

FIRST DIVISION

[A.M. No. P-07-2391, February 12, 2009]

JENNIFER B. DOMINGO, COMPLAINANT, VS. SILVINO R. MALANA, JR. AND CIPRIANO B. VERBO, JR., BOTH SHERIFF IV, REGIONAL TRIAL COURT, OFFICE OF THE CLERK OF COURT, TUGUEGARAO CITY, RESPONDENTS.

D E C I S I O N

CARPIO, J.:

The Case

Sheriffs must exert every effort to see to it that execution of judgment is carried out in order to ensure a speedy and efficient administration of justice. A writ or process left unexecuted or delayed due to their inefficiency is rendered inutile, and worse, the parties who are prejudiced tend to condemn the entire judicial system.

The Facts

In a letter-complaint dated 8 February 2001,^[1] complainant Jennifer B. Domingo (Domingo) charged respondents Sheriff Silvino R. Malana, Jr. (Malana) and Cipriano B. Verbo, Jr. (Verbo), both Sheriff IV of the Regional Trial Court, Office of the Clerk of Court of Tuguegarao City (RTC-OCC), for failure to fully implement the writ of demolition in Civil Case No. 079.

Domingo alleged that the writ of demolition was referred to respondents for implementation in November 2000 but the latter informed Domingo that the implementation would have to wait until 24 January 2001 because the schedule for the month of November was full and the court would not implement demolitions during the month of December. Respondents further requested Domingo to provide a service vehicle from Tuguegarao to Centro Baggao, Cagayan, where the demolition was to take place. Domingo agreed. Domingo's brother Emil Baleva brought a service vehicle to fetch respondents in Tuguegarao City going to Centro Baggao.

The parties arrived at their destination where the hired laborers were already waiting. Before the demolition, Willie de Guzman, a defendant in Civil Case No. 079 and a policeman assigned at Baggao Police Station, requested for additional three days within which to vacate the place. Domingo refused considering that the defendants in the case had been given sufficient time to vacate the place and were notified of the demolition since November 2000.

The demolition started at around 10:00 in the morning and lasted until 3:00 in the afternoon when respondent Verbo directed its discontinuance. The house of Willie de Guzman was left undemolished. Respondent Verbo allegedly informed Domingo that the operation would continue on 27 January 2001, despite the objection of the

latter.

On the agreed date, Domingo's brother Emil Baleva went to see respondent Verbo to follow-up the scheduled demolition. He was told that respondents could not go back to Baggao because of previous commitments. Respondents further assured Domingo's brother that the demolition would continue on 8 or 9 February 2001. But, two days before the date, respondents informed him that they would complete the demolition in March 2001 with no exact date.

In the 1st Indorsement dated 6 March 2001,^[2] then Acting Court Administrator Zenaida N. Elepaño referred to respondents the letter-complaint for comment.

In their Letter dated 5 April 2001,^[3] respondents admitted that when the writ of demolition was referred to them, they told Domingo that the writ could be implemented on 24 January 2001 considering the full schedule in November and the usual no-demolition policy in December. Respondents further averred that defendant Willie de Guzman and his wife presented to them a letter bearing the signature of their lawyer and attaching a third party claim. Willie de Guzman allegedly told respondents that they could not demolish their house due to a pending case in the Regional Trial Court, Branch 2, Tuguegarao, but respondents informed him that in the absence of any restraining order, they would implement the demolition. Respondents explained that they did not commit to go back and continue the demolition in Baggao on the 27th of January 2001. Neither did they promise Domingo's brother that the continuation of the demolition would be on 8 or 9 February 2001. Respondents clarified that they set the completion of the demolition on 8 or 9 March 2001. The writ of demolition was fully implemented on 9 March 2001 and the subject property was turned over to Domingo on the same date.

In the Resolution dated 11 November 2002, the Court referred the case to Judge Jimmy Henry Luczon, Jr., the Executive Judge of the Regional Trial Court, Tuguegarao City, Cagayan, Branch 1 (Investigating Judge), for investigation, report and recommendation.^[4]

Report of the Investigating Judge

In the Investigation Report and Recommendation dated 14 March 2005,^[5] the Investigating Judge recommended the dismissal of the administrative case for lack of merit. But, this Court issued a resolution directing the Investigating Judge to require the Clerk of Court of the RTC-OCC to submit the accomplishment report of respondents covering the period from November 2000 to 9 March 2001, attaching copies of the Sheriff's Report/Sheriff's Return. The entire records of the case were returned to the Investigating Judge for further investigation, report and recommendation.^[6]

In his Supplemental Report and Recommendation,^[7] the Investigating Judge found that respondents were remiss in the performance of their duties as sheriffs for failure to execute the lawful orders of the court. The Investigating Judge recommended that respondents be imposed a fine of P3,000 each.