

THIRD DIVISION

[A.M. No. P-13-3163 [Formerly OCA IPI No. 12-3861-P], December 01, 2014]

MARCIDITO A. MIRANDA, COMPLAINANT, VS. ERNESTO G. RAYMUNDO, JR., SHERIFF III, METROPOLITAN TRIAL COURT, BRANCH 74, TAGUIG CITY, RESPONDENT.

DECISION

PERALTA, J.:

The instant administrative case arose from the complaint filed by Marcidito A. Miranda, charging respondent Ernesto G. Raymundo, Jr., Sheriff III of the Metropolitan Trial Court (*MeTC*) of Taguig City, Branch 74, of dereliction of duty.

The antecedents are as follows:

Complainant Marcidito A. Miranda filed a complaint^[1] for unlawful detainer against defendant Joel Pido. After due proceedings, the MeTC, Branch 74, Taguig City, rendered a Decision^[2] in favor of the complainant. In the said decision, defendant Pido and all persons claiming rights under him were ordered to vacate the property and to pay the costs of suit. The dispositive portion of said decision reads:

WHEREFORE, judgment is hereby rendered in favor of plaintiff Marcidito A. Miranda and against defendant Joel Pido, to wit:

1. Ordering defendant Joel Pido and all persons claiming rights under him to vacate and surrender possession of the property located in Franco St., DOTC Compound, Psd-016848, Purok 2-A, Lower Bicutan, Taguig City, measuring 300 square meters to the plaintiff; and
2. Ordering the defendant Joel Pido to pay the costs of suit.

SO ORDERED.^[3]

Complainant, as plaintiff therein, then filed a motion for execution which was granted by the trial court on November 9, 2007.^[4] Consequently, a Writ of Execution^[5] was issued by the trial court on December 7, 2007. Herein respondent was the Sheriff assigned to implement the writ of execution. In his Sheriff's Return^[6] dated February 8, 2008, respondent sheriff informed the trial court that despite the service of the writ to the defendant, the latter and all persons claiming rights under him, are still occupying the subject premises and refused to vacate the same.

Complainant alleged that on October 21, 2008, respondent sheriff, after having

received the amount of Ten Thousand Pesos (PhP10,000.00) from him, returned to the subject property to enforce the writ. However, the wife of defendant Pido pleaded that they be allowed to stay in the subject premises until October 26, 2008. When the occupants failed to vacate the subject property on the agreed date, complainant Miranda approached respondent sheriff to seek the writ's enforcement anew. However, complainant Miranda was taken by surprise when respondent sheriff asked for another Six Thousand Pesos (PhP6,000.00). Since complainant could not produce the amount requested by the respondent sheriff, the writ was not implemented anew.

On July 23, 2010, complainant filed a Motion To Issue an Alias Writ of Execution, which the trial court granted on January 27, 2011.^[7] Accordingly, an Alias Writ of Execution was issued on February 4, 2011.^[8] Complainant Miranda averred that he was assured by respondent sheriff that the writ would be implemented on March 4, 2011, but the date passed without any affirmative action from the latter. In his Sheriff's Return^[9] dated March 25, 2011, respondent sheriff again informed the court that defendant Pido refused to vacate the property and padlocked the front door of their residence to avoid the implementation of the said writ.

Due to the foregoing, on February 10, 2012, complainant filed an *Ex Parte* Motion to Break Open with Motion for the Issuance of a Writ of Possession which was granted by the trial court on March 23, 2012.^[10] Complainant alleged that respondent sheriff again failed to enforce the directives of the trial court, citing this time the absence of police officers and *barangay* officers. With the repeated and inexcusable failure of respondent sheriff to implement the writ, complainant decided to institute the present administrative complaint.

On April 23, 2012,^[11] the Office of the Court Administrator (OCA) directed the respondent sheriff to comment on the complaint. In his Comment,^[12] respondent sheriff denied the allegations that he received money from the complainant and that he refused to enforce the writ issued by the trial court.

On September 12, 2013,^[13] the OCA recommended: that the instant administrative complaint be re-docketed as a regular administrative matter; respondent sheriff be found guilty of simple neglect of duty; and that a fine be imposed equivalent to his salary for two (2) months, with a stern warning that a repetition of the same offense shall be dealt with severely by the Court. The OCA found that while complainant failed to adduce proof to substantiate his claim that respondent sheriff accepted money from him, the latter's inexcusable failure to implement the writ has been established.

The Court's Ruling

We agree with the conclusion of the OCA that respondent is guilty of simple neglect of duty for his failure to enforce the writ of execution issued by the trial court.

Sheriffs play an important role in the administration of justice. They are tasked to execute final judgments of the courts. If not enforced, such decisions become empty victories of the prevailing parties. As agents of the law, sheriffs are called upon to discharge their duties with due care and utmost diligence because in serving the