

**EMILIO J. GUINOO, COMPLAINANT VS. BRAULIO L. HURTADO, JR.,
RAMON P. FRUGALIDAD AND PEDRO L. LANGUB, JR., RESPONDENTS.**

Adm. Case No. P-854. January 22, 1975

Ponente: TEEHANKEE, J.

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TEEHANKEE, J.:

The administrative complaint for alleged dereliction in the performance of official duties filed on July 3, 1970 by the complainant against respondents Braulio L. Hurtado, Jr., clerk of court and ex-officio provincial sheriff, and Ramon P. Frugalidad and Pedro L. Langub, Jr., both deputy sheriffs, all of the Court of First Instance of South Cotabato, Branch II, was heard and investigated on December 6, 1974 by Judge Isidro C. Borromeo of said court.

At the investigation, complainant presented merely documentary evidence with reference to the writ of preliminary injunction issued on May 6, 1970 in his favor in Civil Case No. 117 of the investigating judge's court ordering the restoration to him of the possession of the Fox Theater Building premises and the cinematograph equipment therein, which order according to his complaint respondents failed to carry out and enforce.

Respondents[*] waived their right to present oral evidence and in their defense offered the explanations contained in their affidavits attached to their answer of June 15, 1970 to the complaint.

The investigating judge found in favor of respondents in his report of December 11, 1974 that "there was really no deliberate intention not to carry out and enforce the orders of the court subject matter of the complaint considering that as already stated in their explanations, they could not execute the order of the court as the representatives of the complainant had left the place without depositing sheriff's fee and the payment of laborers in the transfer of the cinematographic equipments in question and further, in the absence of complainant or representative, nobody would receive the delivery of such equipments so much so that the respondents were compelled to deposit them in the Court of First Instance building," and that in due course the cinematographic equipments were placed in complainant's possession in compliance with the court order.

The Court finds in order the investigating judge's finding that "there were no irregularities committed by them in the performance of their official duties."

ACCORDINGLY, the respondents are exonerated of the charge and the complaint against them is dismissed. Let a copy hereof be attached to respondents' personal records.

Castro, (Chairman), Makasiar, Esguerra, and Muñoz Palma, JJ., concur.

[*] In an affidavit of March 6, 1974, complainant sought withdrawal of his complaint — against respondent Langub as said respondent's appointment as deputy sheriff had already expired and "was temporarily out of service" at the time complainant sought enforcement of the injunction order in his favor.

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