

ARLENE S. PINEDA, COMPLAINANT, V. SHERIFF JAIME N. SANTOS, RESPONDENT.

A.M. No. P-18-3890 (Formerly OCA IPI No. 16-4536-P). July 16, 2019

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PER CURIAM:

A sheriff's act of soliciting sexual favors in exchange for the implementation of a writ of execution is grave misconduct punishable by dismissal.

For resolution is this Administrative Matter, which arose from a Letter-Complaint[1] filed by Arlene S. Pineda (Pineda) against Jaime N. Santos (Sheriff Santos), Sheriff III of Branch 3, Municipal Trial Court in Cities, Cabanatuan City, Nueva Ecija. She charged him with soliciting sexual favors and collecting execution expenses without receipt. After investigation, Executive Judge Kelly B. Belino (Judge Belino) found Sheriff Santos guilty of the charges and recommended his dismissal from service.[2]

In her handwritten Letter-Complaint dated September 22, 2015, Pineda alleged that Sheriff Santos solicited sexual favors from her in exchange for the implementation of a writ of execution issued in her favor in a collection of sum of money case.[3] She claimed that he obtained P300.00 from her as execution expenses, without issuing a proper receipt.[4]

In another handwritten Letter dated October 8, 2015,[5] Pineda alleged that Sheriff Santos offered her P10,000.00 so she would retract her Letter-Complaint. In another undated Letter,[6] Pineda further alleged that a certain Marlyn Magdalena (Magdalena), the Officer-in-Charge of Branch 5, Municipal Trial Court in Cities, Cabanatuan City, could corroborate her allegation on the P10,000.00 offer since she intervened for Sheriff Santos.[7] Pineda attached to her Letter screenshots[8] of her and Sheriff Santos' text messages to prove that he solicited sexual favors.

On November 12, 2015, Sheriff Santos filed his Comment.[9] He denied soliciting sexual favors from Pineda in exchange for the execution of the judgment. He explained that he failed to serve the Alias Writ of Execution to the judgment debtor because the latter was neither known nor connected in the workplace that Pineda indicated.[10] He also denied that he collected P300.00 from Pineda without a receipt,[11] adding that her "tainted moral character"[12] belied her claims and credibility. Pineda, he claimed, had an affair with a married man and even assaulted a woman with a weapon.[13] To support his claims, he attached to his Comment his Sheriff's Return,[14]two (2) Official Receipts amounting to P300.00,[15] and photocopies of the barangay logbook entries[16] on the stabbing incident.

In its April 4, 2018 Resolution,[17] this Court, upon the recommendation of the Office of the Court Administrator, referred the Administrative Complaint to the Vice Executive Judge of the Municipal Trial Court in Cities, Cabanatuan City for investigation, report, and recommendation.

In a hearing held on July 16, 2018, Pineda narrated that she and Sheriff Santos, after failing to serve the Alias Writ of Execution, returned to the court. Sheriff Santos told her that they had to exchange cellphone numbers so they can communicate in relation to the writ's implementation. Thus, she gave her number. Pineda was still

in the compound of the Cabanatuan City Hall of Justice when she received text messages from Sheriff Santos.[18] Based on the screenshots on her cellphone, the following conversation took place:

"Sheriff Jaime (09357519302)

[Sheriff Santos] (11:08 AM, Sept 15)

"Ingat"

[Pineda] (11:09AM, Sept 15)

"Slmt po bsta pg my tym kau pki2lungan nman po aq"

[Sheriff Santos]: "Anong klaseng tulong b ang gusto at ibibigay ko s u "

[Sheriff Santos] (11:14AM, Sept 15): "Bsta sbihin at kung kaya ko obibigay ko din he he"

[Sheriff Santos] (11:58AM, Sept 15): "Nakauwi k. n b"

[Pineda] (11:59AM, Sept 15)

"Dpa po d2 po aq doc2s"

[Sheriff Santos] (12:01PM, Sept 15): "Ano ginagawa mo.jan"

