

**ELMA M. BAES, FE M. RAYMUNDO, BENIFREDA MANGROBANG, EDNA MANGROBANG, EDUARDO MANGROBANG, ERLE MANGROBANG AND ERNIE MANGROBANG, PETITIONERS, VS. DEPUTY SHERIFF JESUS BAUTISTA, RE...**

*A.M. No. P-95-1160. August 13, 1996*

Ponente: VITUG, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/d369ca95598e/>

---

**VITUG, J.:**

Complainants Elma M. Baes, Fe M. Raymundo, and Benifreda, Edna, Eduardo, Erle and Ernie, all surnamed Mangrobang, charged Deputy Sheriff Jesus Bautista of the Regional Trial Court ("RTC"), Branch 68, of Camiling, Tarlac, with inefficiency, misconduct and lack of sincerity in the implementation of the decision in Civil Case No. 5096 (entitled, "Benifreda A. Mangrobang, et al., vs. Melchorea Lamorena Mangrobang, et al.,") for ejectment.

The Municipal Trial Court ("MTC") of Camiling, Tarlac, decided the aforementioned civil case in favor of herein complainants (the plaintiffs therein); viz:

"WHEREFORE, decision is hereby rendered in favor of the plaintiffs against the defendants:

"a. Ordering the defendants to vacate lot No. 3141-C covered by Transfer Certificate of Title No. 207927, Tarlac Registry, and the residential house standing thereon more specifically at the southeastern portion;

"b. Ordering the defendants to pay to plaintiffs the sum of P3,000.00 as attorney's fees, and to pay the cost."[1]

Several writs of execution were later issued to enforce the decision but, purportedly due to the fault of respondent Sheriff, the writs were not properly implemented.

In his comment/answer, dated 04 October 1994, respondent denied the charges which, he asserted, were made solely to harass him.

In a resolution, dated 13 September 1995, the Court resolved to refer the case to Executive Judge Prudencio V.L. Ruiz of RTC, Branch 68, of Camiling, Tarlac, for investigation, report and recommendation.

The report of Executive Judge Ruiz, after due investigation, would disclose that the first writ of execution was issued on 22 January 1991. Respondent received his copy on 18 February 1991; he admitted that he did not file his return until the 8th of June 1992. As regards the alias writ of execution, issued on 15 June, 1992, respondent made the return months later or on 21 April 1993. Respondent got his copy of the 25th August 1992; alias writ of execution on 26 August 1992; this time, he failed to file any return. He denied having received a copy of the alias writ of execution issued on 17 September 1992. Likewise, no return was made on the alias writ of execution of 15th February 1993 which respondent apparently received on 19 February 1993. Another alias writ of execution was issued on 23 October 1993; respondent received his copy on 03 November 1993, and he filed his return on 22

December 1993. The seventh alias writ of execution, issued on 26 January 1995, was received on 13 February 1995, and the return was made on 10 April 1995.

The alias writ of execution, issued on 18 September 1995, finally was enforced with the help of barangay captain and two policemen. Respondent reported, however, that the defendants later constructed another bungalow on the plaintiffs' premises.

Executive Judge Ruiz, after investigation, concluded:

"WHEREFORE, considering the respondent's failure to immediately and effectively enforce the writs of execution and to submit on time his return and of file any return in two (2) instances, it is respectfully recommended that he be suspended from the service for two (2) months without pay." [2]

In its memorandum addressed to the Chief Justice, dated 15 May 1996, the Office of the Court Administrator, to which office the report of Judge Ruiz was later indorsed, concurred with the investigating Judge.

The Court adopts the recommendation.

Section 11, Rule 39, of the Revised Rules of Court provides:

"SEC. 11. Return of writ of execution. - The writ of execution may be made returnable, to the clerk or judge of the court issuing it, at any time not less than ten (10) nor more than sixty (60) days after its receipt by the officer who must set forth in writing on its back the whole of his proceedings by virtue thereof, and file it with the clerk or judge to be preserved with the other papers in the case. A certified copy of the record, in the execution book kept by the clerk, of an execution by virtue of which real property has been sold, or of the officer's return thereon, shall be evidenced of the contents of the originals whenever they, or any part thereof, have been lost or destroyed."

The period prescribed in the above rule is mandatory.[3] Section E(4), Chapter VIII, of the Manual for Clerks of Court, similarly states:

"4. All sheriffs and deputy sheriffs shall submit a report to the Judge concerned on the action taken on all writs and processes assigned to them within ten (10) days from receipt of said process or writ. Said report shall form part of the records of the case."

The procrastination displayed by respondent Sheriff resulting in the long delay in the execution of the court judgment is truly deplorable. Even worse, respondent failed to file the returns for the alias writs of execution of 15 February 1993 and 25 August 1993. His argument of having been touched by the pleas of defendants (for time to look for another place to transfer) is unacceptable; surely, one's act of benevolence is not made at somebody else's expense. In *Zamora vs. Jumamoy*, [4] we have said:

"x x x. It may be that the respondents were moved by compassion and sympathy, but such personal feelings must never be allowed to compromise the public-trust character of their office which binds them to a continuing accountability to the people. The respondents should not have forgotten the rule that the conduct and behavior of every one connected with an office charged with the dispensation of justice, from the presiding judge to the lowliest clerk, should be circumscribed with the heavy burden of responsibility." [5]

The Manual for the Clerks of Court further mandates:

"2. x x x " When a writ is placed in the hands of a sheriff, it is his duty, in the absence of instructions, to proceed with reasonable celerity and promptness to execute it in accordance with its mandates, x x x. He has no discretion whether to execute it or not." [6]

Finally, respondent Sheriff, in apparent desperation, would attempt to excuse his inaction by claiming that he was

threatened. If, indeed, the threats were real and serious, he could have taken appropriate steps to remedy the situation.[7]

WHEREFORE, respondent Sheriff is hereby found guilty of the charge, and he is SUSPENDED from office for TWO (2) MONTHS, without pay. The suspension shall take effect upon notice hereof.

**SO ORDERED.**

Padilla, (Chairman), Kapunan, and Hermosisima, Jr., JJ., concur.  
Bellosillo, J., on leave.

[1] Rollo, pp. 27-28.

[2] Investigation Report of Judge Prudencio V.L. Ruiz, p. 8.

[3] Vda. De Gillego vs. Roxas, 235 SCRA 158; Cunanan vs. Tuazon, 237 SCRA 380; Chan vs. Castillo, 238 SCRA 359.

**[4] 238 SCRA 587.**

[5] At page 592.

[6] Section F(2), Chapter VIII.

[7] See Florendo vs. Enrile, 239 SCRA 22.

**ABOUT BATAS.ORG**

# Study smarter at BATAS.org

*The Philippine bar review and law-school companion built around how your brain actually remembers.*

**The complete Philippine law library - free for everyone.**

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

**Audio case-brief lectures.**

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

**Bar review built on the science of memory.**

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

**The full law-school curriculum.**

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

**Mock exams that tell you where you stand.**

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

**A study planner that keeps you on pace.**

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

**Start free at <https://batas.org>**

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.