

ROSALINDA PESONGCO, COMPLAINANT, VS. ERNESTO B. ESTOYA, CLERK OF COURT VI, ARMANDO LAPOR, SHERIFF IV, RTC-OCC, SAN JOSE, ANTIQUE, RESPONDENTS

A.M. NO. P-06-2131 (FORMERLY OCA I.P.I. NO. 05-2132-P). March 10, 2006

Ponente: CHICO-NAZARIO, J.

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CHICO-NAZARIO, J.:

Before Us is an administrative complaint dated 12 January 2005 of Rosalinda Pesongco charging Atty. Ernesto B. Estoya, Clerk of Court VI and Mr. Armando Lapor, Sheriff IV of the Regional Trial Court (RTC) of San Jose, Antique, with Inefficiency and Conduct Prejudicial to the Best Interest of the Service relative to Civil Case No. 976 entitled, "Jose O. Fernandez, Jr., represented by his attorney-in-fact Isaias O. Fernandez v. Rosalinda Pesongco" for Unlawful Detainer and Damages.

Jose O. Fernandez Jr. (Jose, Jr.) is one of the heirs of the late Jose U. Fernandez Sr. (Jose, Sr.), the legal owner of Lot No. 1624 of the San Jose Cadastre. Prior to his death, on 21 July 1975, the late Jose Sr., jointly with his children and heirs, mortgaged said lot to Douglas Fernandez for P8,000.00. On 23 March 1981, for a consideration of P11,000.00, Douglas Fernandez, as mortgagee, entered into a Deed of Assignment of Rights with complainant Pesongco, and agreed that the assignor (the heirs of Jose Sr.) and one Concepcion Orendain will redeem the land in question in March 1986. On 6 May 1993, complainant Pesongco executed in favor of Jose Jr. a Deed of Cancellation of Assignment of Rights and Interest and a Deed of Grant of Grace Period to Possess a Parcel of Land. Pertinent portions of the Deed of Grant of Grace Period to Possess a Parcel of Land read:

That in view of the foregoing, I, Jose Fernandez, Jr., do hereby declare to have granted Rosalinda Pesongco the right of possession over the aforesaid parcel of land for a period of two years from the date of this instrument, free of charge, and subject to the following terms and conditions:

1. The possessor Rosalinda Pesongco, shall vacate the premises after the period of two years from this date; however, she has the First Priority to rent the premises if in the event said premises is leased or to be rented by interested party at the option of the legal owner/legal heirs;
2. That if and when the subject property cannot be subject to lease or rent or in any event the premises is needed by any of the legal heirs/legal owners, the possessor shall vacate the premises without necessity of demand but she, Rosalinda Pesongco shall be entitled to reimbursement/refund of her necessary/incidental expenses for the improvement of the premises but the same shall be limited to light materials.[1](Underscoring supplied)

On 26 May 1995, Jose Jr. required complainant Pesongco to vacate the premises, but the latter informed the former in a letter dated 5 June 1995 that she was willing to vacate the premises provided she would be reimbursed the necessary and incidental expenses she incurred for the improvement of the land in the amount of not less than P400,000.00. Another letter was sent by complainant Pesongco to Jose Jr. demanding the reimbursement of P400,000.00.

For refusal of complainant Pesongco to vacate the property, Jose Jr. filed an Unlawful Detainer with Damages against complainant. On 7 November 1996, a decision was rendered by the Municipal Trial Court (MTC) of San Jose, Antique, in favor of Jose Jr., pertinent portion of which reads:

Wherefore, premises considered, judgment is rendered in favor of the plaintiff and against the defendant Rosalinda Pesongco hereby:

1. Ordering the defendant to vacate the leased premises and to restore its possession to the plaintiff;
2. Ordering the defendant to remove at her expense all the buildings/structures she made on the land within 15 days from the finality of the decision;
3. Ordering the defendant to pay to the plaintiff P2,000.00 monthly rentals starting December 16, 1995 until possession of the leased premises is turned over to the plaintiff; and
4. Ordering the defendant to pay the plaintiff P5,000.00 as attorney's fees.[2]

On 22 July 1998, the RTC of San Jose, Antique, in the exercise of its appellate jurisdiction, rendered judgment, the dispositive portion of which reads:

