

JUDGE PHILBERT I. ITURRALDE, MARTIN GUMARANG, VIC JUMALON, LEONARDO LUCAS, WILFREDO DEUS, CORAZON AZARRAGA AND ALICE BUENAFE, COMPLAINANTS, VS. OIC BRANCH CLERK OF COURT BABE SJ...

A.M. No. P-03-1730 (Formerly OCA IPI No. 02-1469-P). January 18, 2011

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PER CURIAM:

This administrative matter for grave misconduct and conduct prejudicial to the interest of the service, arose from the affidavit-complaint^[1] filed on August 21, 2002 by Judge Philbert I. Iturralde (Regional Trial Court [RTC] , Branch 58, Angeles City); Martin Gumarang, Vic Jumalon, Leonardo Lucas, Wilfredo Deus, Corazon Azarraga and Alice Buenafe, against Babe SJ. Ramirez (Legal Researcher and OIC Branch Clerk of Court), Violeta Flordeliza (clerk in charge of civil cases) and Carlos Salvador (Sheriff), all of RTC, Branch 69, Binangonan, Rizal,

The Factual Antecedents

The complainants were the plaintiffs in Civil Case No. 98-0006, entitled "Medalva Hills Village , et al. v. FBM Construction & Agro-Industrial Corporation, Renato J. Mariñas and Felix B. Mariñas," for specific performance.

On November 24, 1998, Judge Paterno G. Tiamson, RTC, Branch 69, Binangonan, Rizal, rendered a judgment in the civil case based on a compromise agreement submitted by the parties.^[2] On the plaintiffs' motion, the court issued an order on August 18, 2000 directing the issuance of a writ of execution. The complainants alleged that they did not receive a copy of Judge Tiamson's order granting their motion; neither did Ramirez issue the writ of execution.

On September 18, 2000, exactly a month after Judge Tiamson issued the order, Judge Iturralde and Gumarang went to the court to inquire into the status of their motion. They came upon clerk Flordeliza who appeared surprised when she saw them. She also appeared at a loss, nervous and apparently unaware of what to tell them. She seemed not to know where the records were, and acted as if she was waiting for somebody to tell her what to do. They insisted that Flordeliza look for the records. When the records were found, they discovered to their dismay that the court order (with the original and all carbon copies) was still attached to the records. They claimed that at that point the defendants already had a copy of the order.

Judge Iturralde and Gumarang further alleged that when they confronted Ramirez (the OIC Branch Clerk of Court), she also appeared to be uneasy, hesitant and apprehensive on what to do as Judge Tiamson was not then around. On their insistence and in the absence of any valid reason not to act, Ramirez was compelled to issue the writ dated September 18, 2000.^[3]

Salvador, the branch sheriff, unjustifiably and for unknown reasons, refused to implement the writ. After a few days, Salvador informed the complainants that the defendants had appealed to the Court of Appeals (CA). Upon inquiry with the CA, Judge Iturralde discovered that instead of an appeal, the defendants had filed a petition for

annulment of judgment, which petition the CA dismissed. We likewise dismissed the appeal the defendants filed. The dismissal lapsed to finality.

The plaintiffs' counsel then filed a motion for the issuance of an alias writ of execution, which the trial court granted in an order dated June 27, 2002. Ramirez issued the alias writ on July 3, 2002.[4] The plaintiffs, however, found the writ to be defective as it had no case number and the two principal defendants - both natural persons - were only mentioned in the case title as "ET AL." [5] They believe that the defects were designed to hide the principal defendants' identities and to frustrate the garnishment and/or levy. Realizing the "devious scheme employed by the Branch Clerk of Court and to correct the same," [6] the plaintiffs manually wrote the names of the principal defendants, "Renato J. Mariñas and Felix B. Mariñas," and also the case number. [7]

After the issuance of the alias writ, Judge Iturralde brought Salvador to the different banks in Antipolo City where the writ was served, including the Metrobank Antipolo Branch which immediately denied that the defendants had accounts with that branch. This denial was subsequently corrected by the Metrobank head office with the statement that the defendants' corporation had an account with its Antipolo Branch.

