EDNA FE F. AQUINO, COMPLAINANT, VS. ISABELO LAVADIA, SHERIFF IV, REGIONAL TRIAL COURT, CABAGAN, ISABELA, RESPONDENT.

A.M. No. P-01-1483. September 20, 2001

Ponente: PANGANIBAN, J.

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PANGANIBAN, J.:

Sheriffs have a ministerial duty to implement writs of execution promptly. Their unreasonable failure or neglect to perform such function constitutes inefficiency and gross neglect of duty.

The Case

Before us is an Administrative Complaint charging Isabelo Lavadia, Sheriff IV of the Regional Trial Court (RTC) of Cabagan, Isabela, with inefficiency and gross neglect of duty arising from his alleged refusal to execute the Writs of Execution in Civil Case Nos. 20-576, 20-613, 20-627 and 19-411.

The Facts

The facts are disclosed by complainant in her letter-complaint[1] as follows:

> "In relation to our business, we have filed numerous cases in court for collection of sum[s] of money. Some of these cases have been decided in our favor but unfortunately the judgment[s] have not been satisfied either because of the stubborn refusal of the sheriff to execute said judgment or maybe just the utter laziness on his part. At least six writs of execution were endorsed to Sheriff Lavadia. Some of these writs were even issued way back 1995 but unfortunately Sheriff Lavadia has not executed any of these writs. We have written Sheriff Lavadia about this but he has yet to act on our request (copies of our letters are hereto attached). In our last letter dated April 3, 1998, our legal counsel specifically told him to provide us a copy of his Sheriff's Report to inform us on the progress of the implementation of the writs, but he has not provided us with the reports as mandated by the Rules of Court. Much worse, he has not even given us the courtesy of any reply. Is it too much for us, as the winning party, to be informed about the progress of the implementation of the writs? After all, until and unless these judgments are fully satisfied, the ends of justice could not be truly served.
>
> "We have been patient and we have bided our time, even making verbal requests and inquiries, in addition to our written requests but still no action has been taken by Sheriff Lavadia. We have come to your office as a last resort. We believe that we have given sheriff Lavadia more than enough for him to perform [the] duty he has sworn to do."[2]

In his Comment,[3] respondent admits the non-execution of the Writs referred to by complainant. The former explains that the delay or failure to do so was caused, not by his obstinate refusal to execute them, but rather by his heavy workload as the only sheriff in Cabagan, Isabela. We quote his version of the facts as follows:

> "On the assertion of Ms. EDNA F. AQUINO that I refused to implement the Writ of Execution issued by the HONORABLE COURT in favor of Equity Machineries, Inc., I deny the same. I did not refuse to execute the writs. I ha[ve] always believed that it is my bounde[n] duty to execute every writ endorsed to my office for

> execution. [T]he non-execution of the writs referred to by MS. AQUINO was not due to my obstinate refusal but rather, (to be more accurate), due to inadvertence considering the volume of my work load as the only sheriff in Branch 22, Cabagan, Isabela. The undersigned is the sheriff assigned [to] RTC Branch 22, Cabagan, Isabela.
>
> "It is worth[y] to note that RTC Branch 22, Cabagan, Isabela is a single sala. Aside from the writs of execution and other writs issued by the RTC-22 Cabagan, Isabela, to be acted upon by the undersigned there are also writs and other processes issued by the different Municipal Trial Courts and Municipal Circuit Trial Courts within the territorial jurisdiction of RTC-22, Cabagan, Isabela to be attended to."[4]

Recommendation of the OCA

In its Report and Recommendation,[5] the Office of the Court Administrator (OCA) found respondent administratively liable for his failure to implement the subject Writs. Considering his explanation unacceptable, it ruled on the matter as follows:

> "EVALUATION: The factual matters in this complaint are not in dispute. Respondent sheriff admits to the fact of failing to implement the writs of execution in question due to inadvertence, citing voluminous workload on his part.
>
> "Respondent sheriff's reason is unacceptable. Under Section 9, Rule 39 of the Rules of Court, a sheriff is under obligation to enforce the execution of a money judgment by demanding from the [judgment] obligor the immediate payment of the full amount stated in the writ of execution and all lawful fees. If the judgment obligor cannot pay all or part of the obligation, the sheriff shall levy upon the properties of the [judgment] obligor. In the exercise of this mandate, the sheriff performs only a ministerial function. When a writ is placed in the hands of a sheriff, it is his ministerial duty to proceed with reasonable celerity and promptness to execute it in accordance with its mandates (Onquit vs. Binamira-Parcia, 297 SCRA 354). A sheriff has no discretion whether to execute it or not.
>
> "In this case, complainant has [waited] for five (5) years for the writs to be implemented by respondent sheriff and has made countless follow ups with the latter only to be frustrated time and time again by respondent sheriff's inaction. What [is] apparently lost to respondent is that the prevailing party in a case is entitled to the fruits of her victory. As an officer of the court, respondent sheriff was tasked to enable the prevailing party to benefit from the judgment.
>
> "RECOMMENDATION: Respectfully submitted for the consideration of the Honorable Court are the following recommendations:
>
> `1. That the letter-complaint dated December 6, 1999 against respondent Isabelo Lavadia, Sheriff IV, RTC, Branch 42, Cabagan, Isabela be given due course and RE-DOCKETED as an administrative matter;
>
> `2. That respondent Sheriff Isabelo Lavadia be SUSPENDED for a period of one (1) month without pay.'"[6]

The Court's Ruling

We agree with the findings of the OCA and adopt its recommendations with some modifications.

