

**ADALIA B. FRANCISCO, COMPLAINANT, VS. ROLANDO G. LEYVA,
DEPUTY SHERIFF, REGIONAL TRIAL COURT, BRANCH 74, ANTIPOLO,
RIZAL, RESPONDENT.**

A.M. No. P-94-1106. March 10, 1999

Ponente: QUISUMBING, J.

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QUISUMBING, J.:

Before us is an administrative case filed against Rolando G. Leyva, deputy sheriff of the Regional Trial Court, Branch 74, Antipolo, Rizal for attempted extortion, serious misconduct, premeditated delay of the administration of justice, and dishonesty.

The facts of the case on record,[1] are as follows:

A. Francisco Realty and Development Corp. (hereinafter A. Francisco Realty) caused the judicial foreclosure of a real estate mortgage in Sp. Civil Case No. 93-2800, lodged before Branch 74 of the Regional Trial Court of Antipolo, Rizal. Respondent Deputy Sheriff Rolando C. Leyva was tasked to conduct the auction sale of the property.

The auction sale was conducted on September 28, 1994.[2] A. Francisco Realty was the only and, thus, the highest bidder. According to complainant Adalia B. Francisco, president of A. Francisco Realty, she asked for the corresponding Certificate of Sale from respondent a week after the sale. The latter allegedly refused to issue the document unless complainant paid him the sheriff's fee equivalent to two percent of the amount of the bid. When the latter protested that the amount was too high, respondent allegedly proposed that complainant pay him P100,000.00 instead, but he will not issue a receipt therefor. Because she needed the Certificate of Sale immediately, complainant offered respondent P20,000.00 as "gratitude" money. However, respondent still refused to issue the certificate.[3]

Aggrieved, complainant filed her complaint with the Supreme Court on October 25, 1994. On January 18, 1995, the Court issued a Resolution requiring respondent to comment thereon.[4]

In his Comment dated February 6, 1995, respondent denied complainant's allegations. He claimed that on September 29, 1994, the day following the auction sale, he immediately issued the required certificate and served a copy thereof to the representative of the complainant. Attached to his Comment was a photocopy of the Certificate of Sale which was received by a representative of A. Francisco Realty.[5]

The matter was referred to Executive Judge Felix S. Caballes for investigation, report, and recommendation.

In his testimony before Judge Caballes, respondent again made a denial of complainant's assertions. He denied having tried to extort money from complainant.[6]

According to respondent, he refused to issue the Certificate of Sale immediately because he believed that complainant should first pay the sheriff's fees at the office of the Clerk of Court. He was, however, informed by

the Clerk of Court that no fee was to be paid as no money was actually given for the property. He issued the Certificate of Sale the following day.[7]

Complainant failed to appear during the hearings conducted despite due notice.[8]

The case was then referred to the OCA which, after evaluation, recommended the dismissal of the complaint.

We cannot but agree with the recommendation of the OCA. Complainant failed to substantiate her allegations. She, in fact, failed to appear in any of the hearings conducted by the investigating judge.

On the other hand, respondent's claim that he issued the Certificate of Sale the day after the auction sale is supported by documentary evidence on record.

This Court will not shirk from its responsibility of imposing discipline upon employees of the Judiciary. At the same time, however, neither will we hesitate to shield the same employees from unfounded suits that only serve to disrupt rather than promote the orderly administration of justice.

As we ruled in the case of *Pag-ibig Village Association v. Aquilino Angon*,[9]

"We have been exacting in our demands that court sheriffs should always faithfully adhere to, hold inviolate and invigorate the principle solemnly enshrined in the Constitution that a public office is a public trust. Pursuant thereto, we have, without hesitation, dismissed or disciplined sheriffs who failed to meet our expectations. However, such as here, we shall likewise be the first to protect them against unfounded administrative complaints which do not appear to be genuine efforts to rid the court of the scalawags in the service, or which are merely designed to frustrate the due administration of justice."

WHEREFORE, the complaint against Rolando C. Leyva, Deputy Sheriff, Regional Trial Court, Branch 74, Antipolo, Rizal is hereby DISMISSED.

SO ORDERED.

Bellosillo, (Chairman), Puno, Mendoza, and Buena, JJ., concur.

[1] Rollo, pp. 75-78.

[2] *Id.*, p. 8.

[3] *Id.*, pp. 1-2.

[4] *Id.*, p. 5.

[5] *Id.*, pp. 9-10.

[6] TSN, June 24, 1998, p. 4.

[7] *Ibid.*

[8] Rollo, pp. 20, 24, 25, 29.

[9] A.M. No. P-98-1268, August 25, 1998.

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