On July 29, 2002, the plaintiffs again brought Salvador to the Metrobank head office to withdraw the garnished amount. For the second time, Salvador refused to enforce the alias writ of execution and even challenged Judge Iturralde to file an administrative case against him. Salvador claimed that there were still issues to be resolved, at the same time admitting that the non-enforcement of the writ was upon Judge Tiamson's instructions. No temporary restraining order (TRO) or injunction, however, had been issued to lawfully stop the enforcement of the writ.

Judge Iturralde wondered how the defendants could have filed a petition before the CA when Flordeliza had not yet mailed copies of the court order to the parties. Judge Iturralde surmised that the delay in mailing a copy of the order to the parties was intended to give the defendants ample time to go to the CA in the hope that a TRO or injunction could be secured.

The complainants maintained that through their "several unlawful acts," [8] Ramirez, Flordeliza and Salvador directly disobeyed or resisted a lawful order of the court, thus impeding and obstructing the administration of justice.

In a 1st Indorsement dated September 12, 2002, the Office of the Court Administrator (OCA) required Salvador, [9] Flordeliza [10] and Ramirez [11] to comment on the administrative complaint. The three respondents complied through their individual counter-affidavits filed on December 3, 2002. [12] They likewise filed their respective countercharges against Judge Iturralde.

Sheriff Salvador

Salvador denied that he had refused to serve and enforce the writs subject of the complaint. He claimed that he duly performed his duties in the case, resulting in the garnishment of the accounts of defendant FBM Construction and Agro-Industrial Corporation. It was not his fault that the banks created problems for the complainants as he had no influence over them. He recalled that the only instance when he refused to accommodate Judge Iturralde's demands was when the judge asked him to sign a writ which was actually an authority prepared by the judge to withdraw money from the garnished accounts; at that time, a case was pending with the higher court to annul Judge Tiamson's orders in the civil case. He made it clear to Judge Iturralde that he would act on the case only upon clearance by Judge Tiamson. Despite his refusal to act and notwithstanding the pending case with the higher court, Judge Iturralde still managed to withdraw P40,000.00 from the Metrobank Makati City branch, but failed to pay the sheriff's fee of P11,000.00.

Salvador questioned Judge Iturralde's active involvement in the case despite being an incumbent RTC judge in Angeles City - an issue commonly known among the RTC Binangonan court employees. He insinuated that Judge Iturralde stood to gain financially from the civil case and viewed this as the reason why the judge had been appearing at the hearings. Because of the judge's court appearances, Salvador charged him with falsification of his daily time records and for conduct unbecoming a lawyer and a member of the bench, as several of the judge's appearances before the RTC, Branch 69, Binangonan, Rizal were not reflected in his leave records.

OIC Branch Clerk of Court Ramirez

Like Salvador, Ramirez denied the complainants' charges. She regarded most, if not all, of the complainants' allegations to be false, misleading, twisted out of context, malicious, speculative and baseless. She claimed that she was demeaned by the complainants' insistent demand for her to issue a writ of execution at a time when the other party had not been notified of the court order for the issuance of the writ. She further claimed that Judge Iturralde, an incumbent RTC judge, was using his position to force her to prioritize the case he was following up, to the detriment of her other court duties.

Ramirez explained that there was no undue delay in the mailing of the court order of August 18, 2000 in the Medalba Hills Village case where Judge Iturralde had a financial interest and was a very active participant. As a civil case, it must give way to other cases, such as criminal cases where the accused are in detention. She, nonetheless, issued the writ on the very same day Judge Iturralde asked for it, although she bewailed the judge's high-handedness in securing the writ. On the alleged delay in the service of the court order granting the writ, she asked that judicial notice be taken of the process involved in the preparation of a court order up to its service or mailing to the parties, intimating that this process takes time to complete.

On Judge Iturralde's complaint about the defective writ she issued, Ramirez argued that the alias writ referred to the defendants "ET AL.," since that was how the plaintiffs wanted it, while the omission of the case number in the writ was due to the attendant haste in the preparation of the writ. She decried the plaintiffs' insistent demand for the writ's immediate issuance and cited this as the reason why she failed to proofread the document.