Respondent's Administrative Liability

The failure to implement the subject Writs is undisputed, as respondent in fact admitted. But, instead of offering a reasonable and legitimate justification for their non-execution, he sought solace in his allegedly burdensome workload.

The Court cannot countenance respondent's negligence or allow him to evade appropriate administrative sanctions on the convenient subterfuge of "heavy workload."

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The Writs sought to be enforced had been issued as far back as 1995. Thereafter to effect their implementation, complainant wrote respondent several formal letters and verbal requests.

Notwithstanding these demands, respondent neglected to act on the Writs which, up to now, remain unexecuted. His allegedly heavy workload is an unacceptable excuse, considering that more than five years have lapsed from the time those Writs should have been enforced. Moreover, complainant's continuous inquiries, requests and followups to effect their enforcement should have prompted him to act on the matter expeditiously. But despite the filing of this administrative case, he has not shown any effort to implement the Writs. Worse, he has not even manifested any intention to do so.

Sheriffs ought to know that they have a sworn responsibility to serve writs of execution with utmost dispatch.[7] When writs are placed in their hands, it is their ministerial duty to proceed with reasonable celerity and promptness to execute them in accordance with their mandate.[8] Unless restrained by a court order, they should see to it that the executions of judgments are not unduly delayed.[9] Accordingly, they must comply with their mandated ministerial duty as speedily as possible.[10]

Respondent's procrastination, which resulted in the long-delayed execution of the court's judgments, is truly deplorable.[11] Rendered inutile is a decision left unexecuted or delayed indefinitely because of the sheriff's inefficiency, negligence, misconduct or ignorance. Moreover, the parties who are prejudiced tend to condemn the entire judicial system.[12]

All employees in the judiciary should be examples of responsibility, competence and efficiency. As officers of the court and agents of the law, they must discharge their duties with due care and utmost diligence. Any conduct they exhibit tending to diminish the faith of the people in the judiciary will not be condoned.[13]

Sheriffs, in particular, play an important part in the administration of justice. In serving court writs and processes and in implementing court orders, they cannot afford to procrastinate without affecting the efficiency of court processes and the administration of justice.[14] Given their important functions as frontline representatives of the justice system, they should be imbued with a sense of professionalism in the performance of their duties. When they lose the people's trust, they diminish the people's faith in the justice system itself.[15]

While the recommended penalty of one-month suspension is reasonable, the suspension of respondent is not advisable at this point, considering that his work would be left unattended by reason of his absence. Furthermore, he may use his suspension as another excuse to justify his inaction and inefficiency in other matters pending before his office. Instead, we deem it appropriate to impose a fine equivalent to his one-month salary, so that he can finally implement the subject Writs and perform the other duties of his office.[16]

WHEREFORE, respondent is found guilty of inefficiency and gross neglect of duty, and a FINE equivalent to his one-month salary is hereby imposed upon him. Likewise, upon receipt of this Decision, respondent sheriff is hereby DIRECTED to immediately implement the subject Writs. He is warned that the commission of the same offense or a similar act in the future will be dealt with more severely.

SO ORDERED.

Melo, (Chairman), Vitug, Gonzaga-Reyes, and Sandoval-Gutierrez, JJ., concur.

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[1] Rollo, pp. 2-3.

[2] Ibid.

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[3] Letter-Comment of Respondent Sheriff Lavadia dated February 21, 2000; rollo, pp. 9-10.

[4] Rollo, p. 8.

[5] Rollo, pp.16-17.

[6] Ibid.

[7] Portes v. Tepace, 267 SCRA 185, January 30, 1997.

[8] Mamanteo v. Magumun, 311 SCRA 259, July 28, 1999.

[9] Marisga-Magbanua v. Villamar V, 305 SCRA 132, March 25, 1999.

[10] Vda. de Tisado v. Tablizo, 253 SCRA 646, February 20, 1996.

[11] Baes v. Bautista, 260 SCRA 527, August 13, 1996.

[12] Portes v. Tepaca, supra.

[13] Philippine Bank of Communications v. Torio, 284 SCRA 67, January 14, 1998.

[14] Bornasal Jr. v. Montes, 280 SCRA 181, October 6, 1997.

[15] Dilan v. Dulfo, 304 SCRA 460, March 11, 1999.

[16] Villareal v. Rarama, 247 SCRA 493, August 23, 1995.

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