[Pineda] (12:02PM, Sept 15)

"My dnalw lng po e bka sardo p brgy daan sarile e pgktpos q d2 dun npo aq pu2nta

Sheriff Santos: "Ok akala ko aabangan kita s may joliber circum. He he"

[Pineda] (12:14PM, Sept 15)

"Bkt sir libre nyo q sna cnv nyo kanina ng aq nagtreat xenyo "

[Sheriff Santos] (12:15PM, Sept 15): "Kumain n ako kung gusto mo lang na abangan kita ngaun"

[Pineda] (12:16PM, Sept 15)

"Bkt sir treat nyo bq"

[Sheriff Santos] (12:17PM, Sept 15): "Ok d lang trip gusto mo b"

[Sheriff Santos] (12:20PM, Sept 15): "Ano abamgan n.kita at magbihis n. ulit ako gusto mo"

[Pineda] (Sept 15)

"Sir bkt mgb2hs p kau, ok n yn ska dpo b nak2ya n aq p treat nyo e aq nga nagp22long xenyo"

[Sheriff Santos] (12:25PM, Sept 15): "Tulungan nga kita at baka puede punta tau s katabi ng jolibee he he"

[Pineda] (12:26PM, Sept 15)

"Ay kau ha sir mdmi p aq lakarn bka nman pwd tx tx muna kc sir d nm n po aq gnun"

[Sheriff Santos] (12:28PM, Sept 15): "Alam ko nman baka lang puede"

[Pineda] (12:28Pm, Sept 15)

"Pwd po b mkil2 q muna kau"

[Sheriff Santos] (12:28PM, Sept 15): "Kilala muna akond b nagkita n tau kanina ok n un d b"

[Sheriff Santos] (12:33PM, Sept 15): "Hintayin n kita ngaun dun"

[Sheriff Santos] (12:35PM, Sept 15): "Ganun n rin un nahiya nga lang ako. Kanina s u maghihis n ako"

[Sheriff Santos] (12:38PM, Sept 15): "Bsta antay ako mgaun s u dun ok"

[Pineda] (12:39PM, Sept 15)

"Jollibee po sir"

[Sheriff Santos] (12:40PM, Sept 15): "Yes"

[Pineda] (12:40PM, Sept 15)

"Ok kain lng po ha"

[Sheriff Santos] (12:44PM, Sept 15): ".dto n ako s may sogo"

[Pineda] (12:45PM, Sept 15)

"Jolibee pod pa ndar jip w8 lng po JOLIBEE po"

[Pineda] (12:52PM, Sept 15)

"D2 npo jolibee "

[Pineda] (12:57PM, Sept 15)

"Xensya npo kau dq po alm n dun tlga dpo tlga q gnun slamt po ng marmi s trbho nlng po xensya npo tlga"

[Sheriff Santos] (12:[58] PM, Sept 15): "Wait kita dto s may sogo"

[Pineda] (12:[59]PM, Sept 15)

"Sori po tlga dpo tlgapwd marmi p po aq g2wn"

[Pineda] (1:04PM, Sept 15)

"XENSYA NPO TLGA HA DQP KC GWAIN UN NBGLA PO AQ XENSYO"

[Pineda] (1:09PM, Sept 15)

"Wg nyo po ikgalt dq pgpyag ayko po ng my glt skn maiilang po aq xenyo sir"

[Pineda] (1:12PM, Sept 15)

"kng ng2lt kau skn wla po aq mg2wa sir kc npkb2 nman po ng tngn nyo skn slmt po"

[Sheriff Santos] (1:28PM, Sept 15): "D naman ako galit kaya lang ewan ko.b bukas kaya puede"

[Pineda] (1:29PM, Sept 15)

"Gnun po b tlga kb2 tngn nyo skn d nman po aq byaran sir "

[Sheriff Santos] (1:30PM, Sept 15): "Alam ko naman kc kung gusto mas mainam d b walang.pilitan"