Ramirez threw back the obstruction of justice charge to Judge Iturralde, claiming that it was not she but Judge Iturralde who was impeding the administration of justice. She insisted that Judge Iturralde tried to "railroad" the civil case in his favor by using his influence as an incumbent judge. She claimed that while Judge Iturralde was attending the hearings of the civil case at their branch in Binangonan, Rizal, he was - on record - also present in his place of assignment - the RTC in Angeles City; to avoid being noticed, the judge would ask his companions to sign the minutes of hearings.

Ramirez charged Judge Iturralde of unethical conduct and conduct unbecoming a lawyer and a judge.

Clerk Flordeliza

Flordeliza joined her co-employees Ramirez and Salvador in criticizing the high-handedness Judge Iturralde exhibited in securing the execution of the judgment of the court in the civil case. She also questioned his active participation at the hearing of the case while at the same time making it appear that he was attending to his duties at the RTC, Angeles City.

Flordeliza disputed Judge Iturralde's statement that she admitted her fault in not mailing the order dated August 18, 2000 for the issuance of a writ of execution. She countered that in essence, she asked for the understanding of the judge regarding the matter saying, "Pasensya na po kayo Judge, wag po kayong mag-alala at aasikasuhin ko po. Sige po Judge, kayo na po ang bahalang umintindi sa amin, tatapusin po namin ang hinihiling nyo." [13]

Denying that there was a delay in sending a copy of the order, she pointed out that Judge Iturralde himself should have understood that under the rules, lower courts have 90 days within which to rule on a motion, such as a motion for the issuance of a writ of execution. She then explained the detailed procedure on how a court order is prepared up to its final release, a process that takes into consideration the court's order of priority in the disposition of cases pursuant to directives of the Supreme Court.

Like Ramirez and Salvador, Flordeliza charged Judge Iturralde of unethical conduct and conduct unbecoming a lawyer and a judge.

Judge Iturralde's Reply

In his Reply dated November 10, 2002,[14] Judge Iturralde assailed the respondents' common general denial that the complaint was "false, misleading, twisted out of context, malicious, speculative and baseless." [15] He pointed out that the respondents did not squarely answer the issues raised in the complaint.

Judge Iturralde belittled the detailed description by both Ramirez and Flordeliza of the procedure in the drafting of a court order up to its mailing to the parties, stressing that it had nothing to do with the respondents' actuations relative to the enforcement of Judge Tiamson's order for the issuance of a writ of execution.

In the case of Salvador, Judge Iturralde explained that the complaint relates to the sheriff's continued defiance of a lawful order and refusal to implement the writs despite the absence of a TRO or a contrary court order. He claimed that Salvador was lying when he insisted that "there [was] an actual case before the higher courts seeking to annul or reverse the orders of x x x Presiding Judge Tiamson," [16] as the case had long been decided by the Supreme Court and a final entry of judgment had already been made. [17] He labelled as a lie Salvador's claim that the plaintiffs had not paid the sheriff's fees, for they had paid the corresponding fees. [18]

Judge Iturralde reiterated his misgivings about the defects in the alias writ Ramirez issued. He claimed that the writ's deficiencies clearly derailed and frustrated the enforcement of the alias writ as the defendants raised the same deficiencies in their Consolidated Motion for Reconsideration. [19]

On the delay in the service of the court order, Judge Iturralde pointed out that had the plaintiffs not made a follow-up, a copy of the order would not have been released to them. They discovered that while they were waiting for a copy of the order, the defendants had already gone to the CA.

Judge Iturralde denied that he had exerted pressure on the respondents to have the court judgment enforced because he stood to gain financially from the case. He posited that this was not the respondents' concern; neither should they show bias by giving the other party the opportunity to oppose the writ. The judge argued that it was beyond the respondents' authority or competence to question the interests of a party in a case, for their functions are purely ministerial.

