

THIRD DIVISION

[A.M. No. P-87-100, February 12, 1997]

**FELISA ELIC VDA. DE ABELLERA, COMPLAINANT, VS. NEMESIO
N. DALISAY, DEPUTY SHERIFF, REGIONAL TRIAL COURT,
BRANCH 9 BALAYAN, BATANGAS, RESPONDENT.
D E C I S I O N**

MELO, J.:

The instant administrative case involves accusations of dishonesty and other irregularities leveled against respondent Deputy Sheriff Nemesio Dalisay. It has its origins in the execution of the decision of the Regional Trial Court of the Fourth Judicial Region (Branch IX, Balayan, Batangas) in its Civil Case No. 1546 entitled "Felisa Abellera vs. Republic Planters Bank and Manuel Ona."

Plaintiff therein, Felisa Abellera, in her complaint-affidavit alleged that she obtained a judgment in her favor ordering Republic Planters Bank (RPB) to pay the amount of P317,387.40. This judgment became final and executory. On July 13, 1987, she went with respondent to the Balayan branch of RPB to collect the award. Respondent talked to the bank manager, Rufino Pamaran (Rollo, pp. 1-2). Two RPB Manager's Checks were issued: Check No. 545747 for P30,000.00 payable to Nemesio Dalisay, and Check No. 545748 for P285,648.66 payable to Felisa Elic vda. de Abellera. The balance of P1,738.74 was given as a discount as agreed upon by the bank and respondent (Report and Recommendation, p. 3; Rollo, p. 102). Respondent Deputy Sheriff explained to complainant that the P30,000.00 answers for his 10% sheriff's fees as agreed upon with her counsel, Atty. Pedro Belmi. Not knowing any better, complainant was prevailed upon by respondent to sign the necessary receipts. When she talked to her lawyer, he denied any such agreement and protested that aside from being excessive, the amount should not be charged against her as she was the prevailing party. Complainant also alleged that she learned that respondent received another P30,000.00 from RPB. Thus, Abellera, through her counsel, filed before this Court a complaint-affidavit dated July 20, 1987 charging respondent with dishonesty and other irregularities (Rollo, pp. 1-2).

The Court, per a Resolution dated September 21, 1987, ordered respondent to file his comment within ten days from notice (Ibid., p. 4). After several extensions, respondent finally filed his unverified letter-comment, personally, which the Court received on February 15, 1988 (Ibid., pp. 5-14). In said letter-comment, respondent denied all accusations made by the complainant. He also stated that his execution of the decision in Civil Case No. 1546 was proper and regular and that the receipts, duly signed by complainant and annexed to his letter-comment prove his innocence (Ibid., pp.-17-18).

In her Reply, complainant reiterated her charges (Ibid., pp. 27-29). Thereafter, the Court, through a Resolution dated March 21, 1988 referred the case to Acting Executive Judge Ernesto H. Gorospe of the Regional Trial Court of the Fourth Judicial