

**FEDERICO JAVINES, COMPLAINANT, VS. ADRIANO MARZON,
DEPUTY SHERIFF OF THE COURT OF FIRST INSTANCE OF
CALOOCAN CITY, RESPONDENT.**

A.M. No. P-1015. July 28, 1978

Ponente: GUERRERO, J.

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GUERRERO, J.:

Respondent Adriano Marzon, Deputy Sheriff of the Court of First Instance of Caloocan City, is charged in this administrative complaint dated August 4, 1975 by Federico Javines for having forcibly and coercively seized from the latter's possession a taxi-toyota, 4 door sedan, without serving upon him a copy of the complaint, affidavit and bond of the plaintiff in Civil Case No. C-3481. (Complaint, par. 2, Records, p. 1). Complainant likewise faults respondent for having effected the seizure order of the court without having been authorized (Complaint, par. 7, Records, pp. 2-3) as evidenced by the letter of the Clerk of Court and ex-officio Sheriff stating that the sheriffs assigned to the court are Zacarias N. Cunanan and Oscar P. Valle. (Annex C-1). Further, complainant contends that administrative sanction should be meted upon respondent for having filed beyond the reglementary period the "Sheriff's Return/Report." (Complaint, par. 8, Records, p.3)

In his answer, respondent denies complainant's assertion of the force and coercion in the seizure of the taxi pointing out complainant's declaration that "I voluntarily delivered the taxi to him (referring to respondent); however, I requested him to issue a receipt in my favor for which he in fact did by signing the receipt and I likewise made known my conformity by signing said receipt document x x x." (Complaint, par. 4, Records, p. 1). Likewise, respondent disputes complainant's contention that he was not served with a copy of the complaint, affidavit and bond of the plaintiff, alleging that complainant refused to sign or affix his signature on the original Order and Summons. Further, respondent claims that he was duly authorized to serve the order and summons because the standard operational procedure in the service of summons is that if the same is filed with the Office of the Sheriff, the same will be served by deputies assigned in said office and that if the litigants should prefer to have summons served by deputies assigned to the branch, the same are served by branch deputies after the payment of proper sheriff's filing fee. With respect to the delay in the filing of the Sheriff's Return/Report, respondent asserts that it is well within the 20-day period called for under Section 8, Rule 60 of the Rules of Court.

In a Resolution dated May 5, 1976, this Court in Administrative Matter No. P-1246 (Re: Adriano Marzon, Deputy Sheriff), resolved, inter alia, to set aside the proposed renewal of the temporary appointment for December, 1976 of Deputy Sheriff Adriano Marzon, respondent in the instant administrative case. In view thereof, the instant administrative case against respondent Adriano Marzon may be considered moot and academic.

WHEREFORE, this administrative matter is hereby dismissed for being moot and academic. Let copy hereof be entered in respondent's record.

SO ORDERED.

Teehankee, (Chairman), Makasiar, Muñoz Palma, and Fernandez, JJ., concur.

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