WHEREFORE, IN VIEW OF ALL THE FOREGOING, the appealed decision of the Honorable Court of Antique, dated November 7, 1996, is hereby reversed and a new one entered:

- Ordering the case to be remanded to the lower court for reception of evidence and the determination by appropriate experts of the amount of value of light materials of the building built in good faith on the land by appellant representing the amount of necessary/incidental expenses to be reimbursed to her;
- Ordering appellee to reimburse to appellant the value of the light materials on the structure she built on the land belonging to the former, representing the amount appellant incurred for necessary and useful expenses as determined by the lower court;
- Ordering appellee to pay appellant attorney's fees in the amount of P10,000.00;
- Ordering appellee to pay appellant litigation expenses of P5,000.00.[3]

On 9 September 1999, the RTC issued an amended decision, the fallo of which reads:

Wherefore, finding the motion for reconsideration filed by defendant-appellant to be tenable and in consonance with the findings of this Court in its Decision dated July 22, 1998, said motion is granted, and the dispositive portion thereof is hereby amended to read as follows:

- Ordering this case to be remanded to the lower court for reception of evidence and determination by appropriate experts of the amount of values of light materials of the building in good faith on the land by appellant representing the amount of the necessary incidental expenses to be reimbursed to her;
- Ordering appellee to reimburse to appellant the value of the light materials on the structure she built on the land belonging to the former, representing the amount appellant incurred for necessary and useful expenses as determined by the lower court;
- Ordering appellee to pay appellant attorney's fees in the amount of P10,000.00;
- Ordering appellee to pay appellant litigation expenses of P5,000.00; and
- Ordering that the defendant-appellant be reinstated in and granted her right of retention of possession over the property in litigation until she have been reimbursed of the aforementioned expenses she introduced over the same property in question.[4] (Underscoring Supplied)

The case was appealed to the Court of Appeals which promulgated a decision on 30 May 2001, which affirmed with modification the decision of the RTC, thus:

WHEREFORE, premises considered, the instant petition is hereby AFFIRMED with MODIFICATION that such reimbursement to be paid by Jose Fernandez to Rosalinda Pesongco be limited to the value of light materials only.[5]

As may be gleaned from the abovequoted decision, complainant Pesongco was found to be a builder in good faith with the legal right to retain possession of the premises subject of the case until she is reimbursed of necessary, useful and incidental expenses, but limited only to the value of the light materials she incurred in the preservation and maintenance thereof.

On 12 September 2001, a writ of Execution[6] was issued by the MTC of San Jose, Antique.

On 26 September 2001, respondents submitted their report[7] stating, among other things, that they failed to implement the writ, pertinent portion of which reads:

4. That reinstatement of defendant-appellant to the property in litigation failed or was not carried on because the door or entrance leading to the place where defendant is to be reinstated was padlocked and Isaias O. Fernandez together with Ferdinand Miguel S. Fernandez (son of Jose O. Fernandez, Sr.) refused to deliver to the undersigned the key of the said padlocked and they resist (sic) the opening of the door or the reinstatement of the herein defendant to the property in litigation.

5. That on September 26, 2001 at around 11:30 o'clock in the morning the undersigned implementing sheriff together with the Ex-Officio Sheriff, Atty. Ernesto B. Estoya made another attempt to reinstate defendant Rosalinda Pesongco by personally demanding from said Isaias O. Fernandez and Ferdinand Miguel B. Fernandez a (sic) delivery of the key of the padlock that secured the property in litigation so that the defendant could be reinstated to the property in litigation in accordance with the decision of the Court; but both Isaias O. Fernandez and Ferdinand Miguel S. Fernandez maintained the stand of not delivering the key to the undersigned and not permitting the defendant-appellant to be reinstated to the property in litigation. (Underscoring Supplied)

On 5 November 2003, upon application of the complainant, an Alias Writ of Execution[8] was issued. Respondents again failed to enforce the said Alias Writ of Execution as can be gleaned from the Sheriff's Return of Service dated 25 November 2003, paragraph 3 of which reads:

