

**DR. SY TIAN TIN, COMPLAINANT, VS. ROLANDO MACAPUGAY,
DEPUTY SHERIFF OF THE COURT OF FIRST INSTANCE OF MALolos,
BULACAN, RESPONDENT.**

Adm. Matter No. P-1176. July 31, 1981

Ponente: GUERRERO, J.

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GUERRERO, J.:

The image of a court of justice is necessarily mirrored in the conduct, official or otherwise, of the men and women who work thereat, from the judge to the least and lowest of its personnel - hence, it becomes the imperative sacred duty of each and everyone in the court to maintain its good name and standing as a true temple of justice.[1] Thus, to upkeep public faith and confidence in the administration of justice, We find essential to emphasize the relevance of the aforesaid pronouncement in this administrative complaint of inexcusable negligence against Deputy Sheriff Rolando Macapugay of the Court of First Instance of Malolos, Bulacan.

In W.C. Case No. BLO-58, Ildefonso A. Agres (deceased), substituted by his surviving widow, etc., et al. vs. National Soy Factory, the Workmen's Compensation Commission ruled in favor of claimant Ildefonso Agres represented by his widow Maria A. Vda. de Agres and ordered the National Soy Factory to pay claimant the total sum of P6,661.00.

The records disclose that, in satisfaction of the said award, the National Soy Factory immediately caused to be issued Manager's check No. 24991 of the Consolidated Bank and Trust Corporation (Grace Park Branch) dated October 11, 1973 in the amount of P6,661.00, payable to the order of Maria A. Vda. de Agres.[2] In acknowledgment, Mrs. Agres signed the voucher prepared by the National Soy Factory[3] and the same was witnessed by Deputy Sheriff Rolando Macapugay.[4]

Complainant as the Manager of National Soy Factory, claims that although more than two (2) years have already elapsed from October 11, 1973, Deputy Sheriff Macapugay continuously failed to make the proper sheriff's return to the Workmen's Compensation Commission. So the latter issued an Alias Writ of Execution dated December 17, 1975 directing the Office of the Sheriff of Quezon City to serve said alias writ upon the National Soy Factory; that complainants were surprised to receive such writ of execution considering that they have already completely paid the claim recited in said alias writ; that when the sheriff of Quezon City levied on their valuable personal property, they suffered sleepless nights, wounded feelings, mental anguish, tortured moments and bismarcked reputation because it appears that they refused to pay a legal obligation. But the truth was that they have already completely and fully paid said claim, although they could not immediately find a copy of the aforementioned proof of payment. It took the Charter Insurance (their insurer) one month to locate the documents of payments because of floods that occurred.

When required to comment, the respondent admitted inter alia, that he failed to make the return to the Workmen's Compensation Commission at Quezon City "for the reason that the same was inadvertently placed among the court processes folder-envelopes already returned to different courts in the Philippines." [5]

With respondent's admission of the material allegations as set forth in the complaint, We find him negligent in failing to make a return of the writ, in violation of Section 11, Rule 39 of the Rules of Court, which provides:

"Section 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 evidence of the contents of the originals whenever they, or any part thereof, have been lost or destroyed."

His actuation of unwarranted delay did not only cause wounded personal feelings and humiliation to complainant but also "more importantly impairs public faith and confidence in the administration of justice by our courts,"[6] warranting an administrative sanction.

WHEREFORE, the respondent is hereby found guilty of the charge of inexcusable negligence in the performance of his duties and is ordered suspended from office for a period of two (2) months without pay effective upon notice, with a stern warning that a repetition of the same or similar offense will be dealt with more severely.

SO ORDERED.

Teehankee, (Chairman), Makasiar, Fernandez, and Melencio-Herrera, JJ., concur.

[1] Recto vs. Racelis, Adm. Matter No. P-182, April 30, 1976, 70 SCRA 438.

[2] Annex 2, p. 5, Rollo.

[3] Annex 3-A, p. 5, Rollo.

[4] Annex 3-B, p. 5, Rollo.

[5] Rollo., p. 8, Comment, paragraph 4.

[6] Andres Aquino vs. Melencio N. Aficial, Adm. Matter No. P-1065, January 31, 1978, 81 SCRA 222.

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