

SERAFIN A. AÑONUEVO, COMPLAINANT, VS. JUDGE JOSE NOEL R. RUBIO, AND SHERIFF III DANILO C. ADILLE, MTCC-BR. 3, LEGAZPI CITY, RESPONDENT.

A.M. No. P-04-1782. July 30, 2004

Ponente: PUNO, J.

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PUNO, J.:

In a letter-complaint dated December 17, 2001, Serafin A. Añonuevo, Chairman of Legazpi Tricycle Transport Service Cooperative, Inc. (LETTRASCO), charged Judge Noel R. Rubio, MTCC-Legazpi City, Branch 3, with Rendering an Unjust Judgment in Civil Cases Nos. 4448 and 4449, and Sheriff Danilo C. Adille, of the same court, with Inefficiency and/or Dereliction of Duty in connection with the implementation of the writs of execution issued in the cases.

Complainant alleged that in 1997, LETTRASCO filed two (2) cases for collection of sums of money before the MTCC-Legazpi City against Florentino Revoltar and Alexander Daet, docketed as Civil Cases Nos. 4448 and 4449. LETTRASCO sought to recover P5,000.00 each from the defendants which they borrowed in 1995 but which they failed to pay. On February 29, 2000, respondent Judge decided the cases in favor of LETTRASCO. However, instead of directing the defendants to pay five percent (5%) monthly interest, as was stipulated in their respective statements of account with the cooperative, respondent Judge ordered them to pay twelve percent (12%) interest per annum from the date of judicial demand. Writs of execution in the two cases were issued on August 4, 2000. In December 2000, after much prodding from complainant and LETTRASCO, respondent Sheriff served the writs upon the defendants. On December 15, 2000, partial payments of P3,500.00 and P2,500.00 were received from Revoltar and Daet, respectively. In April 2001, Revoltar paid an additional P2,000.00. No additional payment was received from defendant Daet until the filing of the instant administrative complaint. Complainant thus charged respondent Judge with rendering an unjust judgment, and respondent Sheriff, with inefficiency and/or dereliction of duty for delay in implementing the writs of execution.

Respondent Judge denied the charge against him. In his Comment dated April 22, 2002, he contended that he decided Civil Cases Nos. 4448 and 4449 based on the evidence on record. He explained that he did not order the defendants to pay five percent (5%) monthly interest because the “Statement of Account”[1] on which LETTRASCO based its claim was dubious. Blank portions of the document were filled up in different handwritings, giving the impression that they were done only after the debtor-defendants had already signed the statement. He further contends that if the decision is really erroneous, the remedy of LETTRASCO is appeal. He points out that the administrative complaint was filed almost two (2) years from the date the questioned decision was rendered and has already been partially executed.

For his part, respondent Sheriff Adille alleged that he has duly served the writs of execution on the defendants. Defendant Revoltar paid a total of P5,500.00 in December 2000 and April 2001 which was received by complainant’s wife[2] while Daet paid P2,000.00.[3] Daet has not yet fully paid his judgment obligation as he is

just a boundary tricycle driver residing in a rented dilapidated house but he promised to pay the balance on or before September 30, 2002. Respondent Sheriff pleads for compassion and understanding, and “requests [that complainant] consider Mr. Daet’s assurance of payment.” [4]

On January 21, 2004, we dismissed the complaint against respondent Judge Rubio for lack of merit, as recommended by the Office of the Court Administrator (OCA).

With respect to respondent sheriff, the OCA recommends that he be held liable for neglect of duty and suspended for one (1) month with stern warning that repetition thereof or of similar acts will be dealt with more severely.

We agree.

Time and again, we have reminded court personnel to perform their assigned tasks promptly and with great care and diligence considering the important role they play in the administration of justice. With respect to sheriffs, they are to implement writs of execution and similar processes mindful that litigations do not end merely with the promulgation of judgments. Being the final stage in the litigation process, execution of judgments ought to be carried out speedily and efficiently since judgments left unexecuted or indefinitely delayed are rendered inutile and the parties prejudiced thereby, condemnatory of the entire judicial system.[5] This admonition is now enshrined as Sec. 1, Canon IV of the Code of Conduct for Court Personnel,[6] viz:

SECTION 1. Court personnel shall at all times perform official duties properly and with diligence. They shall commit themselves exclusively to the business and responsibilities of their office during working hours.

