

JUDGE OFELIA CALO, METC, BRANCH 59, MANDALUYONG CITY AND PABLEA TAMAYO, COMPLAINANTS, VS. RICARDO L. DIZON, SHERIFF III, METC, BRANCH 59, MANDALUYONG CITY, RESPONDENT.

A.M. No. P-07-2359 (Formerly OCA IPI No. 05-2304-P). August 11, 2008

Ponente: CHICO-NAZARIO, J.

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CHICO-NAZARIO, J.:

The administrative case at bar arose from the letter[1] dated 6 January 2005 of Mr. Melo M. Acuna, Station Manager of Radio Veritas, informing the Office of the Court Administrator (OCA) of the plight of Mrs. Pablea Tamayo (Mrs. Tamayo), plaintiff in Civil Case No. 18787, a case for unlawful detainer, pending before the Metropolitan Trial Court (MeTC), Branch 59, Mandaluyong City. The MeTC, in its Decision dated 29 April 2003, ruled in favor of plaintiff Mrs. Tamayo and ordered the defendants Neron Ladaga, Luisa Ladaga, Olympio Taray, and all other persons claiming rights under them, "to vacate the subject premises, pay the amount of P3,000.00 as attorney's fees and pay the costs of suit." Pursuant to the Decision dated 29 April 2003 of MeTC Judge Marilyn Payoyo-Villordon, a writ of execution dated 14 September 2004 was issued, addressed to Sheriff Ricardo Dizon (Sheriff Dizon), which reads:

WHEREAS, in the above-entitled action for Forcible Entry and Illegal Detainer of the following described premises, to wit: 360 Addition Hills, Mandaluyong City, lately tried before me, wherein judgment was rendered on 29 April 2003, that the plaintiff aforesaid have restitution of the premises, and also that he recovers the rent in arrears, and damages in the amount of P _____ and also that he recovers cost in the sum of P _____ x x x.

NOW, THEREFORE, you are hereby commanded to cause the defendant aforesaid to forthwith be removed from the premises and that the plaintiff aforesaid to have restitution of the same; also that you collect from defendant the rent, damages, and costs in the amount aforesaid, and your fees for the service of this execution, and upon the failure of defendant to pay same, that you seize the goods and chattels of the said defendant, except such are by law exempt, and make sale thereof according to the law in such cases made and provided to the amount of said judgment and costs and interest hereon from the date of said judgment, together with your fees upon this execution, and pay the amount so collected by you hereunder to the plaintiff in said action except the amount of your fees hereon.

In case sufficient personal property of the said defendant cannot be found to satisfy the amount of said judgment, costs, interest, and your fees hereon, you are directed to levy upon any real estate of Neron & Luisa Ladaga and Olympio Taray, defendant, and to sell the same in the manner provided by law for the satisfaction of the balance of said judgment, costs, interest, and your fees hereon, and that you make return of your proceedings hereunder upon this writ within 60 days from receipt hereof.[2]

Sheriff Dizon, though, failed to implement the MeTC Decision dated 29 April 2003.

The OCA referred[3] the matter to Judge Ofelia L. Calo (Judge Calo) of MeTC, Branch 1, Mandaluyong City, for appropriate action on 10 January 2005, and again on 2 March 2005. Judge Calo was instructed to submit a report

on any action taken on the matter.

In her Report[4] dated 18 April 2005, Judge Calo stated that she required Sheriff Dizon to comment on the complaint of Mrs. Tamayo, but found his explanation unsatisfactory. She reported that the P10,000.00 sheriff's fee declared by Sheriff Dizon as part of the execution expenses was highly irregular for lack of approval by the court and failure of Sheriff Dizon to explain how the money was spent. Judge Calo concluded that Sheriff Dizon must have misappropriated the amount.