3. That Rosalinda Pesongco physically entered in an open space of the northern portion of the property in litigation (Lot No. 1624) only she was able to enter the sealed entrance and the surroundings of the building standing more than a meter away inside the boundary line of the property in litigation, since Isaias O. Fernandez did not allow her and the undersigned to open and enter said building;"

4. That the undersigned cannot destroy the sealed entrance and surroundings of the building standing on the property litigation since Sec. 10(d), Rule 39 of the New Rules of Civil Procedure forbids the Sheriff to do so except upon special order of the court. (Underscoring Supplied)

On 23 January 2004, complainant Pesongco filed a Motion for the Full Enforcement of the Alias Writ of Execution which the Court granted in its resolution dated 9 February 2004. However, the aforesaid writ was again not implemented. Paragraph 3 of the Sheriff's Report dated 26 February 2004 reads:

That on February 24, 2004, the undersigned personally met Isaias O. Fernandez and presented him a copy of Resolution dated February 9, 2004. After reading the content, the said Isaias O. Fernandez seriously manifested to the defendant that he will not turnover to the defendant the possession of the whole area of Lot No. 1624, hence the undersigned cannot accomplish his job pursuant to said resolution.

Thus, the instant administrative complaint for consistent failure of respondents to enforce the writ of execution issued as early as 12 September 2001.

On 8 March 2005, Court Administrator Presbitero J. Velasco, Jr., required[9] respondents to file their comment within 10 days from receipt thereof.

Respondents, in their Joint Comment,[10] claimed that it was not only hard but also hazardous to implement the writ of execution because of the personal animosity and the raging legal controversy between complainant Pesongco and Isaias Fernandez, as the latter was decided and firm in his stand to frustrate the implementation thereof. However, with the aid of some policemen, respondents alleged that they were able to fully implement the alias writ of execution insofar as the delivery of possession of the lot in question to complainant Pesongco on 24 November 2003, signed by complainant Pesongco herself. They further added that as proof thereof, Isaias Fernandez filed in court a case for Recovery of Possession and Damages docketed as Civil Case No. 2004-7-3451.

Respondents suspect that complainant Pesongco filed the instant complaint because she got angry with them when they refused to destroy the padlock allegedly installed by Isaias Fernandez in one of the structures found in Lot No. 1624. They advised complainant Pesongco that the proper legal recourse is for her to secure a special order from the court to authorize them to destroy and remove the said padlock. They maintained that they had no legal basis to obey the order of complainant Pesongco absent such an order from the court.

In her Reply[11] dated 18 April 2005, complainant Pesongco denied the allegations of the respondents that they were able to restore her to the lot in question as shown in the "Compliance and Reinstatement of Defendant-Appellant in the Property in Litigation" dated 24 November 2003 considering that the same was submitted only in compliance with an "Alias Writ of Execution," dated 5 November 2003. She claimed that the Sheriff's Report on the same "Alias Writ of Execution," clearly shows on paragraph 3 thereof that she "was not able to enter the sealed entrance and the surroundings of the building standing more than a meter away inside the boundary line of the property in litigation, since Isaias Fernandez did not allow her and the [respondent sheriff] to open and enter said building."

Respondents, in paragraph 3 of their Joint Comment, admitted the existence of a padlock installed by Isaias Fernandez. Complainant Pesongco clarified, however, that the said padlock was never removed because respondents believed that they did not have authority to destroy the same. Thus, it was incorrect for the respondents to claim that they were able to restore to her the complete possession and control of the lot in question particularly with regard to the area secured by the subject padlock.

As to respondents' allegation in their joint-comment that complainant Pesongco should first secure a special order from the court authorizing them to destroy the padlock in one of the structures found in Lot 1624, complainant Pesongco argued that such proposition is not applicable in her case because Section 10(d) of Rule 39 of the Rules of Court covers a situation wherein there is a building or structure constructed or planted by the losing litigant. It is her contention that a padlock can hardly be considered a structure or an improvement. Respondents, therefore, have no need for a special order to fully enforce the writ of execution. As a matter of fact, Section 10 of Rule 39 authorizes the respondents to employ "such means as may be reasonably necessary to retake possession, and place the judgment obligee in possession of such property."

