

EN BANC

[A.M. No. P-90-488, January 25, 2011]

**OFFICE OF THE COURT ADMINISTRATOR COMPLAINANT, VS.
JOSE M. RAMANO, DEPUTY SHERIFF, REGIONAL TRIAL COURT,
BRANCH 140, MAKATI CITY, RESPONDENT.**

D E C I S I O N

PER CURIAM:

The instant administrative complaint before us stemmed from a criminal case for violation of Republic Act (R.A.) No. 3019, otherwise known as the Anti-Graft and Corruption Practices Act, which was filed by Jose S. Dela Riva against respondent Jose M. Ramano, Deputy Sheriff, of the Regional Trial Court of Makati City, Branch 140.

The facts, as culled from the records, are as follows:

On July 6, 1990, complainant Jose S. Dela Riva filed before the Sandiganbayan, an Information for violation of Section 3 (f) of R.A. No. 3019, as amended, against respondent Jose M. Ramano (Ramano) for alleged extortion, deliberate delay in serving court processes, and refusal to levy, relative to Civil Case No. 35349. The complaint against Ramano was docketed as Criminal Case No. 15166 entitled *People of the Philippines v. Jose M. Ramano*.

Thus, on August 7, 1990, pursuant to the En Banc Resolution^[1] dated March 12, 1981, then Court Administrator Meynardo A. Tiro filed the instant administrative case against Ramano.

Subsequently, in a Resolution dated August 27, 1990, the Court required Ramano to file his Comment on the instant complaint.

In his Comment, Ramano adopted his previous Comments filed before the Office of the Ombudsman and the Sandiganbayan. He maintained his denial of the charges against him. He reiterated that the delay in the implementation of the Writ of Execution was due to complainant Dela Riva's continued and unexplained refusal to consult with his lawyer, as well as his failure to locate and point out the properties to be levied upon. He vehemently denied complainant's allegation of extortion and his demand for a 35% share on all recoveries.

On October 10, 1990, the Court resolved to hold in abeyance the administrative proceedings in the instant case pending judgment in Criminal Case No. 15166.

On November 4, 1991, the Sandiganbayan rendered a Decision convicting Ramano for violation of RA 3019. Ramano moved for reconsideration, but was denied on June 15, 1992. The petition for review on *certiorari* was also dismissed by this Court

and, subsequently, an entry of judgment was issued on March 25, 1993. Later, due to Ramano's failure to appear during the promulgation of judgment on June 15, 1993, the court ordered his arrest. To this date, Ramano remains at-large.

Moreover, per records of the Office of Administrative Services, Office of the Court Administrator (OCA), Ramano had been absent from work without official leave since July 1, 1993. The Court, however, resolved to hold in abeyance the action of dropping Ramano from the service due to the pendency of the instant complaint.

On February 13, 2008, the Court referred the instant administrative matter to the OCA for evaluation, report and recommendation.

On May 19, 2008, in its Report,^[2] the OCA considered the Sandiganbayan's findings that Ramano refused to take any sincere or determined effort to implement the Writ of Execution in order to compel complainant Dela Riva to agree to his demand for a 35% share in whatever may be collected. It concluded that Ramano's refusal to perform his duty was deliberate and was adopted as a means to obtain some consideration.

The OCA likewise pointed out that Ramano is technically a fugitive as he has remained at-large for more than a decade since his conviction having been absent from work without leave since July 1993.

Thus, considering that in administrative proceedings, only substantial evidence is required, the OCA found Ramano guilty of serious misconduct and recommended his dismissal from service with forfeiture of all benefits, except accrued leave credits.

We adopt the recommendation of the OCA.

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 are not unduly delayed. Accordingly, they must comply with their mandated ministerial duty as speedily as possible.^[3]

In the instant case, it was established that Ramano had been negligent in implementing the subject writ due to complainant Dela Riva's refusal to give in to respondent's demand that he be given 35% share of whatever may be collected from the implementation of the writ. Apparently, complainant Dela Riva even provided substantial leads to assist Ramano in pursuing the implementation of the writ, but the latter stubbornly refused to facilitate it. While pointing the blame to complainant Dela Riva's alleged continued and unexplained refusal to consult with his counsel, as well as failure to locate the properties to be levied upon, Ramano himself failed to even make inquiries and verification with the pertinent government offices, such as the Office of Philippine Coast Guard, Land Transportation Office, or the Register of Deeds, which could have been helpful in locating the properties subject to execution. The Court also found no other reason why complainant Dela Riva would institute a criminal action against the accused if he was innocent of the charges.