[Sheriff Santos] (1:36PM, Sept 15): "kaya nga gusto dun tau para makilala mo ako ganun din ikaw jan knb daang sarile"

[Pineda] (1:39PM, Sept 15)

"Opo on d way n mhrap pla sumky circum dpo tlga aq gnun kng gnn po icp nyo skn at alm nyo snap o dng nagbgy xenyo sna po maintndhn nyo"

[Pineda] (1:56PM, Sept 15)

"Wg nyo po icpn n mpgsmantla aq cnv q lng po ung to2o po "

[Pineda] (3:33 PM Sept 15)

"Bkt po kya sheriff my mga tao n mb2 ang og tngn s kpwa tma po b un d aq nagm2taas pepo d kc aq gnun kb2w pero mrunong aq mkisma un po maipagm2laki q d nyo kelngn mgtmpo kc wla kau dpt ipagtmpo pauwi nrm po aq at slmtpo ng marmi mg marmi"

[Pineda] (4:00PM, Sept 15)

"GLT PO B, KAU SKN SHERIF GNUN PO B BSEHN NYO TLGA"

[Pineda] (6:04PM, Sept 15)

"Wg po sna kau mgalt skn wla aqng gngwang msma xenyo"

[Pineda] (6:06PM, Sept 15)

"Wg po sna maapek2hn trbho ntn ngaun plang po ayaw nyo ngsumgot wg nman gnyn kc ayko ng my ng2lt skun at kng s bgy n gnyn p"

[Pineda] (Sept 15)

"Wla npo aqng mg2wa bngy qnapo ang lht ng alm q kht n nging agresbo kau skn cguro po kng d nyo aq entertain e dpt my sherf ng iba n h2wak s kso q kc my lead npo aq at c ate marlyn nlng ang t2wgn q kc ayaw nyo nm nsumgot bka lng po mgtaka cla bkt s knya p aq kola lm kc nla n bngy nyo n # nyo skn cge po wla po aq mg2wa if yn ang gusto nyo gudnyt. Po "

[Sheriff Santos] (7:19AM, Sept 16): "Morning"

[Pineda] (7:20AM, Sept 16)

"MORNING PO"

[Sheriff Santos] (7:21AM, Sept 16): "Musta k n ok n siguro ngaun"

[Sheriff Santos] (7:31AM, Sept 16): "Kung ayaw mo ok lang s akin san b talaga nag trabaho un pinuntahan natin kahapon"

[Pineda] (Sept 16)

"s mighty dw po anf prblma Han arw n dw nkbkasyn ae nkdispalko ng pera dpo b pg mtgl n ng work dn my mku2ha dn un cigarillo dn po mighty lng"

[Sheriff Santos] (7:39AM, Sept 16): "Wala n makukuha un kung naka dispalko ng pera ng kompanya"

[Pineda] (Sept 16)

"Wla po nk2alm kng mhknu kc dw nagbibir hauz bgo umuwi bkt gnun cla kdli ila pkialman pera ng iba. Pinb2ntyn qpo kung umaakz n s umga kbv kc naglakd aq ngtnung"

[Sheriff Santos] (7:46AM, Sept 16): "Ok ligo mina ako at papasok at baka pumayag k just text me he he he

[Pineda] (7:48AM, Sept 16)

"Kau po bhla cge ligo n kau"

[Sheriff Santos] (7:51AM, Sept 16): "Payag k n"

[Sheriff Santos] (7:55AM, Sept 16): "Sandali lang naman.tayo wait kita. S dati txt mo akp pa.g nandun.k n "

[Sheriff Santos] (8:18AM, Sept 16): "D k n reply"

[Sheriff Santos] (9:15AM, Sept 16): "Ano n d k n reply"

[Pineda] (9:16AM, Sept 16)

"My gngwa po"

[Sheriff Santos] (9:17AM, Sept 16): "Ok lang"

[Pineda] (Sept 16):