In their rejoinder[12] dated 28 April 2005, respondents alleged that complainant Pesongco made untruthful allegations in her complaint that tended to mislead the Honorable Court Administrator. They argued that neither the decision of the Honorable Court of Appeals nor the Writ of Execution dated 12 September 2001, or the Alias Writ of Execution issued on 5 November 2003, mandates that the makeshift store found inside Lot No. 1624 be

also placed in the possession and control of complainant Pesongco. They explained that complainant Pesongco and her counsel were advised by respondent sheriff to secure the corresponding order from the court but failed to do so and that instead of filing this administrative case, complainant Pesongco should have filed contempt proceedings against Isaias Fernandez for disturbing her possession of the subject lot.

On 21 October 2005, the Office of the Court Administrator (OCA) submitted the following recommendations:[13]

Respectfully submitted for the consideration of the Honorable Court is our recommendation that the instant I.P.I. be redocketed as a regular administrative matter and respondent sheriff, ARMANDO S. LAPOS be SUSPENDED for one (1) month and one (1) day from office while respondent Clerk of Court, and Ex-Officio Sheriff, ATTY. ERNESTO B. ESTOYA be REPRIMANDED, and both be warned that repetition of the same or similar offense shall be dealt with more severely.

We agree that respondent sheriff is administratively liable. The records show he was remiss in the performance of his duties.

Respondent sheriff failed to comply with Section 14 Rule 39 of the Rules of Court which provides, viz:

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 (30) days on the proceedings taken thereon until the judgment is satisfied in full, or its effectivity expires. The returns or the periodic report shall set forth the whole of the proceedings taken, and shall be filed with the court and copies thereof promptly furnished the parties.

Pursuant to this Rule, the lifetime of a writ of execution is without limit for as long as the judgment has not been satisfied, but is "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 reasons therefore." There is, thus, no need of asking for an alias writ of execution. The officer is mandated to "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 promptly furnished the parties.

In the case at bar, it does not appear that the respondent sheriff rendered periodic reports. Records show that a writ of execution of the decision dated 09 September 1999 was issued by the MTC Judge on 12 September 2001 and respondent sheriff submitted his Sheriff's Report on 26 September 2001. An alias writ of execution was issued on 05 November 2003 and respondent sheriff submitted his Sheriff's Return on 25 November 2003. On 23 January 2004, complainant filed a Motion for the Full Implementation of the Alias Writ of Execution in the lower court. Acting on said motion, the court issued a Resolution dated 9 February 2004 ordering the full implementation of the alias writ of execution and respondent sheriff submitted the Sheriff's Report on 26 February 2004. Clearly, respondent sheriff failed to make periodic reports, as the rule mandates the sheriff to make a report to the court every 30 days on the proceedings taken thereon until the judgment is fully satisfied.

Respondents sought to avoid administrative liability by claiming that they had already served the writ. Truly, the writ of execution and the alias writ may have been served upon the persons mentioned in said writs, but no compliance has yet been made. As may be seen from the sheriff's report, Isaias Fernandez refused to give the key to the padlock of the door or entrance leading to the place where possession thereof will be restored to the complainant Pesongco pursuant to the writ of execution. Under the situation, respondents were not without

recourse, not because of Sec. 10(d),[14] Rule 39 of the Rules of Court, but under Sec. 10(c) thereof, i.e., they could have sought the assistance of appropriate peace officers, and employed such means as may have been reasonably necessary to retake possession, and place the judgment obligee (complainant) in possession of such property.[15] Conspicuously, in the sheriff's report no mention was made that respondents sought assistance from police officers. Belatedly and obviously, as an afterthought, respondents in their comment[16] asserted that they were able to fully implement the writ through the assistance of police officers.

Additionally, it has been ruled in the case of *Vda. De Tisado v. Tablizo*,[17] that the mere fact that defendants in a threatening manner, prohibited the deputy sheriff from entering the premises is no excuse for the latter to retreat and refuse to enforce the writ of execution.

Respondents' contention that the decision was fully implemented as shown by the Compliance dated 24 November 2003, is belied by the records. An examination of the records shows that the Compliance dated 24 November 2003 was issued in compliance with the Alias Writ of Execution. But our attention must be focused on the Sheriff's Return[18] dated 25 November 2003, particularly Paragraphs. 2, 3 and 4 thereof, which states that:

2. That at about 2: 00 o'clock in the afternoon of November 24, 2003 the undersigned reinstated Rosalinda Pesongco in the property in litigation right after the boundaries of said property were identified, as evidenced by the date and signature of said Rosalinda Pesongco, appearing at the lower portion of the herein attached original copy of sheriff's "COMPLIANCE AND REINSTATEMENT OF DEFENDANT—APPELLANT IN THE PROPERTY IN LITIGATION". Reinstatement proceedings was done without destroying, demolishing or removing any improvement on the property in litigation, as witnessed by SPO3 Jose I. Umadhay, PNP, San Jose, Antique.

3. That Rosalinda Pesongco physically entered in an open space of the northern portion of the property in litigation (Lot No. 1624) only she was able to enter the sealed entrance and the surroundings of the building standing more than a meter away inside the boundary line of the property in litigation, since Isaias O. Fernandez did not allow her and the undersigned to open and enter said building;"

4. That the undersigned cannot destroy the sealed entrance and surroundings of the building standing on the property litigation since Sec. 10 (d), Rule 39 of the New Rules of Civil Procedure forbids the Sheriff to do so except upon special order of the court. (Underscoring Supplied)

As may be gleaned above, although par. 2 thereof stated that complainant Pesongco was reinstated in the property in question, pars. 3 and 4 thereof stated that she was not able to enter the sealed entrance and the surroundings of the building as Isaias Fernandez did not allow her and the respondent sheriff to open and enter said building. In the Sheriff's Report dated 26 February 2004, respondent sheriff admitted that he cannot accomplish his job of implementing the writ based on the manifestation of Isaias Fernandez.

Clearly, the long delay in the full execution of the court's judgment in favor of complainant Pesongco demonstrates the respondent sheriff's inefficiency in the performance of his official duties. His lack of diligence and zeal in the performance of his duty is truly unfavorable.

A deputy sheriff is a front—line representative of the justice system, and if he shows fear, or worse, is cowed by mere threats from enforcing the legitimate orders of the court, then by his cowardly act, he diminishes the judiciary.

It is undisputable that the most difficult phase of any proceeding is the execution of judgment.[19] The officer charged with this delicate task is the sheriff.[20] The sheriff, as an officer of the court upon whom the execution of a final judgment depends, must necessarily be circumspect and proper in his behavior. Execution is the fruit and end of the suit and is the life of the law.[21] He is to execute the directives of the court therein strictly in

accordance with the letter thereof and without any deviation therefrom.[22] In the case at bar, respondent sheriff departed from the directive of the court by failing to make periodic reports on the implementation of the writ and to fully implement the said writ.

Sheriffs ought to know that they have a sworn responsibility to serve writs of execution with utmost dispatch. When writs are placed in their hands, it is their ministerial duty to proceed with reasonable celerity and promptness to execute them in accordance with their mandate. Unless restrained by a court order, they should see to it that the execution of judgments is not unduly delayed. Accordingly, they must comply with their mandated ministerial duty as speedily as possible.[23] As agents of the law, high standards are expected of sheriffs.[24] As explained in *Bernabe v. Eguia*,[25] citing *Vda. de Abellera v. Dalisay*: [26]

At the grassroots of our judicial machinery, sheriffs and deputy sheriffs are indispensably in close contact with the litigants, hence, their conduct should be geared towards maintaining the prestige and integrity of the court, for 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 temple of justice.

Verily, sheriffs play an important role in the administration of justice. They form an integral part thereof because they are called upon to serve court writs, execute all processes, and carry into effect the orders of the court with due care and utmost diligence.[27] Persons involved in the administration of justice ought to live up to the strictest standard of honesty and integrity in the public service.[28] As such officer whose duties form an integral part of the administration of justice, a sheriff and his deputies may be properly dismissed, fined or suspended from office by this tribunal, in the exercise of administrative supervision over the judicial branch of the government, for actions committed in violation of the Rules of Court which impedes and detracts from a fair and just administration of justice.[29]

It is clear that by his actuations, respondent sheriff 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.[30] Civil Service Commission Memorandum Circular No. 19 classifies simple neglect of duty as a less grave offense, punishable by suspension without pay for one (1) month and one (1) day to six (6) months, for the first offense. A suspension of one (1) month would suffice considering that this is his first offense.