Judge Iturralde admitted that there were instances when he was present at the RTC in Binangonan, Rizal, but contended that the court did not conduct actual trials. The court merely conducted arbitration conferences between the parties; two of the conferences were even held at his residence. [20] While the dates mentioned in the respondents' affidavits might have coincided with the dates set by the court for the conferences, it did not follow that he had been present on these dates. He asked to be confronted with the certificates of appearance with his signatures to ascertain the truth of the respondents' assertions.

Upon the recommendation of the OCA, the Court resolved to: (1) re-docket the complaint as a regular administrative matter; and (2) refer the case to a consultant in the OCA for investigation. [21]

The Investigation, Report and Recommendation

In a letter dated September 30, 2004,[22] Investigator-Designate Narciso T. Atienza submitted his report,[23] recommending that: (1) Flordeliza and Ramirez be found guilty of negligence and be penalized with a reprimand; (2) Salvador be made liable for misconduct and be sanctioned with a fine of P10,000.00; and (3) the countercharge against Judge Iturralde be dismissed for lack of merit.

On the whole, Investigator Atienza found the respondents liable for the difficulties the plaintiffs (the complainants in the present administrative matter) suffered in the execution of the favorable judgment they had secured in the civil case.

The Court's Ruling

We agree with Investigator Atienza that respondents Ramirez, Flordeliza and Salvador deserve to be sanctioned, but we differ in the degree of the respondents' culpability and in the impossible penalties.

Ramirez and Flordeliza

The explanation by Ramirez and Flordeliza on the process in the drafting, issuance and service of a court order to the parties, insinuating that the process takes time and that Judge Iturralde had been high-handed in securing the enforcement of the decision in the plaintiff's favor, cannot erase the fact that the two court personnel were patently remiss in the performance of their duties.

The court records clearly show that the court order granting the motion for execution in the civil case had already been drafted, finalized and signed by Judge Tiamson and only had to be released. One month after its supposed issuance, its original and all the duplicate copies were still attached to the record of the case, unserved on the parties. Strangely, the defendants already had a copy of the unserved order. Had Judge Iturralde and Gumarang not made a personal inquiry into the status of the case, the order could have remained attached to the records, unserved for a longer period.

As the investigator observed, Flordeliza was wrong to expect that the parties, especially the plaintiffs, should periodically follow up the status of their cases with the court. This is an unacceptable attitude on the part of court personnel, especially under the circumstances of this case when nothing more remained to be done but to serve the order. Flordeliza's excuse - that the records were still in the chambers of Judge Tiamson or that she had been busy attending to her other duties - was a lame attempt to avoid liability for her inaction. For this inaction, she committed not only simple neglect of duty, but the more serious violation of conduct prejudicial to the interest of the service.

Ramirez, the clerk of court (officer-in-charge), is no less guilty. She has the duty, under the rules,[24] to issue the writ of execution as there was already a court order for the purpose. The writ should have been issued as a matter of course, but it took Ramirez one month to do so. In fact, the issuance was not done at her initiative but at the insistence of Judge Iturralde and Gumarang who went to the court on September 18, 2000 to ask for the immediate issuance of the writ.[25]

Ramirez compounded the problem by issuing a writ that was, on its face, defective, thus creating additional enforcement difficulties. In the original writ issued on September 18, 2000, instead of having the names of the defendants - the corporation and the defendants who are natural persons - only "ET AL." was typed to represent Renato J. Mariñas and Felix B. Mariñas in the civil case, thereby concealing the identities of the natural persons on whom the writ should be served.[26] Ramirez committed a worse second error when she issued the alias writ of execution without any case number.[27] The complainants had to correct these errors by writing the names of the defendants and the case number.[28]

Significantly, Ramirez admitted the writ's deficiencies, although she claimed that she signed the alias writ in a hurry and thus was not able to check its details. She offered the excuse that she had plenty of work to do, and had trusted the stenographer to look at the details.[29]

Like Flordeliza, Ramirez is guilty not only of negligence but also of conduct prejudicial to the interest of the service. At the very least, they placed the court in a bad light as they presented an image of a court whose personnel were bumbling and remiss in performing their duties, to the prejudice of the administration of justice. Worse, they exposed court processes to the suspicion that they can be fixed through arrangements with court personnel.