Still, according to Judge Calo's report, the writ of execution in Civil Case No. 18787 was received by Sheriff Dizon on 20 September 2004. While the Sheriff's Return stated that the writ was satisfactorily enforced with the turnover of the subject premises to Mrs. Tamayo on 31 January 2005, it did not constitute a full execution of the judgment, because the money award therein was never satisfied. Sheriff Dizon failed to exert reasonable effort to fully implement the writ.

In addition to the subject civil case, Judge Calo also took note of several cases in which the integrity of Sheriff Dizon in the performance of his functions was put in issue, to wit:

- In Civil Case No. 18317 entitled "Teresita Brioso v. Chit Penus," for Sum of Money, the plaintiff filed a Motion for Appointment of a Special Sheriff because sheriff Dizon was unable to enforce the writ of execution. In his report, sheriff Dizon alleged that the judgment could not be enforced because the defendant does not have any real or personal property to be levied upon. Plaintiff filed another motion reiterating her earlier motion for appointment of a special sheriff. During the hearing, plaintiff declared in open court that the defendant has personal properties such as refrigerator and computer. In addition, the record reveals that the filing of the return was made several months late. In an Order date 31 March 2005, the court granted the motion of the plaintiff for the appointment of a special sheriff to enforce the writ of execution.

- In Civil Case No. 19171 entitled "Genie Grace Tuyay and Joel Tuyay v. P. Ador De Asis" for Unlawful Detainer, defendant filed a verified Motion to Cite Deputy Sheriff Ricardo Dizon for Contempt of Court. According to defendant, sheriff Dizon failed to provide him with full statement of the proceedings under the writ and an itemized list of the properties attached. In addition, instead of depositing the attached property in court, sheriff Dizon turned them over to the plaintiff. Subsequently, the court, in an Order dated 01 September 2004, dissolved the writ of attachment and ordered sheriff Dizon to return the items to the defendant. Although the petition for contempt did not push through because of defendant's failure to pay the necessary filing fee, sheriff Dizon has yet to submit his compliance to the aforesaid order as in fact, the record reveals that he has not submitted any report as regards the implementation of the writ. It was only after the court ordered him to explain such inaction that he submitted his report.

- In Civil Case No. 19438 entitled "Eagle Financial Service Group, Inc. v. Sps. Angelito and Violeta Langubnan" for Sum of Money, the court dismissed the case for failure of the plaintiff to cause the service of summons for six (6) months. Plaintiff filed a Motion for Reconsideration alleging that it has already advanced the amount of P1,500.00 to sheriff Dizon for the service of summons. The latter admitted having received the money but reasoned out that it was plaintiff's counsel who agreed to hold in abeyance the service of summons pending the availability of funds for the service of summonses in other civil cases. Judge Calo noted that the sheriff has no authority to withhold the service of summons upon the mere plea of the plaintiff.

- In Civil Case No. 19696 entitled "Radiowealth Finance Company, Inc. v. Sps. Alden Arcinas & Lilia Arcinas and John Doe" for Recovery of Possession, plaintiff filed an Ex Parte Motion to Compel Sheriff to Implement the Writ of Replevin because of sheriff Dizon's refusal to implement the writ. Sheriff Dizon explained that he served the summons upon a certain Alex Canaveral who introduced himself as a lawyer and upon whose possession the vehicle was found. Canaveral allegedly refused to surrender possession of the vehicle and despite prodding of plaintiff's representative, he desisted from seizing the vehicle in order to prevent the happening of any untoward incident considering that plaintiff refused to avail of the presence of police

officers. The court reprimanded sheriff Dizon with a stern warning that a repetition of same or similar act will be dealt with more severely citing that there was no basis that would indicate a threat to his life or limb. It is also incumbent upon him to coordinate with the police.[5]

On the basis of Judge Calo's report, the OCA made the following recommendations:

A perusal of the documents submitted before us reveals that the complaints against sheriff Dizon are serious in nature and should be given due course. The initial investigation conducted by Judge Ofelia L. Calo provided sufficient basis to continue with the administrative proceedings against the said sheriff. Meanwhile, in the interest of due process, sheriff Dizon must be given the chance to answer the charges against him.

WHEREFORE, in view of the foregoing, it is most respectfully recommended that:

- The report dated 18 April 2005 of Judge Ofelia L. Calo be TREATED as administrative complaint against sheriff Dizon in addition to the letter-complaint of Mrs. Pablea G. Tamayo;
- That the instant complaint be DOCKETED for informal preliminary inquiry;
- That sheriff Ricardo L. Dizon be required to COMMENT on the letter of Mr. Melo M. Acuna and the Report dated 18 April 2005 of Judge Ofelia L. Calo within ten (10) days from receipt hereof. [6]

In his comment[7] dated 16 November 2005, Sheriff Dizon stated that he could not immediately act on the writ of execution in Civil Case No. 18787 due to Mrs. Tamayo's inability to provide him with police assistance on the scheduled date of its implementation. Therein defendants and their supporters already exhibited disrespect for the authorities and obviously would exert physical violence to thwart the execution. It was only on 31 January 2005 that police authorities were made available to assist Sheriff Dizon. Sheriff Dizon alleged that he implemented the writ despite the invectives hurled against him by the irate defendants. The possession of the subject premises was thus already transferred to Mrs. Tamayo. Sheriff Dizon further asserted that he could not be faulted for his failure to execute the monetary judgment award, since, during the implementation of the writ, nothing was left in the subject premises except a clutter of old clothes, kitchen utensils, and rickety makeshift furniture.

Sheriff Dizon argued that the conclusions of Judge Calo that the former received P10,000.00 from Mrs. Tamayo and misappropriated the same had no basis. He was not able to deny that he received the P10,000.00 because Mrs. Tamayo never alleged that she gave said amount to him and that he received the same. Sheriff Dizon explained that Mrs. Tamayo had her own version of the dispositive portion of the MeTC Decision dated 29 April 2003, including therein several amounts not actually mentioned in the said decision. He averred that his refusal to collect Mrs. Tamayo's purported damages and unpaid rentals from the defendants was for the simple reason that they were not covered by the MeTC Decision dated 29 April 2003.

Sheriff Dizon then proceeded to state his side on the other cases cited by Judge Calo in which he did not perform his functions.

In Civil Case No. 18317 entitled, "Teresita Brioso v. Chit Penuis," Sheriff Dizon clarified that the writ of execution issued therein was not implemented because the defendant did not make any payment and had no properties to be levied upon. Respondent informed the plaintiff of this fact but her counsel moved for the appointment of a special sheriff. It was not correct to state that he failed to enforce the writ. The writ was immediately acted upon but the enforcement was unsuccessful. He, however, admitted that he failed to render a report of the proceedings on time.

As for Civil Case No. 19171 entitled, "Genie Grace Tuyay v. P. Ador de Asis," Sheriff Dizon alleged that he executed the order of attachment by taking one meat-grinding machine, one chest freezer and one defective GE refrigerator. These items were deposited at plaintiff's residence, because there was no space in the court where

they could be stored, and plaintiff did not want to shoulder the expenses for their storage in a bonded warehouse. Sheriff Dizon justified his action by arguing that the rule on the custody of attached goods is not absolute. Again, he admitted that he failed to immediately submit a report of the proceedings, but his report was submitted nonetheless.

Sheriff Dizon explained that in Civil Case No. 19438 entitled, "Eagle Financial Services Group, Inc. v. Sps. Angelito and Violeta Langubnan," the plaintiff's counsel handed him P1,500.00 as sheriff's expenses for the service of summons in Sagana, Santiago City, Isabela. The said counsel advised Sheriff Dizon to wait for the summons in the other cases the former filed in court that also needed to be served in the remote northern provinces. As sheriff, he is responsible for the speedy and efficient service of all court processes. Given a situation in which it is possible for him to serve more summons in far-off places, common sense dictates that he arrange a schedule and make arrangements that would enable him to achieve more in a single trip.

Relative to Civil Case No. 19696, Sheriff Dizon pointed out that he did not seize the vehicle subject of the writ of replevin therein for the reason that the vehicle was in a company compound and heavily guarded by armed security men. He was also not provided any police assistance. He wanted to accomplish his work, but he had to exercise prudence in doing so.

On 28 June 2006, the Court directed Judge Calo and Mrs. Tamayo to file a reply to Sheriff Dizon's comment.

In her reply[8] dated 30 August 2006, Judge Calo stated that Mrs. Tamayo's interpretation of the dispositive portion of the MeTC Decision dated 29 April 2003 included the amount of P10,000.00 as sheriff's fee, P100,000.00 as damages, and P17,800.00 as rent in arrears. Judge Calo maintained that she would not have concluded that Sheriff Dizon received P10,000.00 from Mrs. Tamayo and misappropriated the same if Sheriff Dizon had made a categorical denial of receipt of the said amount when he submitted his comment to Judge Calo.

Judge Calo further informed the Court that after she submitted her report (re: 1[st] Indorsement dated 2 March 2005), she made a continuing effort to monitor Sheriff Dizon's implementation of court processes, including writs of execution; and that Sheriff Dizon was made to submit an itinerary of travel and estimate of expenses subject to her approval whenever he was scheduled to implement the court processes. As a result, miscommunication and misunderstanding were avoided during the service of summons and implementation of writs. Judge Calo additionally observed that Sheriff Dizon was now more cautious with his work, and this administrative matter has served as a stern warning to him to deal with the litigants expeditiously and honestly.

Judge Calo's second reply dated 30 October 2006 is a mere reproduction of her previous reply.

In her letter dated 3 November 2006, Mrs. Tamayo apologized to the Court for her late response. In her attached undated letter, received by the Docket and Clearance Division-OCA on 17 August 2006, she commended Judge Calo for her report on the administrative matter, again questioned Sheriff Dizon's failure to fully implement the writ of execution in Civil Case No. 18787, and informed the Court that Sheriff Dizon advised her to withdraw her administrative complaint.

The Court in its 20 November 2006 Resolution referred the replies of Judge Calo and letters of Mrs. Tamayo to the OCA for evaluation, report and recommendation.

On 8 March 2007, the OCA submitted its report,[9] recommending the suspension of Sheriff Dizon, thus:

This office finds that respondent disregarded the rules on the implementation of the writs of execution, attachment and replevin, service of summons and filing of the required sheriff's return which is tantamount to simple neglect of duty punishable by suspension for one (1) month and one (1) day to six (6) months for the first offense and dismissal for the second.

In view of the foregoing, it respectfully recommended that respondent sheriff Ricardo L. Dizon by SUSPENDED for three (3) months with STERN WARNING that a repetition of similar infraction shall be dealt with more severely.

On 15 August 2007, the Court required[10] the parties to manifest within 10 days from notice if they were willing to submit the matter for resolution based on the pleadings filed. Judge Calo[11] and Mrs. Tamayo[12] submitted separate manifestations stating that they were submitting the case for resolution based on the pleadings filed. However, Sheriff Dizon failed to file his manifestation within the period given by the Court despite notice sent to and received by him. Thus, the Court deemed waived Sheriff Dizon's submission of supplemental comment/pleadings.

Resultantly, the case is submitted for decision based on the pleadings filed.

Before proceeding, it appears that Sheriff Dizon died on 12 March 2008 as evidenced by a Certificate of Death issued by the Office of the Civil Registrar of Morong, Rizal.

After a review of the administrative case, the Court agrees in the findings of the OCA, except for the recommended penalty.

Section 14, Rule 39 of the Rules of Court explicitly provides the manner in which a writ of execution is to be returned to court, as well as the requisite reports to be made by the sheriff or officer, should the judgment be returned unsatisfied or only partially satisfied. In any case, every 30 days until the full satisfaction of a judgment, the sheriff or officer must make a periodic report to the court on the proceedings taken in connection with the writ. Section 14 reads:

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 therefore. 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 furnished the parties.

As stated, it is mandatory for the sheriff to execute and make a return on the writ of execution within the period provided by the Rules of Court. Moreover, the sheriff must make periodic reports on partially satisfied or unsatisfied writs in accordance with the above-cited rule, in order that the court as well as the litigants may be apprised of the proceedings undertaken in connection therewith. Such periodic reporting on the status of the writs must be done by the sheriff regularly and consistently every 30 days until they are returned fully satisfied.

Unchallenged by Sheriff Dizon is the non-execution of the writ of execution in Civil Case No. 18787, as well as his failure to make the timely and appropriate reports thereon, as required by the foregoing rule. He even candidly admitted his lapses and shortcomings in the performance of his duties in his 16 November 2005 comment, as quoted below:

- "x x x. In it I pointed out the fact that it was the plaintiff's inability to furnish me with police assistance that I could not immediately act on the Writ, considering the location of the premises, a slum area, and the defiant attitude of the defendants. That was not an imagined threat or situation. On that occasion when I proceeded to the subject premises to announce to the defendants the issuance of the Writ of execution, copies of which were furnished them, while trying to spot any leviable property within the premises, the defendants and their sympathizers had already exhibited disrespect for authorities and would no doubt exert physical violence to thwart execution. I then requested the plaintiff to seek police assistance on the date the writ would be

implemented to which he acceded, but on the date set, the plaintiff failed to show. Her presence, in fact, was not necessary but there was no police assistance as promised in order to protect everyman's life and limb during the execution.

- It was only on January 31, 2005 that plaintiff provided me with police assistance. The implementation of the Writ proceeded despite the invectives hurled against me by the irate defendants and their mob of sympathizers. Immediately, the subject premises was turned over to the possession of the plaintiff;[13]

It is worthy to mention that Sheriff Dizon received the writ of execution for implementation on 20 September 2004, yet it took him more than four months to partially implement the said writ on 31 January 2005. Moreover, any fault he ascribed to Mrs. Tamayo for her alleged failure to provide him with police assistance, notwithstanding, Sheriff Dizon failed to comply with his ministerial duty to state in the Sheriff's Return, as well as in his periodic reports, the alleged "impediment" in the implementation of the writ and the reason why the monetary judgment award remained unsatisfied.

As to the P10,000.00 sheriff's fee, there appears to be no substantial evidence to prove that Sheriff Dizon received the same. In administrative proceedings, the complainant bears the onus of establishing, by substantial evidence, the averments of his complaint.[14] Mere suspicion without proof cannot be the basis of conviction.[15] In the instant case, Mrs. Tamayo failed to discharge that burden. In fact, it was not even alleged in the complaint that Sheriff Dizon asked for or received the said amount. The "dispositive portion of the decision" referred to by Mrs. Tamayo, which supposedly included the amount of P10,000.00 sheriff's fee, was apparently expanded by her to justify her claims for additional monetary awards.

In any event, this Court takes note of the alarming pattern in Sheriff Dizon's performance of his official functions.

In Civil Case No. 18317, Sheriff Dizon admitted his failure to implement the writ and to make a return thereon on time:

- Civil Case No. 18317 x x x No payment was made by the defendant and nothing leviable was in sight within her residence. After having informed the plaintiff of such a fact, her counsel moved for appointment of a special sheriff in a motion dated June 17, 2003, alleging that I was not able to enforce the said Writ. At this point I wish to clarify the matter. It is error to state that I failed to enforce the writ, as in fact it was immediately acted upon only the enforcement was fruitless as no payment was made and nothing leviable was in defendant's premises. I would admit that I failed to render a report of my proceedings on time but not that I failed or refused to act on the Writ of execution which is one of my sworn duties as a sheriff;[16]

Although he claimed that he acted on the writ but the defendant had no properties that could be levied upon, his delay in filing the required report to properly inform the court and the parties concerned of the problem in the execution of the judgment, and the continued non-enforcement of the writ constrained the plaintiff's counsel to request the court's appointment of a special sheriff to serve the alias writ of execution.

In Civil Case No. 19696, Sheriff Dizon acknowledged that he failed and refused to implement the writ of replevin, but alleged that there was a threat to his life, and plaintiff failed to provide him with police assistance. He stated in his comment that:

- The very reason why I relented in taking possession of said vehicle despite the prodding of plaintiff's representative was due to the fact that said vehicle was located in a company compound and heavily guarded by armed security men the number of which increased more upon learning of my purpose. While I was armed with a court order and with a sincere desire to accomplish my work, what can I do in the presence of security guards armed with shotguns and sidearms who in blind obedience would pull the trigger at a mere wink of an eye of their employer? Police assistance, as I have already told plaintiff's representative beforehand, was necessary in such a situation but there was none. x x x.[17]

As regards Civil Case No. 19171, Sheriff Dizon exhibited imprudence in his duty of putting the attached properties in his safekeeping. He transferred their actual possession to the plaintiff, in violation of the rule requiring him to safely keep them in his custody. The alleged lack of space in the court to store the attached properties and failure of plaintiff to defray the expenses for their storage in a bonded warehouse are not sufficient justifications for his action. Sheriff Dizon should have sought prior permission from the court before depositing them at the plaintiff's house. Needless to say, Sheriff Dizon failed to live up to the exacting standard required of his office. In enforcing the writ, he exposed his lack of impartiality. And yet again, Sheriff Dizon did not submit a timely report on the proceedings to the court.

Lastly, in Civil Case No. 19438, Sheriff Dizon failed to serve the summons despite the lapse of more than six months from its issuance. Granting that plaintiff's counsel allegedly advised him to hold in abeyance the service of summons pending the summons in other civil cases which needed to be served in the same area, Sheriff Dizon had no discretion or authority to withhold the service of the summons in Civil Case No. 19438, thus, compromising his duty as sheriff who was responsible for the speedy and efficient service of all court processes.

Sheriffs play an important role in the administration of justice. They are tasked to execute final judgments of the courts. If not enforced, such decisions become empty victories of the prevailing parties. As agents of the law, sheriffs are called upon to discharge their duties with due care and utmost diligence because in serving the court's writs and processes and implementing its order, they cannot afford to err without affecting the integrity of their office and the efficient administration of justice.[18]

Being the frontline representative of the justice system, a sheriff must always exert every effort and, indeed, consider it his bounden duty, to perform his duties in order to maintain public trust. He must see to it that the final stage in the litigation process -- the execution of the judgment -- is carried out with no unnecessary delay, in order to ensure a speedy and efficient administration of justice. A decision left unexecuted or indefinitely delayed due to his neglect of duty renders it inutile; and worse, the parties who are prejudiced thereby tend to condemn the entire judicial system.[19]

The Court has said time and again that a sheriff's duty in the execution of a writ is purely ministerial; he is to execute the order of the court strictly to the letter. He has no discretion whether to execute the judgment or not. He is mandated to uphold the majesty of the law as embodied in the decision. When a writ is placed in the hands of a sheriff, it is his duty, in the absence of any instructions to the contrary, to proceed with reasonable celerity and promptness to execute it according to its mandate.[20] Accordingly, a sheriff must comply with his mandated ministerial duty as speedily as possible.[21] There is even no need for the litigants to "follow up" a writ's implementation.[22]

The failure of Sheriff Dizon to carry out what is a purely ministerial duty cannot be justified. The procrastination displayed by him, resulting in the long delay in the execution of court judgments, is truly deplorable. Clearly, Sheriff Dizon failed to observe the degree of dedication to the duties and responsibilities required of him as a sheriff. Through his failure, he breached his sworn duty to uphold the majesty of the law and the integrity of the justice system. The court cannot countenance such dereliction of duty, as it erodes the faith and trust of the citizenry in the judiciary. As an implementing officer of the court, Sheriff Dizon should set the example by faithfully observing, and not brazenly disregarding, the Rules.

