They, however, later learned from Rellorosa that the respondent sheriff conducted the auction sale of the said car at 2:00 p.m. that same day.

In his comment, the respondent narrated that he levied the car in question pursuant to a writ of execution[2] issued by the court. The auction sale was set at 10:00 a.m. of July 15, 1999, with due notice to Gregorio Rellorosa. Three days prior to the scheduled auction sale or on July 12, 1999, Gregorio Rellorosa filed a "Petition for Relief from Judgment with Urgent Prayer for Preliminary Injunction Inter Alia and Temporary Restraining Order to Stop Sheriff's Sale Scheduled on July 15, 1999." [3] The respondent further averred that he came to see Gregorio Rellorosa alone in the morning of July 15, 1999, and informed the latter that his motion was denied. He also told Gregorio that the auction sale would not push through as scheduled, but would proceed any time of the day once the order was signed.

The respondent avers that he advised Gregorio to wait for the plaintiff, Genaro Serrano, to ask if the latter would postpone the auction sale, but Rellorosa immediately left.

The instant case was then referred to Second Vice-Executive Judge Thelma A. Ponferrada, Regional Trial Court, Branch 104, Quezon City. After conducting an investigation on the matter, the Executive Judge recommended the exoneration of the respondent, and opined that the latter was able to substantially comply with the requirements

for the conduct of a public auction.

We agree.

The respondent sheriff acted in accordance with the Writ of Execution^[4] dated June 11, 1999, as issued by Judge Augustus C. Diaz, Metropolitan Trial Court, Branch 37, Quezon City. Indeed, 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, and he has no discretion whether to execute the judgment or not.^[5] A perusal of the notice of levy and sale will also show that the sale at public auction was to take place on “July 15, 1999 at 10:00 a.m. or soon thereafter at the front of [the] Hall of Justice Building, Q.C.”^[6] As found by Executive Judge Ponferrada, such notice was served on July 8, 1999, or more than five (5) days before the scheduled auction sale. Furthermore, a sheriff's report, in this case the Minutes of the Auction Sale,^[7] as a document, is clothed with the presumption of regularity, and since it was not objected to by the complainant, it must be upheld.^[8]

The complainants failed to substantiate the charges against the respondent. As against the bare allegations of misconduct with no cogent proof thereon, and the presumption of regularity in the performance of official functions, the latter shall prevail.

WHEREFORE, the Court resolves to DISMISS the complaint against respondent Efren Luna, Sheriff III, Metropolitan Trial Court, Branch 37, Quezon City, for lack of merit.

SO ORDERED.

Puno, (Chairman), Quisumbing, Austria-Martinez, and Tinga, JJ., concur.

[1] Rollo, pp. 12-13.

The instant complaint was initially addressed to the Office of the Ombudsman and docketed as OMB-0-99-1612 for misrepresentation and deceit. In an Order dated August 24, 1999, the said complaint was dismissed for lack of merit, and was referred to the Court.

[2] Annexes “1-C,” “1-D,” Rollo, pp. 93-94.

[3] Exhibit “1,” Rollo, p. 90.

[4] Supra at note 2.

[5] *Garcia v. Yared*, 399 SCRA 331 (2003).

[6] Exhibit “6,” Rollo, p. 66.

[7] Exhibit “3-R,” Id. at 115.

[8] See *Sy v. Yerro*, 253 SCRA 340 (1996).

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.