As had happened in this case, the non-service of the court order granting the motion for execution and the delayed issuance of the writ of execution stalled the execution of the judgment in the civil case and gained time for the defendants. This is a classic case of justice delayed. As Investigator Atienza correctly noted: "The defendants have conveniently made use of the negligence of respondents Violeta Flordeliza and Babe SJ. Ramirez to prevent and/or frustrate the immediate implementation of the writ of execution"[30] by going to the CA and to this Court. The writ's implementation, according to the investigator, "was delayed for almost two (2) years from September 18, 2000 up to July 3, 2002, thereby giving the defendants sufficient time to conceal and/or dissipate their assets to thwart plaintiffs' efforts to recover in full the money judgment awarded to them." [31]

Needless to say, Ramirez and Flordeliza acted in a way that could cause an erosion of public trust in the judiciary. In *Concerned Court Employee v. Atty. Vivian V. Villalon-Lapuz*, [32] the Court held that "court employees bear the burden of observing exacting standards of ethics and morality. This is the price one pays for the honor of working in the judiciary. Those who are part of the machinery dispensing justice, from the presiding judge to the lowliest clerk, must conduct themselves with utmost decorum and propriety to maintain the public's faith and respect for the judiciary."

Under Civil Service rules, [33] conduct prejudicial to the service is punishable by suspension (6 months and 1 day to 1 year) for the first offense. In light of the effect of the violation on the administration of justice and the strong hint of the concerted dilatory effort, we deem it proper to impose the penalty of suspension without pay in its maximum period of one year.

Sheriff Salvador

We find Sheriff Salvador liable for grave misconduct for his refusal to implement the writ of execution in the civil case and for interposing obstacles in the enforcement of the writ on grounds not within the scope of his duty.

Based on Atienza's investigation, it appears that two groups of sheriffs served the alias writ of execution on the defendants in the civil case and the notices of garnishment on the banks. Salvador headed the first group, while Sheriff Joey Cariño headed the second group. The first group served the alias writ at FBM Construction and Agro-Industrial Corporation [34] in Antipolo City and the notices of garnishments on the banks in the city, including Metrobank. Salvador, accompanied by Gumarang, proceeded to the Register of Deeds in Marikina City and levied on the properties in the name of defendant FBM Construction and Agro-Industrial Corporation.

On July 29, 2002, plaintiffs Leonardo Lucas, Gumarang and Judge Iturralde accompanied Salvador to the Metrobank head office in Makati City to withdraw the garnished amount, but Salvador refused to sign a prepared "Sheriff's Letter of Demand," [35] claiming that a case was still pending before the higher courts to annul Judge Tiamson's order. Later, Salvador required the plaintiffs to file a motion to withdraw garnished amount, which they did. [36] At the time the plaintiffs asked Salvador to withdraw the garnished amounts, the Court had already dismissed with finality the defendants' petition for certiorari in its Resolution dated April 9, 2002.

Again, as Investigator Atienza noted, Salvador erred when he refused to withdraw the garnished amount without a court order. The alias writ of execution issued to enforce a money judgment was a sufficient authority for the sheriff to withdraw the garnished amount and deliver the proceeds to the plaintiffs who were with the execution team.[37]

We find it obvious from Salvador's actuations that he was interposing obstacles to prevent the speedy enforcement of the alias writ of execution, for reasons only known to him. Thus, he first argued that there was still a pending case in the higher court. When he realized that this was untenable, he imposed the requirement that the plaintiffs secure a court order for the withdrawal of the garnished amount. The result, of course, was Salvador's failure to levy on the personal assets of the defendants who are natural persons.

