

## EN BANC

**[ A.M. No. P-06-2169 (Formerly OCA IPI No. 05-2251-P), March 28, 2008 ]**

**ROGELIO V. URBANOZO, COMPLAINANT, VS. CRISANTO T. FLORA, SHERIFF IV, REGIONAL TRIAL COURT, OFFICE OF THE CLERK OF COURT, BAGUIO CITY, RESPONDENT.**

### R E S O L U T I O N

#### PER CURIAM:

In a complaint-affidavit<sup>[1]</sup> dated July 18, 2005, complainant Rogelio V. Urbanozo charged respondent Sheriff IV Crisanto T. Flora of the Regional Trial Court (RTC) of Baguio City with gross neglect of duty and grave misconduct (for falsification of official documents) relative to Civil Case No. 2841-R<sup>[2]</sup> entitled *Spouses Rogelio V. Urbanozo and Adelaida C. Urbanozo v. Spouses Virginia A. Vallejo and Arnold Vallejo*.

Complainant alleged that respondent asked for P5,000 to cover "fees and expenses" for enforcing the writ of execution dated February 20, 2001 issued by the RTC of Baguio City, Branch 4.<sup>[3]</sup> Respondent did not issue a receipt.

Several follow-ups by complainant yielded nothing positive about the enforcement of the writ until May 26, 2005 when respondent gave complainant's daughter a copy of the sheriff's return<sup>[4]</sup> dated June 15, 2001. Complainant, however, learned that no copy thereof was ever submitted to the court. In fact, OIC clerk of court James D. Balagtey issued a certification,<sup>[5]</sup> dated June 2, 2005, that, per sheriff's return dated June 15, 2001, the writ of execution had been returned unsatisfied and that the return was submitted to the court of origin only on May 27, 2005.

Acting on the complaint, the Office of the Court Administrator (OCA) directed respondent to comment.<sup>[6]</sup>

In his comment<sup>[7]</sup> dated September 10, 2005, respondent admitted that the writ of execution issued by the RTC had indeed been assigned to him for implementation. He likewise acknowledged that he received the P5,000 to defray his expenses in going to Cordon, Isabela from Baguio City to enforce the writ. He further declared that he did issue the sheriff's return dated June 15, 2001 but submitted it to the court only on May 27, 2005.

Respondent averred that he promptly went to Cordon, Isabela to enforce the writ. Finding that there was no Registry of Deeds, he went to the Office of the Municipal Assessor to look for any property registered in the name of the spouses Virginia and Arnold Vallejo. However, he was not able to locate any because the Municipal Assessor happened to be Virginia Vallejo herself and the latter refused respondent's

request to be furnished such information. Respondent claimed he exerted diligent efforts to find any property belonging to the spouses Vallejo; he was able to find a vehicle belonging to them but this was already the subject of another writ of replevin.

After his first trip to Cordon, respondent was no longer able to implement the writ because he was suspended from August 1, 2001 to July 31, 2002. Consequently, all the writs and processes assigned to him for implementation were turned over to the Office of the Clerk of Court.

Sometime in March 2005, the branch clerk of court inquired from respondent about the sheriff's return. It was only on May 27, 2005 that he submitted to the issuing court the sheriff's return dated June 15, 2001. Respondent stated that he had no intention of delaying or denying the satisfaction of complainant's claim. He claimed that he was not able to perform his duty due to his suspension from office.

In its memorandum,<sup>[8]</sup> the OCA found respondent liable for gross neglect of duty and recommended his dismissal from the service without forfeiture of leave credits and retirement benefits.

We agree with the findings of the OCA and adopt its recommendation with modification.

The administration of justice is a sacred task and it demands the highest degree of efficiency, dedication and professionalism.<sup>[9]</sup> Sheriffs ought to know that they have a sworn responsibility to serve writs of execution with utmost dispatch<sup>[10]</sup> so as not to unduly delay the administration of justice;<sup>[11]</sup> otherwise, the judgment, if not executed, would be futile,<sup>[12]</sup> an empty victory on the part of the prevailing party.<sup>[13]</sup>

Further, being ranking officers of the court and agents of the law, they must discharge their duties with great care and diligence.<sup>[14]</sup> As the frontline representatives<sup>[15]</sup> of the judiciary, their conduct reflects its image. When writs are placed in their hands, sheriffs have the ministerial duty to proceed with reasonable celerity and promptness to execute them in accordance with their mandate.<sup>[16]</sup> Unless restrained by a court order, they should see to it that the execution of a judgment is not delayed.<sup>[17]</sup> Accordingly, they must comply with their mandated ministerial duty as promptly as possible.<sup>[18]</sup> Good faith is of no moment. They are presumed to know that they ought to comply fully with what is expected of them.<sup>[19]</sup>

Rule 39 of the Rules of Court states the duties of sheriffs in the execution of judgments. Section 14 thereof provides:

Sec. 14. Return of writ of execution. - The writ of execution shall be returnable to the court issuing it immediately after the judgment has been satisfied in part or in full. If the judgment cannot be satisfied in full within thirty (30) days after his receipt of the writ, the officer shall report to the court and state the reasons therefor. Such writ shall continue in effect during the period within which the judgment may be enforced by

motion. The officer shall make a report to the court every thirty (30) days on the proceedings taken thereon until the judgment is satisfied in full, or its effectivity expires. The returns or periodic reports shall set forth the whole of the proceedings taken, and shall be filed with the court and copies thereof promptly furnished the parties.

Accordingly, the sheriff is mandated to make periodic reports on partially satisfied or unsatisfied writs every 30 days, until the judgment is satisfied or its effectivity expires.<sup>[20]</sup> The reason for this requirement is to update the court on the status of the execution and to explain to it why the judgment has not been satisfied. It also enables the court to determine how efficiently court processes are carried out after the promulgation of judgment. The over-all purpose of the requirement is to ensure the speedy execution of decisions. <sup>[21]</sup>

In this case, respondent's gross negligence was evident. The records show that the writ of execution was issued and assigned to respondent on February 20, 2001, way before his suspension took effect on August 1, 2001. Thus, respondent had the writ at his disposal for more than five months before his suspension.

That entire time, respondent went only once to Cordon, Isabela to serve the writ on the defendants Virginia and Arnold Vallejo. He was unsuccessful in satisfying the judgment. However, he did not report this to the court as required by the Rules of Court within 30 days from his receipt of the writ of execution. Respondent simply stopped enforcing the writ. It was only on May 26, 2005 when he furnished complainant's daughter a copy of his sheriff's return. Moreover, as certified by OIC clerk of court Balagtey, respondent sheriff's return was submitted to the court of origin only on May 27, 2005.<sup>[22]</sup>

Respondent's use of his one-year suspension as an excuse for his bad performance cannot be countenanced. Respondent should have been more diligent in performing his duties. He had more than enough time to implement the writ. At the very least, he should have informed the court immediately that the judgment was unsatisfied. Instead, he waited for more than four years before submitting his return. Not only did he fail to make the required periodic reports; it also took him a long time to submit his only report to the court. As the OCA put it:

Respondent's delay to perform his function for a span of more than four (4) years, compared to the prescribed period of 30 days, is abominable to the great prejudice and irreparable damage of the complainant, otherwise, remedial measures could have been undertaken.<sup>[23]</sup>

The failure or neglect to perform his duty for an unreasonably long period constituted inefficiency and gross neglect of duty.

But more than this neglect of duty, respondent also committed misconduct. Section 10, Rule 141 of the Rules of Court provides:

Sec. 10. Sheriffs, Process Servers and other persons serving processes.--

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With regard to sheriff's expenses in executing writs issued pursuant to