

RINA V. CHUA, COMPLAINANT, VS. EDGARDO D. NUESTRO, DEPUTY SHERIFF, METROPOLITAN TRIAL COURT, BRANCH 6, MANILA, RESPONDENT.*A.M. No. P-88-256. October 11, 1990*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/c02ed73d0a11/>**PER CURIAM:**

Complainant Rina V. Chua filed an administrative charge against the respondent for allegedly delaying the enforcement of the writ of execution in her favor after demanding and getting from her the sum of P1,500.00. Asked to comment thereon, the respondent denied the charge. The case was referred for investigation, report and recommendation to Judge Bernardo P. Pardo of the Regional Trial Court of Manila who, after hearing found as follows:

At the hearing, we find duly substantiated by the testimony of complainant Rina Chua and her husband and counsel Atty. Vitoriano R. Yabut, Jr. that on September 12, 1988 when the court in Civil Case No. 124401, issued a writ of execution they asked respondent Deputy Sheriff Edgardo D. Nuestro to immediately enforce the writ of execution against the defendant and that for the purpose they agreed to give P1,000.00 to the respondent aside from the expenses which might be necessary in carrying out the said execution. Respondent received the amount of P1,000.00 on September 12, 1988; that the next day, September 13, 1988 they saw the respondent talking with counsel of defendant and that the respondent was hesitant in proceeding to carry out the writ of execution and that as it was nearing lunch time, respondent even asked for an additional amount of P500.00; consequently, in the afternoon of the same day, respondent deputy sheriff went to the premises in question and when he arrived there, he was told by the neighbors that there was a call from the judge and that he returned the call to the judge who told him not to proceed because a supersedeas bond was filed. Nevertheless, he found the premises locked and at the insistence of the complainant, they broke the padlock and he, together with complainant and Atty. Yabut, entered portion B of the premises, and that later counsel for defendant arrived and showed them the Official Receipt of payment of the supersedeas bond and so he discontinued the execution proceedings.

While we cannot fault the sheriff for his hesitance to immediately carry out the writ of execution because the defendant still had time to file supersedeas bond to stay execution, we find duly proved by preponderance of evidence that the respondent Deputy Sheriff Edgardo D. Nuestro received the amount of P1,500.00 from the complainant and her lawyer as a consideration for the performance of his work. This amount is distinct from the sheriff's fee and expense of execution and was not intended for that purpose. It was indeed a bribe given and received by respondent deputy sheriff from the complainant.

IN VIEW WHEREOF, we find the respondent deputy sheriff Edgardo D. Nuestro guilty of direct bribery for receiving an amount of P1,500.00 in consideration of the execution of the writ of ejectment against the defendant in Civil Case No. 124401 of the Metropolitan Trial Court of Manila.

ACCORDINGLY, it is respectfully recommended that he be dismissed from the service with forfeiture of retirement rights, if any. It is also recommended that appropriate directive be issued to the City Prosecutor of Manila after preliminary investigation to charge complainant Rina Chua and Atty. Vitoriano R. Yabut, Jr. with corruption of public official under Article 212 of the Revised Penal Code. Finally, it is recommended that

another directive be issued to the Integrated Bar of the Philippines to investigate Atty. Victoriano R. Yabut, Jr. for appropriate disciplinary measure for the same act of corruption of public official.

Agreeing with the above findings and recommendation, the Court Resolved to (a) DISMISS respondent Deputy Sheriff Edgardo D. Nuestro from the service with forfeiture of retirement privileges, if any; (b) DIRECT the City Prosecutor of Manila to investigate and, if warranted, charge complainant Rina V. Chua and Atty. Virtoriano R. Yabut with corruption of a public official under Art. 212 of the Revised Penal Code; and (c) REFER this matter to the Integrated Bar of the Philippines for the investigation of Atty. Victorino R. Yabut on the same charge.

Fernan, C.J., Narvasa, Melencio-Herrera, Gutierrez, Jr., Cruz, Gancayco, Padilla, Bidin, Sarmiento, Cortes, Griño-Aquino, Medialdea, and Regalado, JJ., concur.

Paras and Feliciano, JJ., on leave.

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