In a different vein, Gumarang testified during the investigation that Salvador asked P10,000.00 from the plaintiffs for the expenses of his team in the implementation of the writ of execution;[38] Gumarang gave Salvador P6,000.00 in a white envelope inside the Bamboo Grill Restaurant when the sheriffs met on their way home to Binangonan, Rizal.[39] Salvador denied that he had asked P10,000.00 from Gumarang, claiming that he was surprised when Gumarang arrived at the Bamboo Grill Restaurant and gave them the money; only he and the other sheriffs knew of their rendezvous at the Bamboo Grill Restaurant.[40]

We agree with Investigator Atienza's view that Salvador's claim that Gumarang voluntarily gave Salvador the money was highly unbelievable. Gumarang clearly knew that the sheriffs were at the Bamboo Grill Restaurant at the time he delivered the money. This could only mean that Salvador had informed Gumarang beforehand of the meeting and the meeting place, belying the claim that Gumarang simply came and voluntarily gave the money to Salvador. Since the plaintiffs had not then recovered a single centavo from the defendants, Gumarang must have been there to secure the prompt implementation of the writ through payment of the demanded sum to Salvador.

As Investigator Atienza pointed out, even assuming that Gumarang indeed voluntarily gave money to the sheriffs, Salvador should still be answerable for receiving money from litigants under terms not allowed by the Rules of Court. In *Atty. Stanley G. Zamora v. Ramon P. Villanueva*,[41] the Court stressed that Section 9, Rule 141 of the Rules of Court requires the sheriff to secure the court's prior approval of the estimated expenses and fees needed to implement the writ. Specifically, it provides:

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

No evidence in the case exists showing that Salvador complied with the Rules. He did not submit for the court's approval the estimated expenses for the implementation of the writ before he asked for P10,000.00 from the plaintiffs. He likewise failed to render an accounting and to liquidate the amount to the court. In the above cited *Zamora* case, the Court declared that any act deviating from the established procedures is misconduct that warrants disciplinary action.

"Misconduct," according to the Court in *Zamora* "is defined as a transgression of some established or definite rule of action; more particularly, it is an unlawful behavior by the public officer. The misconduct is grave if it involves

any of the additional elements of corruption, willful intent to violate the law or to disregard established rules." [42] In the present case, it has been shown that Salvador willfully violated established rules. He demanded P10,000.00 and received P6,000.00 from the complainants, which sum - by his own admission - was spent for food and drinks, [43] in clear violation of the Rules. Earlier, we found that he refused to implement the alias writ even after its issuance and even posed obstacles to its speedy enforcement. All these point to the commission of a grave misconduct.

Under the Uniform Rules on Administrative Cases in the Civil Service, [44] grave misconduct is classified as a grave offense punishable by dismissal for the first offense. Section 58 of the same Rules provides that dismissal carries with it cancellation of eligibility, forfeiture of retirement benefits, and perpetual disqualification for re-employment in the government, unless otherwise provided in the decision. Salvador deserves no less.

As a final word in Salvador's case, it is well to reiterate our cautionary statement in Zamora, thus -

By the nature of their functions, sheriffs must conduct themselves with propriety and decorum, to be above suspicion. Sheriffs are court officers and, like everyone else in the judiciary, are called upon to discharge their sworn duties with great care and diligence. They cannot afford to err in serving court writs and processes and in implementing court orders lest they undermine the integrity of their office and the efficient administration of justice. [45]

The countercharge

Investigator Atienza found that the respondents failed to adduce evidence supporting their countercharge against Judge Iturralde. They failed to submit the minutes of the proceedings in the RTC, Branch 69, Binangonan, Rizal, where Judge Iturralde was present when he was supposed to be in Angeles City.

Judge Iturralde explained that he was suspended from office for almost two years; after he was cleared by the Supreme Court, he was detailed at Branch 72, Antipolo City, a site not too far from Binangonan, Rizal. The respondents mentioned in their counter-affidavits the dates from 1998 to 2002 when Judge Iturralde was present during the hearings of the civil case, but they did not present any document from the RTC, Branch 58, Angeles City, that, indeed, the judge was not in his court on the dates mentioned in the countercharge.

We approve Investigator Atienza's recommendation that the countercharge be dismissed for lack of merit.