"Umlz dw po c joy knina umga pgdtng po ng lbndera q mya t2nung q kng pumpsok n bka po my nkuha c cyang info "

[Pineda] (11:32AM, Sept 19):

"Sherif pumpsok n ulet kng ms2mhn nyo p aq smt po kng dna pkitxt nlng po"

[Pineda] (Sept 19):

"Mging profesional po tau wlang dmayn tx lng kelangn q at gus2 q po mlman nyo lht ng tx nyo s cp q pdq bnubura. Hntyn q sgot nyo slmt ho "

Len (09084552031) "Sherif ok npo kht dnq mkcngl kng tlga ayaw nyo n aqng smahn tnggp qna yn n aq nagasthn lng s kgs2hn q mkcngl 1 lng po s2vhn q xenyo mbait po aq mrnunung makisma dna rin aq magre2quest ng ibng sheriff pero dpo kau nag ingat tex p tlga gnamt nyo lht po ng tx ntn wla aqng bnura kht 1 gnaglang q kau pero cguro po ipat2wag nlang kau pcnsya n kau lumpt aq xenyo kulang man pra xenyo bnyd q wla nman jc ngdari at my shod kau blang sheriff nagbyd aq ng s3kyn Arlene po i2 cguro po mghrap nlng tau nsa pwes2 kau kya nyo gwn gus2 nyo pero my icp din po aq slamt po ng mirmi "[19]

In the hearing, Sheriff Santos denied knowing the text conversations. He claimed that he did not own the Subscriber Identity Module (SIM) number 09357519302, though he could not recall what his number was then. He did admit, however, that he twice offered Pineda P10,000.00 in exchange for her withdrawal of the Administrative Complaint or her commitment that she would not attend the investigation hearings. He said the negotiation failed because Pineda demanded P100,000.00, while he could only afford P50,000.00.[20] He alleged that Pineda's motive in filing the case was the money she could get from him upon learning that he had filed his retirement application.[21]

For her part, Pineda admitted demanding P100,000.00 knowing that Sheriff Santos would haggle the amount.[22] She gave that amount after accounting for the expenses in filing the case, and considering that the amount awarded in her favor in the Decision on the collection of sum of money case was not enough.[23]

In her August 28, 2018 Investigation Report,[24] Judge Belino recommended Sheriff Santos' dismissal.[25] She found that Pineda was able to prove that Sheriff Santos solicited sexual favors from her:

The afore-quoted text message conversation between the parties indeed transpired. This is substantiated by the saved messages in the cellular phone submitted by the complainant, and forming as integral part of this Report. Sheriff respondent's mere denial that the Subscriber Identity Module (SIM) number 09357519302 used in the conversation was not his cannot outweigh the positive statement of the complainant that she was able to save the said number when she and Sheriff Santos exchanged contact numbers on September 15, 2015. Moreover, when the undersigned randomly asked Ma. Magdalena C. Rodriguez, Branch Clerk of Court of MTCC Branch 3, Cabanatuan City, as to what contact number of Sheriff Santos was saved in her cellular phone, BCC Rodriguez dictated "09357519302". And as to when was the last communication between Rodriguez and Sheriff Santos, with the latter using the said SIM number, happened, Rodriguez stated that it was only this year.

The tenor of the conversation that the respondent sheriff was asking to meet the complainant at Jollibee, Circumferential Road, Cabanatuan City, and then proceed to the nearby Sogo hotel is very clear and cannot be appreciated other than [an] act of soliciting sexual favors.[26]

Judge Belino noted that when Pineda rejected Sheriff Santos' request, he stopped answering her queries and follow-ups on the writ's implementation. He also failed to report to the court the actions he had taken regarding the writ's implementation, as required by Rule 39, Section 14[27] of the Rules of Court.[28]

Judge Belino did not give weight to Sheriff Santos' assertion that since he had already executed the writ on September 15, 2015, he did not solicit sexual favors as a condition to its implementation. She held that under Section 14, the duty to implement the writ continues until the writ's return is satisfied.[29]