Even prior to the effectivity of the Code, we have disciplined sheriffs for delay in the implementation of writs of execution and similar processes. In *Morta v. Bagagñan*,[7] we fined respondent sheriff for delay of six (6) months in the implementation of a writ of execution[8] rejecting his proffered excuse of heavy workload. Likewise in *Paner v. Torres*,[9] we found respondent sheriff guilty of dereliction of duty in deferring the implementation of a writ of demolition on the ground of the pendency of a motion for reconsideration of the order which granted the same, ruling that respondent’s role in the execution of a judgment is purely ministerial and bereft of any discretion to determine whether to execute a judgment or not. Again in *Fajardo v. Quitlig*,[10] we fined respondent sheriff for failure to immediately implement the writ of execution and to render periodic reports thereon, as required by the Rules of Court.

In the instant case, respondent sheriff not only delayed the implementation of the writs of execution in Civil Cases Nos. 4448 and 4449 for more than three (3) months, but acted only when prodded by complainant and LETTRASCO. Likewise, he failed to comply with Sec. 14, Rule 39 of the Rules of Court which provides, viz:

SEC. 14. Return of Writ of Execution. The writ of execution shall be returnable to the court issuing it immediately after the judgment has been satisfied in part or in full. If the judgment cannot be satisfied in full within thirty (30) days after his receipt of the writ, the officer shall report to the court and state the reason therefor. Such writ shall continue in effect during the period within which the judgment may be enforced by motion. The officer shall make a report to the court every thirty (30) days on the proceedings taken thereon until the judgment is satisfied in full, or its effectivity expires. The returns or periodic reports shall set forth the whole of the proceedings taken, and shall be filed with the court and copies thereof promptly furnished the parties.

Pursuant to this rule, respondent sheriff should report to the court, within thirty (30) days from receipt of the writs of execution dated August 4, 2000, the reasons why the judgment obligations have not been satisfied. Moreover, he should make a report thereon every thirty (30) days until such time that the judgment obligations have been fully satisfied. It does not appear that respondent rendered these reports. Instead, respondent sought to avoid administrative liability by claiming that he had already served the writs and obtained partial satisfaction from the

defendants. The fact, however, that he was able to do so starting December 2000 cannot erase his earlier procrastination which prompted the complainant to file this administrative case. Indeed, the judgment obligations have not yet been fully satisfied up to now.[11]

Simple neglect of duty is defined as the failure to give proper attention to a task expected of an employee resulting from either carelessness or indifference.[12] It is a less grave offense under the Uniform Rules on Administrative Cases in the Civil Service and carries with it the penalty of suspension from work for one (1) month and one (1) day to six (6) months, for the first offense and dismissal, for the second.[13] This being respondent's first offense, a penalty of one (1) month and one (1) day suspension is warranted under the circumstances.

IN VIEW WHEREOF, respondent Sheriff III Danilo C. Adille, MTCC-Legazpi City, Branch 3, is found GUILTY of Simple Neglect of Duty and SUSPENDED for one (1) month and one (1) day without pay, counted from his receipt of this Decision, with WARNING that a repetition thereof or of similar offenses shall be dealt with more severely.

The Presiding Judge, MTCC-Legazpi City, Branch 3, is DIRECTED to order the immediate and full implementation and satisfaction of the writs of execution issued in Civil Cases Nos. 4448 and 4449.

SO ORDERED.

Austria-Martinez, Callejo, Sr., Tinga, and Chico-Nazario, JJ., concur.

[1] Annex "D" of respondent Judge's Comment; Rollo, p. 15.

[2] Annex "A"; Id., p. 31.

[3] Annex "B"; Id., p. 32.

[4] Respondent Sheriff's letter-comment dated September 18, 2002; Id., pp. 29-34.

[5] Aquino v. Martin, A.M. No. P-03-1703, September 18, 2003.

[6] Effective June 1, 2004.

[7] A. M. No. MTJ-03-1513, November 12, 2003.

[8] A fine of one (1) month salary was imposed in lieu of suspension from work without pay prescribed under the then Civil Service Revised Uniform Rules on Administrative Cases because the Court deemed it inadvisable considering the heavy workload in respondent's work station.

[9] A. M. No. P-01-1451, February 28, 2003.

[10] A. M. No. P-02-1535, March 28, 2003.

[11] See Complainant's Letters to the Court dated October 21, 2003 and March 6, 2004.

[12] Villanueva-Fabella v. Lee, A.M. No. MTJ-04-1518, January 14, 2004.

[13] Sec. 52 B(1), Rule IV.

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