WHEREFORE, premises considered, judgment is hereby rendered as follows:

- Babe S.J. Ramirez (OIC Branch Clerk of Court, Regional Trial Court, Branch 69, Binangonan, Rizal) and Violeta Flordeliza (clerk in charge of civil cases of the same court), are hereby found **LIABLE** for conduct prejudicial to the service, and are accordingly **SUSPENDED** without pay from the service, for **ONE YEAR**.
- Carlos Salvador, Sheriff, same court, is declared **LIABLE** for grave misconduct and is from the service, with forfeiture of retirement benefits, except accrued leave credits. He is further **BARRED** from re-employment in any branch or office of the government, including government-owned or controlled corporations.
- The countercharge against Judge Philbert I. Iturralde, Regional Trial Court, Branch 58, Angeles City, is **DISMISSED** for lack of merit.

SO ORDERED.

Corona, C.J., Carpio, Carpio Morales, Velasco, Jr., Nachura, Leonardo de Castro, Brion, Peralta, Bersamin, Del Castillo, Abad, Villarama, Jr., Perez, Mendoza and Sereno, JJ., concur.

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- [1] Rollo, pp. 1-3.
- [2] Id. at 83-85.
- [3] Id. at 4-6; Affidavit-Complaint, Annex "A."
- [4] Id. at 8-11; Affidavit-Complaint, Annex "C."
- [5] Id. at 8, Affidavit-Complaint, Exh. "F."
- [6] Supra note 1, par. q.
- [7] Id, at 8, Affidavit-Complaint, Exh. "K-1."
- [8] Supra note 1, par u.
- [9] Rollo, p. 14
- [10] Id. at 15.
- [11] Id. at 16.
- [12] Id. at 20-23 (Salvador), 24-28 (Ramirez) and 29-33 (Flordeliza).
- [13] Id. at 30, par. 6.
- [14] Id. at 34-38.
- [15] Id. at 34, par. 2
- [16] Id. at 35, par. 1.
- [17] Id. at 35, par. 2.
- [18] Id., Annex "C."
- [19] Id., Annex "D."
- [20] Id., Annex "G."
- [21] Id. at 70.
- [22] Id. at 868.
- [23] Id. at 780-850.
- [24] Rules of Court, Section 5.
- [25] Supra note 1, par. d.
- [26] Rollo, p. 4, Exhibit "F-1."
- [27] Supra note 5.
- [28] Supra note 7.
- [29] Rollo, pp. 645-648; TSN, January 16, 2004, pp. 21-24.
- [30] Id. at 838.

[31] Id. at 839.

[32] A.M. No. P-07-2263, July 31, 2008, 560 SCRA 646, 652, citing *Yrastorza v. Latiza*, 462 Phil. 145 (2003).

[33] Uniform Rules on Administrative Cases in the Civil Service, Section 52 A(20).

[34] Rollo, pp. 460-461; TSN, October 17, 2003, pp. 16-17.

[35] Id. at 160-161; Exhibits "P" and "P-1."

[36] Id. at 466-472; TSN, October 17, 2003, pp. 22-28.

[37] Rules of Court, Rule 39, Section 9 which provides:

Section 9. Execution of judgments for money, how enforced - (a) Immediate payment on demand. - The officer shall enforce an execution of a judgment for money by demanding from the judgment obligor the immediate payment of the full amount stated in the writ of execution and all lawful fees. The judgment obligor shall pay in cash, certified check payable to the judgment obligee, x x x the amount of the judgment debt under proper receipt directly to the judgment obligee or his authorized representative if present at the time of payment. The lawful fees shall be handed under proper receipt to the executing sheriff who shall turn over the said amount within the same day to the clerk of court of the court that issued the writ.

[38] Rollo, pp. 520-522; TSN, October 17, 2003, pp. 29-31.

[39] Id. at 693; TSN, March 11, 2004, p. 16.

[40] Id. at 694; TSN, March 11, 2004, p. 17.

[41] A.M. No. P-04-1898, July 28, 2008, 560 SCRA 32, 37.

[42] Supra note 41, at 39-40.

[43] Rollo, p. 697; TSN, March 11, 2004, p. 20.

[44] Supra note 33, Section 52(a)(3).

[45] Supra note 41, at 39.

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