Judge Belino held that Sheriff Santos violated Rule 141, Section 9[30] of the Rules of Court when he collected P300.00 as execution expenses without a proper receipt. She observed that the receipts he had presented were dated November 26, 2012, while the incident complained of happened on September 15, 2015. She noted that

sheriffs do not collect execution fees, as they are directly paid to the Office of the Clerk of Court. There was also no evidence to prove that Sheriff Santos made a court-approved assessment of expenses for the writ's execution.[31]

Lastly, Judge Belino found it absurd that Sheriff Santos offered P10,000.00 as settlement amount, and even asked Pineda for forgiveness, if he truly did not commit the charges against him. He even admitted that he submitted a resignation letter before this Court to forestall an administrative case that would be filed against him.[32]

Judge Belino recommended:

- That this case be RE-DOCKETED as a formal administrative case against JAIME N. SANTOS, Sheriff III, MTCC Branch 3, Cabanatuan City; and
- That JAIME N. SANTOS, Sheriff III, MTCC Branch 3, Cabanatuan City, be held administratively liable for the charges of grave misconduct, conduct prejudicial to the interest of service, inefficiency and dereliction of duty, and further recommends that he be meted the penalty of dismissal from service with all the accompanying administrative disabilities provided under the Revised Rules on Administrative Cases in the Civil Service (RRACCS).[33] (Emphasis in the original)

This Court resolves the following issues:

First, whether or not respondent Sheriff Jaime N. Santos is guilty of gross misconduct for soliciting sexual favors;

Second, whether or not respondent is guilty of gross misconduct for collecting execution expenses;

Third, whether or not respondent is guilty of gross misconduct for attempting to pay complainant Arlene S. Pineda in exchange for the withdrawal of the case or her nonappearance in the investigation hearings; and

Finally, whether or not respondent is guilty of gross misconduct for violating Rule 39, Section 14 of the Rules of Court.

This Court rules in the affirmative. We agree with the findings of Judge Belino and approve the recommended penalty.

Before going into the merits of the case, this Court emphasizes that once an administrative complaint against its employees has been filed before the court, the complainant can no longer withdraw the complaint. *Councilor Castelo v. Sheriff Florendo*[34] elucidates on this:

This Court has an interest in the conduct and behavior of all officials and employees of the judiciary and in ensuring at all times the proper delivery of justice to the people. No affidavit of desistance can divest this Court of its jurisdiction under Section 6, Article VII of the Constitution to investigate and decide complaints against erring employees of the judiciary. The issue in an administrative case is not whether the complainant has a cause of action against the respondent, but whether the employees have breached the norms and standards of the courts.

Certainly, an administrative complaint against public officers or employees cannot be withdrawn at any time by the simple expediency of a complainant's sudden change of mind. The people, whose faith and confidence in their government and its instrumentalities need to be maintained, should not be made to depend upon the whims and caprices of complainants who, in a real sense, are only witnesses.[35] (Citations omitted)

Here, this Court holds respondent liable for grave misconduct, conduct prejudicial to the interest of service, inefficiency, and dereliction of duty for: (1) soliciting sexual favors as a condition for the implementation of the Alias Writ of Execution; (2) collecting the amount of P300.00 as execution expenses; (3) attempting to pay off

complainant for the withdrawal of the case or her nonappearance in the investigation hearings; and (4) failing to make a report to the court every 30 days on the proceedings taken in relation to the writ's implementation, in violation of Rule 39, Section 14 of the Rules of Court.

As to the first charge, this Court gives weight to the narration of complainant, which was supported by screenshots of their text message conversations. In their dialogue, respondent stated, "Tulungan nga kita at baka puede punta tau s katabi ng jolibee he he[.]"[36] Since the place respondent was referring to was a motel,[37] his statement implies that he will give his assistance to complainant if she accedes to his request for sexual favors. Failing to present evidence that he used a different cellphone number then, respondent's bare denial that he owned SIM Number 09357519302 is outright self-serving and uncorroborated. This number even matched his contact detail saved in the Branch Clerk of Court's mobile phone, further bolstering the claim that it was, indeed, his SIM number.