As for respondent Clerk of Court Atty. Ernesto B. Estoya, who was designated as the Ex-Officio Sheriff, he, having control and supervision over his personnel, should have seen to it that all writs issued by the courts in the province where he is assigned are executed promptly by the deputy sheriffs under his territorial jurisdiction.[31] He must be reprimanded for not having faithfully played his role as expected of him.[32] Respondent Lapor was overly but erroneously cautious in the performance of his job.

WHEREFORE, respondent sheriff Armando S. Lapor is found GUILTY of neglect of duty and is SUSPENDED for one (1) month. Respondent Clerk of Court VI Atty. Ernesto. B. Estoya is REPRIMANDED. Upon receipt of this decision, respondents are DIRECTED to immediately implement fully the subject writ within five (5) days and submit a return hereon to the Regional Trial Court of San Jose, Antique within the same period of time from implementation of the subject writ. They are STERNLY WARNED that a repetition of the same or similar acts in the future shall be dealt with more severely. Let a copy of the decision be attached to their personal records. SO ORDERED.

Panganiban, C.J. Ynares-Santiago, Austria-Martinez, and Callejo, SR., JJ., concur.

[1] Rollo, pp. 9-10.

[2] Id., p. 11.

[3] Id., pp. 11-12.

[4] Id., p. 12.

[5] Id., p. 49.

[6] Id., pp. 51-52.

[7] Id., p. 53.

[8] Id., pp. 54-55.

[9] Id., p. 62.

[10] Id., pp. 64-66.

[11] Id., pp. 85-91.

[12] Id., pp. 92-97.

[13] Id., p. 129.

[14] SEC. 10. Execution of judgment for specific act. —

x x x x

(d) Removal of improvements on property subject of execution. — When the property subject of the execution contains improvements constructed or planted by the judgment obligor or his agent, the officer shall not destroy, demolish or remove said improvements except upon special order of the court, issued upon motion of the judgment obligee after due hearing and after the former has failed to remove the same within a reasonable time fixed by the court. (This provision refers to a situation of improvements having been constructed or planted by the judgment obligor and not to a situation where the improvements were introduced by the judgment obligee, as in this case.)

[15] Revised Rules of Court, Rule 39, Sec. 10.

[16] Rollo, p. 64.

[17] 324 Phil. 1, 9 (1996).

[18] Rollo, pp. 27-28.

[19] Moya v. Bassig, A.M. No. 2796-P, 7 August 1985, 138 SCRA 49, 52.

[20] Caja v. Nanquil, A.M. No. P-04-1885, 13 September 2004, 438 SCRA 174, 199.

[21] Villareal v. Rarama, 317 Phil. 589, 597 (1995).

[22] Id., p. 598.

[23] Aquino v. Lavadia, 417 Phil. 770, 776 (2001).

[24] National Bureau of Investigation v. Tuliao, 337 Phil. 80, 82 (1997).

[25] A.M. No. P-03-1742, 18 September 2003, 411 SCRA 259, 269.

[26] 335 Phil. 527, 530-531 (1997).

[27] Wenceslao v. Madrazo, 317 Phil. 812, 820 (1995).

[28] Alabastro v. Moncada, Sr., A.M. No. P-04-1887, 16 December 2004, 447 SCRA 42, 57.

[29] Bernabe v. Eguia, supra note 25, p. 269, citing V.C. Ponce Co., v. Eduarte, 397 Phil. 498, 514 (2000).

[30] Zarate v. Untalan, A.M. No. MTJ-05-1584, 31 March 2005, 454 SCRA 206, 217.

[31] Handbook for Sheriffs, October 2003; The 2002 Revised Manual for Clerks of Court, Volume I, pp. 191 and 439.

[32] 2.2.4.1. serves and/or executes writs and processes addressed and/or assigned to him by the Court and prepares and submits returns of this proceedings; x x x. (The 2002 Revised Manual for Clerks of Court, Volume I, p. 205)

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