

**AMALIA MORENO, PLAINTIFF AND APPELLEE, VS. LEON REYES,
NEMESIO REYES, ANDRES GARCHITORENA, AND CASIMIRO
NATIVIDAD, DEFENDANTS AND APPELLANTS.**

G.R. No. 13031. January 07, 1919

Ponente: JOHNSON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-13031/>

JOHNSON, J.:

This is an action to recover of the defendant Leon Reyes, as sheriff of the Province of Ambos Camarines, and his bondsmen, his codefendants, the sum of P5,796.66, together with damages. The facts upon which the action is based have been agreed upon. They are simple and may be stated as follows: (1) In the year 1909 the said Leon Reyes was acting in the capacity of sheriff in the Province of Ambos Camarines. (2) As said sheriff, by virtue of an execution duly issued by the court, Leon Reyes levied upon and sold certain real estate belonging to Amalia Moreno. (3) That after said sale, Amalia Moreno, in order to redeem the land sold, delivered to Leon Reyes, and took a receipt therefore, the sum of P5,796.66; that said sum was delivered in the months of June and July, 1909; that later, by reason of facts which it is unnecessary here to restate, it was decided that Amalia Moreno was not entitled to redeem said land; that thereupon, Amalia Moreno made a demand upon Leon Reyes, as sheriff, for a return of said sum of money, which demand was refused. (4) That by reason of the refusal and failure of Leon Reyes to return the said sum of money, the present action was instituted upon the 13th day of November, 1915, in the Court of First Instance of Ambos Camarines, against Leon Reyes, as sheriff of said province, and his codefendants who were his bondsmen, for the purpose of recovering the sum of P5,796.66, together with damages.

The lower court, after consideration of the stipulated facts, rendered a judgment in favor of the plaintiff and against the defendants for the sum of P5,796.66, with legal interest from the date of the commencement of the present action. From that judgment the defendant appealed to this court.

The money in question was received by Leon Reyes, as sheriff. It was received by him by virtue of his office, as sheriff. It was his duty, as sheriff, to faithfully account for said money. If the sheriff, as such, receives money which he has no right to retain, it is his official duty to return the same. For the faithful performance of his duty, Leon Reyes gave a bond, with his codefendants as sureties, by which he, with them, became jointly and severally liable to all persons in interest for all moneys and property coming into his hands as such sheriff, etc. And the expiration of his term of office does not relieve him and them from that responsibility. (Williams vs. Grundysen, 55 N. W. Rep., 567; Lamar vs. McCulloch, 115 U. S., 163; U. S. vs. Nicholl, 12 Wheat. [U. S.], 505; 25 Am. and Eng. Encyc. of Law, pp. 722, 725; 35 Cyc, 1910; Heppe vs. Johnson, 73 CaL, 265.)

After an examination of the stipulated facts in relation with the bond which the defendants gave and the law applicable to the liability of sheriffs under such facts, we find no reason or justification for modifying or altering the judgment of the lower court. The same is, therefore, hereby affirmed, with costs. So ordered,

Torres, Street, Malcolm, and Avanceña, JJ., concur.

Judgment affirmed,

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.