This Court cannot give merit to respondent's allegation that complainant had a monetary motive. This is highly implausible considering that he admitted filing his resignation letter after finding out that she would file a case against him.

As to the second and third charges, respondent admitted them. In presenting receipts, he implicitly admitted collecting P300.00. He also confirmed that he tried to offer complainant P10,000.00 for the case's withdrawal or her nonappearance in the hearings. Paying off complainant can only be read as an attempt to cover his guilt.

This Court also finds that respondent, after initially making an effort, no longer tried to implement the writ after complainant informed him on the whereabouts of the judgment debtor. This was corroborated by the lack of a report he was mandated to submit. Hence, he violated Rule 39, Section 14 of the Rules of Court, which states:

RULE 39

Execution, Satisfaction and Effect of Judgments

....

SECTION 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. (Emphasis supplied)

In *Councilor Castelo*, this Court differentiated simple misconduct from grave misconduct:

Misconduct has been defined as an unacceptable behavior that transgresses the established rules of conduct for public officers. . . .

To qualify as grave misconduct, there must be showing that the erring employee acted with wrongful intentions or that his acts were corrupt or inspired by an intention to violate the law.

As we held in *Imperial vs. Santiago*:

Misconduct is a transgression of some established and definite rule of action, more particularly, unlawful behavior or gross negligence by the public officer. To warrant dismissal from the service, [however], the misconduct must be grave, serious, important, weighty, momentous and not trifling. The misconduct must imply wrongful intention and not a mere error of judgment. The misconduct must also have a direct relation to

and be connected with the performance of his official duties amounting either to maladministration or willful, intentional neglect or failure to discharge the duties of the office. There must also be reliable evidence showing that the judicial acts complained of were corrupt or inspired by an intention to violate the law.[38] (Emphasis in the original, citations omitted)

Meanwhile, conduct prejudicial to the best interest of service is defined as any misconduct that "need not be related or connected to the public officers['] official functions [but tends to tarnish] the image and integrity of [their] public office." [39]

Soliciting sexual favors cannot be anything but an intentional act. It is neither a mere error of judgment nor a simple misdemeanor. It shows the wrongful intention and the corrupt motive of the person asking for it. Respondent brazenly used his position to take advantage of the needs of complainant. Not only did he tarnish the image and integrity of his public office; he also promoted distrust in the administration of justice, which this Court will not condone. For respondent's nefarious act, the most severe penalty of dismissal will be imposed, "not so much to punish [him] but primarily to improve public service and preserve the public's faith and confidence in the government." [40]

On a final note, this Court reminds our sheriffs on the importance of their role in the justice system, as explained in *Mendoza v. Sheriff IV Tuquero*: [41]

Sheriffs play an important role in the administration of justice. They are tasked to execute final judgments of the courts. If not enforced, such decisions become empty victories of the prevailing parties. As agents of the law, sheriffs are called upon to discharge their duties with due care and utmost diligence because in serving the court's writs and processes and implementing its order, they cannot afford to err without affecting the integrity of their office and the efficient administration of justice. In *Moya v. Bassig*, we dismissed respondent sheriff for his failure to execute the trial court's decision. There, we held:

"It is indisputable that the most difficult phase of any proceeding is the execution of judgment. Hence the officers charged with the delicate task of the enforcement and/or implementation of the same must, in the absence of a restraining order, act with considerable dispatch so as not to unduly delay the administration of justice; otherwise, the decisions, orders or other processes of the courts of justice and the like would be futile. Stated differently, the judgment if not executed would be just an empty victory on the part of the prevailing party."

....

