

SECOND DIVISION

[A.M. No. P-04-1782, July 30, 2004]

SERAFIN A. AÑONUEVO, COMPLAINANT, VS. JUDGE JOSE NOEL R. RUBIO, AND SHERIFF III DANILO C. ADILLE, MTCC-BR. 3, LEGAZPI CITY, RESPONDENT.

R E S O L U T I O N

PUNO, J.:

In a letter-complaint dated December 17, 2001, Serafin A. Añonuevo, Chairman of Legazpi Tricycle Transport Service Cooperative, Inc. (LETTRASCO), charged Judge Noel R. Rubio, MTCC-Legazpi City, Branch 3, with Rendering an Unjust Judgment in Civil Cases Nos. 4448 and 4449, and Sheriff Danilo C. Adille, of the same court, with Inefficiency and/or Dereliction of Duty in connection with the implementation of the writs of execution issued in the cases.

Complainant alleged that in 1997, LETTRASCO filed two (2) cases for collection of sums of money before the MTCC-Legazpi City against Florentino Revoltar and Alexander Daet, docketed as Civil Cases Nos. 4448 and 4449. LETTRASCO sought to recover ₱5,000.00 each from the defendants which they borrowed in 1995 but which they failed to pay. On February 29, 2000, respondent Judge decided the cases in favor of LETTRASCO. However, instead of directing the defendants to pay five percent (5%) monthly interest, as was stipulated in their respective statements of account with the cooperative, respondent Judge ordered them to pay twelve percent (12%) interest per annum from the date of judicial demand. Writs of execution in the two cases were issued on August 4, 2000. In December 2000, after much prodding from complainant and LETTRASCO, respondent Sheriff served the writs upon the defendants. On December 15, 2000, partial payments of ₱3,500.00 and ₱2,500.00 were received from Revoltar and Daet, respectively. In April 2001, Revoltar paid an additional ₱2,000.00. No additional payment was received from defendant Daet until the filing of the instant administrative complaint. Complainant thus charged respondent Judge with rendering an unjust judgment, and respondent Sheriff, with inefficiency and/or dereliction of duty for delay in implementing the writs of execution.

Respondent Judge denied the charge against him. In his Comment dated April 22, 2002, he contended that he decided Civil Cases Nos. 4448 and 4449 based on the evidence on record. He explained that he did not order the defendants to pay five percent (5%) monthly interest because the "Statement of Account"^[1] on which LETTRASCO based its claim was dubious. Blank portions of the document were filled up in different handwritings, giving the impression that they were done only after the debtor-defendants had already signed the statement. He further contends that if the decision is really erroneous, the remedy of LETTRASCO is appeal. He points out that the administrative complaint was filed almost two (2) years from the date the questioned decision was rendered and has already been partially executed.

For his part, respondent Sheriff Adille alleged that he has duly served the writs of execution on the defendants. Defendant Revoltar paid a total of ₱5,500.00 in December 2000 and April 2001 which was received by complainant's wife^[2] while Daet paid ₱2,000.00.^[3] Daet has not yet fully paid his judgment obligation as he is just a boundary tricycle driver residing in a rented dilapidated house but he promised to pay the balance on or before September 30, 2002. Respondent Sheriff pleads for compassion and understanding, and "requests [that complainant] consider Mr. Daet's assurance of payment."^[4]

On January 21, 2004, we dismissed the complaint against respondent Judge Rubio for lack of merit, as recommended by the Office of the Court Administrator (OCA).

With respect to respondent sheriff, the OCA recommends that he be held liable for neglect of duty and suspended for one (1) month with stern warning that repetition thereof or of similar acts will be dealt with more severely.

We agree.

Time and again, we have reminded court personnel to perform their assigned tasks promptly and with great care and diligence considering the important role they play in the administration of justice. With respect to sheriffs, they are to implement writs of execution and similar processes mindful that litigations do not end merely with the promulgation of judgments. Being the final stage in the litigation process, execution of judgments ought to be carried out speedily and efficiently since judgments left unexecuted or indefinitely delayed are rendered inutile and the parties prejudiced thereby, condemnatory of the entire judicial system.^[5] This admonition is now enshrined as Sec. 1, Canon IV of the **Code of Conduct for Court Personnel**,^[6] viz:

SECTION 1. Court personnel shall at all times perform official duties properly and with diligence. They shall commit themselves exclusively to the business and responsibilities of their office during working hours.

Even prior to the effectivity of the **Code**, we have disciplined sheriffs for delay in the implementation of writs of execution and similar processes. In **Morta v. Bagagñan**,^[7] we fined respondent sheriff for delay of six (6) months in the implementation of a writ of execution^[8] rejecting his proffered excuse of heavy workload. Likewise in **Paner v. Torres**,^[9] we found respondent sheriff guilty of dereliction of duty in deferring the implementation of a writ of demolition on the ground of the pendency of a motion for reconsideration of the order which granted the same, ruling that respondent's role in the execution of a judgment is purely ministerial and bereft of any discretion to determine whether to execute a judgment or not. Again in **Fajardo v. Quitilig**,^[10] we fined respondent sheriff for failure to immediately implement the writ of execution and to render periodic reports thereon, as required by the Rules of Court.

In the instant case, respondent sheriff not only delayed the implementation of the writs of execution in Civil Cases Nos. 4448 and 4449 for more than three (3) months, but acted only when prodded by complainant and LETTRASCO. Likewise, he failed to comply with Sec. 14, Rule 39 of the Rules of Court which provides, viz: