

AGUSTIN OLIVEROS, COMPLAINANT, VS. MURIEL S. SAN JOSE, SHERIFF III, MUNICIPAL TRIAL COURT IN CITIES, BRANCH I, NAGA CITY, RESPONDENT.

A.M. NO. P-02-1582 (Formerly OCA I.P.I. No. 99-647-P). January 28, 2003

Ponente: VITUG, J.

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VITUG, J.:

A complaint was filed by Agustin Oliveros against Muriel S. San Jose, Sheriff III of the Municipal Trial Court in Cities, Branch 1, Naga City, for dereliction of duty. The complaint stemmed from an incident in Civil Case No. 10566, entitled “Agustin P. Oliveros vs. Joy U. Oco and Rudy Tonga,” where the trial court had rendered judgment in favor of herein complainant Agustin Oliveros. The dispositive portion of the decision, dated 06 April 1998, was to the following effect; viz:

“WHEREFORE, on the basis of the uncontroverted facts alleged in the complaint, judgment is hereby rendered against the defendants, ordering them to pay the plaintiff, jointly and severally, the following sums:

“1. P2,400.00 representing the unpaid balance of the loan plus the agreed interest as stipulated in the Promissory Note until the entire amount is fully paid;

“2. P1,000.00 as attorney’s fees. The appearance fee of P500.00 is disallowed as there was no actual hearing conducted;

“3. P500.00 as incidental expenses.

“4. The cost of this suit.”

On 25 May 1998, a writ of execution was issued. Complainant claimed to have paid respondent sheriff the necessary fees for the implementation of the writ but the latter had continued to fail in enforcing it despite repeated demands therefor.

In his comment, respondent sheriff explained that he was able to locate the whereabouts of defendant Joy U. Oco, living with her spouse in the house of a parent, but she evidently had no visible personal or real property that could be levied on. Respondent made a return stating the foregoing and informing complainant accordingly. He requested complainant to immediately let him know once she would have learned of any property of Joy Oco that could be levied on. Complainant, respondent averred, had failed to give him any such kind of information.

In its memorandum of 09 January 2002, the Office of the Court Administrator, to which office the matter was referred, found respondent sheriff negligent in having the writ of execution implemented. The OCA opined that respondent sheriff could have levied on the property of her co-defendant Rudy Tonga, a co-maker of the promissory note, who was adjudged solidarily liable with Joy Oco in the decision of the trial court. The OCA recommended that respondent sheriff be ordered to pay a fine of P1,000.00, with a warning that a repetition of the same or similar offense would be dealt with severely.

The parties manifested, when asked by the Court, that they were willing to submit the matter for resolution on the basis of the records of the case.

The Court agrees with the OCA.

The trial court declared defendants Joy Oco and Rudy Tonga to be solidarily liable for the judgment award in favor of complainant. It thus behooved respondent sheriff, after having ascertained that Joy Oco had no property with which to satisfy the judgment, to then direct his efforts against Rudy Tonga for the satisfaction of the judgment award. Respondent did not.

Sheriffs are responsible, among other things, for the prompt service and implementation of writs and other orders issued by the court. Sheriffs are court officers and, like everyone else in judiciary, are called upon to discharge their sworn duties with great care and diligence. Sheriffs cannot afford to err or be inefficient in the work assigned to them without compromising the integrity of their office and the proper administration of justice. When a part of the judicial machinery fails, the entire judicial system is virtually affected by it in an adverse way.

Regrettably, in this instance, respondent sheriff has fallen short of what is rightly expected of him.

WHEREFORE, the Court finds Muriel S. San Jose, Sheriff III, Municipal Trial Court in Cities, Branch I, Naga City, guilty of negligence in the performance of his duty. He is ordered to pay a fine of One Thousand (P1,000.00) Pesos with a warning that any further infraction by him will be dealt with severely.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Ynares-Santiago, Carpio, and Azcuna, JJ., concur.

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