

**[ ADMINISTRATIVE ORDER NO. 101, January 08, 1968 ]**

**REPRIMANDING MR. ERIBERTO A. UNSON, PROVINCIAL SHERIFF EX OFFICIO OF DAVAO**

This is an administrative case against Provincial Sheriff ex officio Eriberto A. Unson and Deputy Sheriffs Jovito P. Verzosa, Bienvenido C. Plata and Jose Villanueva, all of Davao, for gross negligence in the performance of their duties in connection with the execution of writs of execution issued by the Court of First Instance of said province, which was investigated by the Executive Judge of the Court of First Instance of Davao.

In a decision rendered on August 12, 1966, in Administrative Case No. R-27976 the Commissioner of Civil Service found the respondents except Eriberto A. Unson guilty as charged and imposed upon each of them a fine of one (1) month's pay with a warning that commission of the same offense will be dealt with more drastically. The decision does not cover Provincial Sheriff ex officio Eriberto A. Unson, being Presidential appointee.

In denying the charge against him, respondent Unson claims that the delay in the enforcement of the writs of execution issued by the court in civil cases was due to the difficulty encountered by the serving officers (Deputy Sheriffs) in locating the defendants or judgment debtors; that he could not be held responsible on command responsibility for the acts of his deputies because he had issued memoranda on several dates to the deputy sheriffs even before the administrative case against him was filed, requiring him deputies to return to the court the legal processes particularly the writ of execution within the required period and to notify the attorney concerned of the action taken, if any. The Investigating Judge, after considering the defense offered by respondent, believes "that it is not enough for him [respondent Unson] to sign memoranda what he should have done is to see and follow up whether his deputies complied with their assigned task which he failed to do in this case."

The Department of Justice concurs in the findings of the Investigating Judge that respondent Unson is responsible "for not diligently seeing and following up that his deputies perform their duties punctually and promptly," and for which he is liable for the undue delay incurred by his subordinates. The Department in finding respondent Unson guilty of negligence, however, recommends reprimand, as respondent's "numerous responsibilities, being also a clerk of court, should be considered in his favor as materially contributing to his inability to exercise executive supervision over his deputies."

After going over the records of the case, I find the findings of the Investigating Judge well taken.