

THIRD DIVISION

[A.M. NO. P-06-2128 (FORMERLY A.M. NO. 04-5-313-RTC), February 16, 2006]

LETTER OF ATTY. SOCORRO M. VILLAMER-BASILLA, CLERK OF COURT V, REGIONAL TRIAL COURT, BRANCH 4, LEGASPI CITY ON THE ALLEGED IMPROPER CONDUCT OF MANUEL L. ARIMADO, SHERIFF IV

D E C I S I O N

CARPIO MORALES, J.:

The administrative complaint at bar against Sheriff IV Manuel L. Arimado (respondent) of the Legaspi City Regional Trial Court (RTC) arose from his enforcement of a writ of preliminary attachment issued in a civil case.

It appears that on December 10, 2003, the Branch Clerk of Court of Branch 4 of the Legaspi City RTC issued a writ of attachment after the ex parte motion of the plaintiffs in Civil Case No. 10203, "*Spouses Ephraim and Ma. Corazon Despabiladeras v. Spouses Carleen and Dione Magno*" for the issuance of a writ of preliminary attachment on a property covered by Transfer Certificate of Title (T.C.T.) No. 43947 registered in the name of the therein defendants, was granted.

The writ of attachment commanded respondent to attach the property covered by T.C.T. No. 43947, but he attached a different property, one located in the mountain and of lower market value.

Counsel for the plaintiffs thus filed a *Motion to Require Sheriff Manuel Arimado to Explain*^[1] his noncompliance with the court order and the writ of attachment.^[2]

After respondent submitted his Comment which merited a Rejoinder from the therein plaintiffs-movants, the trial court issued an Order dated February 23, 2004 resolving as follows:

X X X X

1. To ORDER Manuel L. Arimado, Sheriff IV to attach the property covered by TCT No. 43947 in the name of the defendants; and
2. To **REQUIRE Manuel L. Arimado, Sheriff IV to explain in writing within five (5) days from today why he should not he dealt with administratively for receiving the amount of 1,000.00 Php from the plaintiffs, thru counsel, Atty. Fernando E. Balmaceda, Jr. without furnishing the plaintiffs the estimate or detail of expenses and without securing the approval of the Court (which omission is simple misconduct)**

in violation of Sec. 9, Rule 141, Revised Rules of Court (See Danao vs. Franco, Jr. A.M. No. P-02-1569, November 13, 2002).

Consequently, the resolution on Sheriff Arimado's Motion is held in abeyance until after compliance with this Order is made.

Transmit a copy of this Order together with plaintiffs' Motion and Rejoinder and the Explanation of Sheriff Arimado to the Hon. Court Administrator for his information and appropriate action.^[3]
(Emphasis and underscoring supplied)

In compliance with the above-quoted February 23, 2004 order of the trial court, respondent explained as follows, quoted verbatim:

1. That only the amount of P630.00 was received by him;
2. That he did not demand any amount. It was advanced to him by counsel for the plaintiff in payment for the necessary expenses in connection with the implementation of the writ of attachment;
3. That with due respectf (sic) to this Honorable Court, since the amount will be utilized in the payment of the Writ, levy of attachment and documentation (to include xeroxing of bond), undersigned did not ask for the approval of estimated expenses since the sheriff will not be spending an amount in said implementation;
4. That if those expenses were unwarranted, then the amount will be returned to plaintiff after deducting the lawful fees in the total amount of P317.00, broken down as follows:

WRIT OF ATTACHMENT	P60.00
LEVY ON ATTACHMENT	137.00
XEROX (Bond [paper] 40 x P1x 3 sets)	120.00 ^[4]

The Branch Clerk of Court, complying with the order of the trial court, forwarded to the Office of the Court Administrator (OCA), by letter^[5]-of March 3, 2004, the following documents bearing on Civil Case No. 10203: (1) Duplicate original copy of the trial court's Order dated February 23, 2004, (2) Certified copy of the Plaintiff's Motion to Require Sheriff, (3) Certified copy of the Plaintiff's Rejoinder to respondent's Comment, and (4) Duplicate original copy of the Compliance submitted by respondent.^[6]

Upon evaluation of the records, the OCA found that on the basis of the documents forwarded to it by the Branch Clerk of Court including the comment of respondent, it deemed it no longer necessary to again require respondent to file his comment. It then recommended that respondent be held guilty of misconduct in office and that he be suspended for a period of One (1) Month.^[7]

The Court finds the OCA's recommendation in order.

The conduct and behavior of everyone connected with an office charged with the dispensation of justice is circumscribed with a heavy burden of responsibility,