

SECOND DIVISION

[A.M. No. P-01-1451 (formerly OCA IPI No. 99-563-P), February 28, 2003]

LINA M. PANER, PETITIONER, VS. SHERIFF IV EDGARDO M. TORRES AND JUNIOR PROCESS SERVER ADRIANO A. VERGARA, RESPONDENTS.

R E S O L U T I O N

AUSTRIA-MARTINEZ, J.:

Herein complainant Lina M. Paner is one of the plaintiffs in Civil Case No. 3542 entitled *Anicia Mule v. Spouses Dominador Luna, et al.* for Ejectment filed before the Municipal Trial Court (MTC) of Calamba, Laguna which rendered judgment in favor of the plaintiffs. The other plaintiffs are her siblings and co-owners of the subject property.

The defendants interposed an appeal with the Regional Trial Court of Calamba, Laguna. Complainant and the other plaintiffs filed a motion for a writ of execution pending appeal with the MTC for insufficiency of the supersedeas bond put up by the defendants. The MTC granted the motion and the corresponding writ of execution pending appeal was issued.

Respondent Sheriff IV Edgardo M. Torres returned the writ unsatisfied reasoning that the defendants refused to vacate the subject premises. Complainant and her siblings filed a motion for a writ of Demolition. In an Order dated October 15, 1998, the MTC granted the motion and correspondingly issued the writ of Demolition.

Respondent Junior Process Server Adriano A. Vergara served a copy of the writ of demolition to the Office of the Provincial Sheriff but did not serve a copy to the parties.

Defendants filed a motion for reconsideration of the Order granting the motion for a writ of demolition. Respondent Sheriff issued a Sheriff's Return declaring that the implementation of the writ of demolition had been held in abeyance pending the resolution of the motion for reconsideration filed by the defendants. This prompted complainant to file with the Office of the Court Administrator an affidavit-complaint for Obstruction of Justice on December 1, 1998 against respondent Sheriff and Junior Process Server alleging that respondent Sheriff deliberately refused to enforce the writ of execution pending appeal; that respondent Sheriff demanded P15,000.00 for expenses for the implementation of the writ of demolition but complainant was able to give only P3,000.00; that to assist respondent Sheriff, complainant hired one heavy truck and engaged the services of twenty laborers. As regards respondent Junior Process Server, complainant alleged that said respondent deliberately did not serve them a copy of the Order granting their motion for a writ of demolition and that they came to know only of such Order when they received a