

**NOEL VITUG, Complainant, vs. PERLITO G. DIMAGIBA, Sheriff IV,
Regional Trial Court, Branch 16, Malolos, Bulacan, Respondent.**

A.M. No. P-02-1605 [Formerly A.M. OCA IPI No. 01-1119 P]. February 04, 2008

Ponente: SANDOVAL-GUTIERREZ, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/f3bb396d9914/>

SANDOVAL-GUTIERREZ, J.:

In an affidavit-complaint dated March 23, 2001, Noel Vitug, complainant, charges herein respondent Perlito G. Dimagiba, Sheriff IV of the Regional Trial Court (RTC), Branch 16, Malolos, Bulacan, with dereliction of duty and abuse of authority relative to Civil Case No. 173-M-97.

The complaint alleges, among others, that respondent failed to enforce and implement the writ of execution issued by the trial court in Civil Case No. 173-M-97 in favor of complainant, and to submit a report on the action taken thereon, in violation of the provisions of Sections 9 and 14, Rule 39 of the 1997 Rules of Civil Procedure, as amended.

Upon recommendation of the Office of the Court Administrator (OCA), the Court referred the complaint to the Executive Judge, RTC, Malolos, Bulacan for investigation, report and recommendation.

In his Report dated November 15, 2002, then Executive Judge Oscar C. Herrera, Jr. recommended that respondent be reprimanded for dereliction of duty, with a warning that a repetition thereof shall merit a more severe penalty.

In a Memorandum dated April 29, 2004, then Court Administrator Presbitero J. Velasco, Jr. (now a Member of this Court) sustained the findings of then Executive Judge Herrera and recommended that the penalty imposed upon respondent be modified, thus:

After going over with the records of this case, the undersigned finds no reason to disturb the findings of the Executive Judge who conducted the required investigation in the instant case. It appears that the respondent sheriff indeed failed to submit to the court that issued the subject writ of execution, the written report on the service of the notices of garnishment to the banks, and the periodic report every thirty (30) days, required under Sections 9[c] and 14 of Rule 39 of the Revised Rules of Court. His failure to do so constitutes simple neglect of duty. However, the undersigned believes that the penalty recommended by the Investigating Judge is too light for the offense committed by the respondent. Under the Civil Service Rules and Regulations, simple neglect of duty is punishable by suspension ranging from one (1) month and one (1) day to six (6) months. Considering that this is the only remaining case against the respondent, the other cases against him having been dismissed already, suspending him for one (1) month without pay will do justice to what he did.

WHEREFORE, premises considered, the undersigned respectfully recommends to this Honorable Court that respondent Sheriff IV Perlito G. Dimagiba, RTC, Branch 16, Malolos, Bulacan be FOUND GUILTY of Simple Neglect of Duty and that he be SUSPENDED for one (1) month without pay for the said offense with WARNING that a repetition of the same or similar offense in the future shall be dealt with more severely.

After a review of the records, we find no reason to deviate from the findings and recommendation of then Court Administrator Velasco (now a Justice of this Court).

WHEREFORE, respondent Perlito G. Dimagiba is declared GUILTY of simple neglect of duty and, as recommended by the OCA, he is SUSPENDED from the service for one (1) month without pay and WARNED that a repetition of the same or similar offense in the future shall be dealt with more severely.

SO ORDERED.

Puno, C.J., (Chairperson), Corona, Azcuna, and Leonardo-De Castro, JJ., concur.

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.