By his actuations, Sheriff Dizon displayed conduct short of the stringent standards required of Court employees. He is guilty of simple neglect of duty, which has been defined as the failure of an employee to give one's attention to a task expected of him, and signifies a disregard of a duty resulting from carelessness or indifference.[23] Under Section 52(B)(1) of the Uniform Rules on Administrative Cases in the Civil Service, simple neglect of duty

is a less grave offense punishable by suspension from office for one (1) month and one (1) day to six (6) months for the first offense, and dismissal for the second offense.

In *Ayo v. Judge Violago-Isnani*,^[24] the Court found respondent clerk of court guilty of simple neglect of duty for causing the delay in the implementation of the writ of execution and suspended him from office for one (1) month and one (1) day. In *Alvarez, Jr. v. Martin*,^[25] the sheriff, declared guilty of "failure/refusal to perform official duty" for failing to implement a writ of execution, was suspended for three (3) months without pay. The same sheriff, in *Aquino v. Martin*, was fined P10,000.00 for dereliction of duty when he failed to implement writs of execution in several civil cases.^[26]

In this case, Sheriff Dizon has been an accountable officer of the court for more than 20 years and is, thus, presumed to have imbibed at least the fundamental rules and principles in implementing the writ of execution. However, considering that this is the first time he is found guilty of an offense in his almost twenty-five years of service in the judiciary, the Court is inclined to grant him a certain leniency without being unmindful of the fact that he had breached the provisions of the Rules of Court. For this reason, the Court is wont to impose the penalty of two (2) months' suspension; but, given the intervening event of Sheriff Dizon's death on 12 March 2008, a fine in the amount of Twenty Thousand Pesos (P20,000.00) would suffice.

WHEREFORE, respondent Sheriff Ricardo L. Dizon is hereby found guilty of simple neglect of duty, and a FINE of Twenty Thousand Pesos (P20,000.00) is imposed upon him, to be deducted from his retirement benefits. Let a copy of this decision be attached to his personal records.

SO ORDERED.

Ynares-Santiago, (Chairperson), Austria-Martinez, Nachura, and Reyes, JJ., concur.

[1] Rollo, p. 1.

[2] *Id.* at 17.

[3] *Id.* at 2.

[4] *Id.* at 5-8.

[5] *Id.* at 49-50.

[6] *Id.* at 50.

[7] *Id.* at 54-58.

[8] *Id.* at 69-70.

[9] *Id.* at 93.

[10] *Id.* at 96.

[11] *Id.* at 99.

[12] *Id.* at 98.

[13] *Id.* at 54-55.

[14] *Hon. Barbers v. Judge Laguio, Jr.*, 404 Phil. 443, 475 (2001).

- [15] *Spouses Lorena v. Judge Encomienda*, 362 Phil. 248, 257 (1999).
- [16] *Rollo*, p. 56.
- [17] *Id.* at 57.
- [18] *Mendoza v. Sheriff IV Tuquero*, 412 Phil. 435, 441-442; *Smith Bell and Co. v. Saur*, 185 Phil. 469, 472 (1980).
- [19] *Aquino v. Martin*, 458 Phil. 76, 82 (2003).
- [20] *Escobar Vda. de Lopez v. Luna*, A.M. No. P-04-1786, 13 February 2006, 482 SCRA 265, 274-275.
- [21] *Aquino v. Lavadia*, 417 Phil. 770, 776 (2001).
- [22] *Id.*
- [23] *Philippine Retirement Authority v. Rupa*, 415 Phil. 713, 720-721 (2001).
- [24] 368 Phil. 19, 28 (1999).
- [25] 458 Phil. 85, 96 (2003).
- [26] *Supra* note 19 at 84; *Re: Judicial Audit of the RTC, Br. 14, Zamboanga City, Presided Over by Hon. Ernesto R. Gutierrez*, A.M. No. RTJ-05-1950, 13 February 2006, 482 SCRA 310, 324.

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