

TEODORO M. GARCIA, COMPLAINANT, VS. RUEL MAGCALAS, SHERIFF IV, REGIONAL TRIAL COURT, BRANCH 28, STA. CRUZ, LAGUNA, RESPONDENT.

A.M. No. P-04-1928 [OCA-I.P.I. No. 04-1917-P]. December 17, 2004

Ponente: YNARES-SATIAGO, J.

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YNARES-SATIAGO, J.:

In a verified complaint,[1] complainant Teodoro M. Garcia charged Ruel Magcalas, Sheriff IV of Branch 28, Regional Trial Court of Sta. Cruz, Laguna, with dereliction of duty.

Complainant was the plaintiff in an ejectment suit[2] (docketed as Civil Case No. 2120 entitled Teodoro M. Garcia v. Tranquilino Ramos, et al.) before the Municipal Trial Court of Sta. Cruz, Laguna (MTC) which was decided[3] in his favor on June 21, 1995. He thereafter filed a motion for execution on August 9, 1999 the decision having become final and executory.

On July 25, 2000, Judge Elpidio R. Calis, Presiding Judge of the MTC of Sta. Cruz issued an order for the issuance of the writ of execution. Said judge however, later inhibited himself from the case following the filing of an administrative case against him by Tranquilino Ramos, one of the defendants therein.

Following a re-affle, Judge Nicolas V. Fadul, Jr. took over the case and on April 29, 2003, issued a Writ of Demolition[4] addressed to Sheriff Reynaldo Estrella. He subsequently issued an Alias Writ of Demolition[5] addressed to respondent Sheriff Ruel Magcalas on December 15, 2003. Judge Fadul likewise granted complainant's Urgent Ex-Parte Motion to Require Sheriff Magcalas to Implement the Alias Writ of Demolition[6] without Delay in an Order dated March 29, 2004.

Despite the said order respondent did not implement the same because of the pendency of a Motion for Reconsideration[7] filed by the defendants-appellants.

After evaluation, the Office of the Court Administrator recommended[8] that respondent sheriff should be found guilty of dereliction of duty and imposed a fine in the amount of P5,000.00 with a stern warning that a repetition of the same or similar offense will be dealt with more severely.

In a resolution dated October 20, 2004, the parties were required to inform the Court whether they are willing to submit the case for decision on the basis of the pleadings filed. Despite receipt of the said resolution, the parties failed to file manifestation, hence the filing thereof was deemed waived.

We agree with the findings and recommendation of the OCA.

It is undisputable that the most difficult phase of any proceeding is the execution of judgment.[9] If not enforced, such decisions become empty victories of the prevailing parties.[10] The officer charged with this delicate task is the sheriff.[11] Verily, sheriffs play an important role in the administration of justice because they are called to serve court writs, execute all processes, and carry into effect the orders of the court with due care and utmost

diligence.[12]

In the instant case, respondent sheriff not only failed to execute the alias writ of demolition but ignored the order of Judge Fadul to implement it without delay.

In *Mendoza v. Tuquero*,[13] it was held that the officers charged with the delicate task of the enforcement and/or implementation of judgments must, in the absence of a restraining order, act with considerable dispatch so as not to unduly delay the administration of justice; otherwise, the decisions, orders or other processes of the courts of justice and the like would be futile. Well-settled is the rule that it is respondent's sworn duty to enforce the writs placed in his hands. The duty of a sheriff in enforcing writs of execution is ministerial and not discretionary.[14]

It is evident that respondent sheriff failed to live up to his sworn duty to uphold and execute the law, as well as to perform his duties and responsibilities with integrity, efficiency, and fairness to all parties. Sheriffs are responsible for the speedy implementation of writs of execution.[15]

Persons involved in the administration of justice, ought to live up to the strictest standard of honesty and integrity in the public service.[16] As such officer whose duties form an integral part of the administration of justice, a sheriff and his deputies may be properly dismissed, fined or suspended from office by this tribunal, in the exercise of administrative supervision over the judicial branch of the government, for actions committed in violation of the Rules of Court which impedes and detracts from a fair and just administration of justice.[17]

Time and again we have said that we condemn and would never countenance any conduct, act or omission on the part of all those involved in the administration of justice which would violate the norm of public accountability and would diminish or even just tend to diminish the faith of the people in the judiciary.[18]

WHEREFORE, respondent Sheriff Ruel Magcalas, is found GUILTY of dereliction of duty and is FINED in the amount of Five Thousand Pesos (P5,000.00) with a WARNING that a repetition of the same or similar offense will be dealt with more severely.

SO ORDERED.

Davide, Jr., C.J., Quisumbing, Carpio, and Azcuna, JJ., concur.

[1] Rollo, pp. 1-2.

[2] Id.

[3] Decision penned by Judge Augusto O. Sumilang, MTC- Sta. Cruz, Laguna.

[4] Annex "F", Rollo, p. 22.

[5] Annex "G", Id., pp. 23-24.

[6] Annex "H", Id., pp. 25-26.

[7] Rollo, p. 35.

[8] Id., p. 37.

[9] *Moya v. Bassig*, A.M. No. 2796-P, 7 August 1985, 138 SCRA 49.

[10] *Orlando Mendoza v. Rosbert M. Tuquero, et al.*, A.M. No. P-99-1343, 28 June 2001, 360 SCRA 21, 26-27.

[11] *Florentino A. Caja v. Atilano Nanquil, Sheriff IV, RTC-Br. 72, Olongapo City*, A.M. No. P-04-1885, 13

September 2004.

[12] Wenceslao v. Madrazo, A.M. No. P-92-768, 28 August 1995, 247 SCRA 696.

[13] Supra, note 10.

[14] Eduarte v. Ramos, A.M. No. P-94-1069, 9 November 1994, 238 SCRA 36.

[15] Visitacion, Jr. v. Ediza, A.M. No. P-01-1495, 9 August 2001, 362 SCRA 403; Talion v. Ayupan, A.M. No. P-01-1529, 23 January 2002, 374 SCRA 243.

[16] Jerez v. Paninsuro, A.M. No. P-99-1286, 4 March 1999, 304 SCRA 180, 186.

[17] Bernabe v. Eguia, A.M. No. P-03-1742, 18 September 2003, 411 SCRA 259, citing V.C. Ponce Co. v. Eduarte, A.M. No. RTJ-99-1495, 18 October 2000, 343 SCRA 445.

[18] Concerned Citizens of San Francisco, Surigao del Norte v. Hon. Judge Juanillo M. Pullos, Esmeralda L. Angob, Rosario B. Gasulas and Almeda B. Payausan, A.M. No. MTJ-03-1507, 20 January 2004, 420 SCRA 138.

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