

AMELIA B. JUVIDA, COMPLAINANT, VS. HON. MANUEL SERAPIO, JUDGE, AND VIRGILIO SORIANO, DEPUTY SHERIFF, REGIONAL TRIAL COURT, BRANCH 127, CALOOCAN CITY, RESPONDENTS.*A.M. No. RTJ-87-98. March 26, 1992*

Ponente: NARVASA, J.

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On August 11, 1986, the Metropolitan Trial Court at Caloocan City (Branch 49) rendered judgment in Civil Case No. 17713 ordering the ejectment of the defendants, the spouses Leopoldo and Natividad Dipad, from property owned by plaintiff Soledad Bautista, the mother of herein complainant, Amelia B. Juvida. That decision was affirmed in toto by the Regional Trial Court on an appeal taken by defendant spouses, docketed as Civil Case No. C--12559, by judgment promulgated on February 5, 1987 by herein respondent, Hon. Manuel Serapio. It appears that prior to the rendition of judgment by Judge Serapio, plaintiff Soledad Bautista filed an administrative complaint with this Court against Judge Serapio, docketed as A.M. No. RTJ-87-73, charging him with "failure to decide Civil Case No.12559 within the 90-day period." Judge Serapio's judgment was however released before action was taken by this Court on the administrative complaint.

The defendants moved for reconsideration of the judgment of February 5, 1987, but their motion was denied; and on May 26, 1987, a writ of execution issued pursuant to an order of Judge Serapio for enforcement of the judgment. In implementation of the writ, the respondent Deputy Sheriff served a notice on the defendants giving them until June 1 to voluntarily vacate the premises. The defendants promptly filed a motion to lift the order of execution. The motion was denied, by Order dated June 8, 1987. Another order, issued on the same date, directed substitution of plaintiff Soledad Bautista, who had since died, by her legal heirs.

The defendant spouses attempted to obtain relief from the Court of Appeals by way of a petition for review and certiorari, (docketed as CA-G.R. SP No. 12113), but their motion for extension of time to do so was denied, and their case dismissed. Their motion for reconsideration was subsequently denied. For some reason, however, entry of judgment was not made in the Court of Appeals, and consequently execution of the judgment of ejectment could not be effected, until very much later.

In the meantime, and somehow blaming Judge Serapio and the respondent sheriff for the delay in the enforcement of the judgment despite the defendants' recourse to the Court of Appeals having been given short shrift, as above stated, the deceased plaintiff's daughter, Amelia B. Juvida, filed a second administrative case against Judge Serapio on June 8, 1987, the present case. She accused Judge Serapio and Deputy Sheriff Soriano of failing to execute the judgment despite full payment of sheriff's fees in the sum of P700.00. She also complained that, based on averments of the defendants, Judge Serapio had received money from the latter. Both respondents denied the charges, particularly that to the effect that they had received money from any of the parties otherwise than by way of official fees, and ascribing the delay in the execution of the judgment to the remedies sought to be availed of by the losing parties in the ejectment case.

Juvida also filed a criminal complaint in the Office of the Tanodbayan against Judge Serapio and Sheriff Soriano, TBP Case No. 87-02113 which was however dismissed for insufficiency of evidence on March 21, 1988.

In the meantime, too, on receipt in respondent Judge's sala on June 23, 1987 of notice of the Resolution of the Court of Appeals denying the motion for extension and dismissing the case sought to be instituted by the defendant spouses, the respondent Deputy Sheriff give the latter a second notice to vacate the premises by June 28, 1987. Thereafter, on receipt of the notice of entry of judgment in the Court of Appeals in CA-G.R. SP No. 12113, Judge Serapio directed remand of the records to the Court of origin which then caused the defendants' ouster from the property subject of the ejectment suit and the restoration of possession thereof to the plaintiff's heirs.

Upon the foregoing facts, found to have been adequately established by the evidence by Hon. Jainal D. Rasul, Associate Justice of the Court of Appeals, to whom the administrative case at bar was referred for investigation and report, it seems clear that no misconduct may be laid at the respondents' door. The delay in the execution of the judgment was, as Justice Rasul points out, due to "several procedural steps taken by the defendants despite contrary notion wrongly entertained by the plaintiff ** (it being self-evident that the) defendants cannot be deprived of statutory due process or rights thereto." The Investigating Justice also ruled, correctly, that no evidence worthy of the name has been presented to warrant any finding of "any tinge of dishonesty or evil design of the respondent judge."

As regards the other respondent, Deputy Sheriff Virgilio Soriano, the Court fails to see from the record proof of the requisite degree of persuasion to establish his having received any money in relation to the execution of judgment other than or in excess of that authorized by law.

It seems to the Court that the complaint at bar had no adequate evidentiary foundation to begin with, a proposition that could very easily have been learned by the exercise of some diligence on the part of the complainant or her attorney in the perusal of the relevant records. This would have obviated the need for the respondents to undergo investigation and suffer no little anxiety and inconvenience, and the consequent waste of time of this Court and of all concerned.

WHEREFORE, the Court Resolved to DISMISS the complaint for lack of merit.

SO ORDERED.

Cruz, Griño-Aquino, and Medialdea, JJ., concur.
Bellosillo, J., on leave.

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