The conduct and behavior of every one connected with an office charged with the dispensation of justice, from the presiding judge to the lowest 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 above suspicion. [42] (Citations omitted)

WHEREFORE, this Court finds respondent Jaime N. Santos, Sheriff III of Branch 3, Municipal Trial Court in Cities, Cabanatuan City, GUILTY of grave misconduct, conduct prejudicial to the interest of service, inefficiency, and dereliction of duty. He is DISMISSED from service with forfeiture of all retirement benefits except accrued leave and with prejudice to re-employment in the government, including government-owned or controlled corporations.

Respondent is further ORDERED to remit to complainant Arlene S. Pineda the amount of Three Hundred Pesos (P300.00) that he received from her as execution expenses. This is subject to interest at the rate of six percent (6%) per annum from the finality of this Resolution until its full satisfaction. [43]

SO ORDERED.

Bersamin (C.J.), Carpio, Peralta, Leonen, Jardeleza, Caguioa, A. Reyes, Jr., Gesmundo, J. Reyes, Jr., Hernando, Carandang, Lazaro-Javier, and Inting, JJ., concur.

Del Castillo, J., on official business.

Perlas-Bernabe, J., on official leave.

[1] Rollo, pp. 75-76.

[2] Id. at 222-234, Office of the Executive Judge Investigation Report.

[3] Id. at 17, Sheriff's Return, and 222, Office of the Executive Judge Investigation Report.

[4] Id. at 222.

[5] Id. at 27.

[6] Id. at 4-7.

[7] Id. at 5.

[8] Id. at 10-13.

[9] Id. at 14-16.

[10] Id. at 14-15 and 17.

[11] Id. at 15.

[12] Id.

[13] Id.

[14] Id. at 17.

[15] Id. at 18-19.

[16] Id. at 20-23.

[17] Id. at 40-41. The administrative case was previously referred to the Executive Judge of Branch 2, Municipal Trial Court in Cities, Cabanatuan City, but it was revoked because of a pending administrative case against her.

[18] Id. at 222-223.

[19] Id. at 223-227.

[20] Id. at 228-229.

[21] Id. at 229.

[22] Id.

[23] Id. at 229.

[24] Id. at 222-234.

[25] Id. at 234.

[26] Id. at 229.

[27] RULES OF COURT, Rule 39, sec. 14 provides:

SECTION 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.

[28] Rollo, p. 230.

[29] Id. at 230.

[30] RULES OF COURT, Rule 141, sec. 9 provides:

SECTION 9. Sheriffs and Other Persons Serving Processes. —

....

In addition to the fees hereinabove fixed, the party requesting the process of any court, preliminary, incidental, or final, shall pay the sheriffs expenses in serving or executing the process, or safeguarding the property levied upon, attached or seized, including kilometrage for each the kilometer of travel, guards' fees, warehousing and similar charges, 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. 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 sheriffs expenses shall be taxed as costs against the judgment debtor.

[31] Rollo, p. 232.

[32] Id. at 233.

[33] Id. at 234.

[34] 459 Phil. 581 (2003) [Per J. Austria-Martinez, Second Division].

[35] Id. at 595.

[36] Rollo, p. 224.

[37] Id. at 225. In the text message conversation, respondent stated, ".dto n ako s may sogo."

[38] *Councilor Castelo v. Sheriff Florendo*, 459 Phil. 581, 597-598 (2003) [Per J. Austria-Martinez, Second Division].

[39] *Abos v. Borromeo*, 765 Phil. 10, 17 (2015) [Per J. Leonen, Second Division] citing *Largo v. Court of Appeals*, 563 Phil. 293, 305 (2007) [Per J. Ynares-Santiago, En Banc].

[40] *Rapsing v. Walse-Lutero*, A.M. No. MTJ-17-1894, April 4, 2017, 822 SCRA 296, 315-316 [Per J. Leonen, En Banc].

[41] 412 Phil. 435 (2001) [Per Curiam, En Banc].

[42] Id. at 441-442.

[43] *Nacar v. Gallery Frames*, 716 Phil. 267 (2013) [Per J. Peralta, En Banc].

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