

LOUIE TRINIDAD, REPRESENTED BY HIS ATTORNEY-IN-FACT, NORA TRINIDAD, COMPLAINANT, VS. SOTERO S. PACLIBAR, SHERIFF III, REGIONAL TRIAL COURT, BRANCH 7, LEGAZPI CITY, RESPONDENT.

A.M. No. P-03-1673 (Formerly OCA IPI No. 02-1348-P). August 25, 2003

Ponente: VITUG, J.

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VITUG, J.:

An administrative complaint was filed by Louie Trinidad, through his attorney-in-fact, Nora Trinidad, against respondent Sheriff III Sotero S. Paclibar of the Regional Trial Court, Branch 7, of Legazpi City, for conduct unbecoming a government official, estafa, and malversation. The charge stemmed from the alleged improper implementation by respondent of the writ of execution in Civil Case No. 9290, entitled "Louie Trinidad v. Spouses Enrique Vibar and Araceli Vibar and Emmanuel Vibar," for breach of contract with damages.

Complainant was the plaintiff in Civil Case No. 9290 in whose favor the trial court, after due hearing, rendered judgment. On 15 September 2000, the trial court ordered the issuance of a writ of execution. The writ was assigned to respondent sheriff for implementation. The complaint alleged that on 05 December 2000, respondent received from the judgment debtors the amount of P90,000.00 in full satisfaction of the judgment but, instead of remitting the sum to complainant, respondent "claim[ed], pretended, [and] falsely informed the former that he was not able to satisfactorily effected [sic] the writ, but only received P40,000.00 from the defendants [on] 19 February 2001, of which amount only P37,000.00 was turn[ed] over to the complainant, [after] deducting P3,000.00 for respondent's service fee." Then, during the months that followed, respondent gave complainant P5,000.00 on 01 June 2001, another P5,000.00 on 16 August 2001, and P16,000.00 in September 2001. Complainant sought the dismissal from the service, with forfeiture of benefits, of respondent and an order directing respondent to pay the balance of P27,000.00 [i.e., P24,000.00 + P3,000.00] and the legal interest corresponding to the entire amount of P90,000.00 from the time respondent took hold of the money until the balance of P27,000.00 would have been fully settled.

In his answer, dated 21 May 2002, respondent admitted that he received from the judgment debtors the total amount of P85,558.80 computed, thus -

"1 - Principal (as per decision) P59,036.80

Add: Interest at 12% p.a. starting

November 17, 1996 until fully paid.

P59,036.80 x [.]12 = P6,084.41 [sic]

P6,084.41 x 4 yrs. = P24,337.64 24,337.64

11- Sheriff's Fee 2,184.36

111 - Grand Total P85,558.80"[1]

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and delivered to Nora Trinidad, complainant's attorney-in-fact, the sum of P106,000.00, viz:

"(a) Amount collected by the undersigned from the defendants in Civil Case No. 9290 to wit:

Amount Date

P25,000.00 December 4, 2000

60,558.80 January 30, 2001

P85,558.80 Total amount collected as per statement of account.

(b) Amount remitted to Ms. Nora Trinidad

Amount Date

P40,000.00 February 19, 2001

5,000.00 June 1, 2001

5,000.00 August 16, 2001

16,000.00 September 2001

40,000.00 April 9, 2002

P106,000.00 Total amount remitted to Ms. Nora Trinidad"[2]

In its report, dated 08 November 2002, the Office of the Court Administrator (OCA) recommended that the case be so re-docketed as a regular administrative matter and that respondent be suspended for six (6) months, without pay, for dishonesty. The OCA found it inexcusable for respondent to withhold the money from complainant and then to deliver the money in installments only after learning that an administrative case had been filed against him.

The Court agrees with the OCA in its findings and recommendation. Respondent sheriff is a ranking officer of the court; he is a public official entrusted with a fiduciary role. He plays an important part in the administration of justice and is called upon to discharge his duties with integrity, due care and circumspection. Anything less is unacceptable.

Complainant, the prevailing party in the damage suit, is entitled to the full amount adjudged to his favor. The duty imposed upon the sheriff in the proper execution of a valid writ is not just directory; it is mandatory.[3] When a writ is placed in the hands of the sheriff, it becomes his ministerial duty to proceed with reasonable celerity and promptness to implement it in accordance with its mandate.[4]

His inculpatory acts notwithstanding, respondent sheriff has at least acknowledged his misconduct and made a full satisfaction of the judgment obligation. While this act of reparation is no excuse, the Court feels, however, that he can be entitled to some leniency; hence, the Court accepts the recommendation of the OCA imposing a 6-month suspension, without pay, on respondent sheriff.

WHEREFORE, respondent Sheriff III Sotero S. Paclibar of the Regional Trial Court, Branch 7, Legazpi City, is found GUILTY of dishonesty, and he is meted the penalty of SUSPENSION from office for a period of six (6) months, without pay, with a WARNING that any repetition of another infraction by him shall be dealt with most

severely.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Ynares-Santiago, Carpio, and Azcuna, JJ., concur.

[1] Rollo, p. 13.

[2] Rollo, p. 11.

[3] Philippine Bank of Communications v. Torio, A.M. No. P-98-1260, 14 January 1998, 284 SCRA 67.

[4] Onquit v. Binamira-Parcia, A.M. MTJ-96-1085, 08 October 1998, 297 SCRA 354.

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