

## FIRST DIVISION

**[ A.M. No. P-03-1673 (Formerly OCA I.P.I. No. 02-1348-P), August 25, 2003 ]**

**LOUIE TRINIDAD, REPRESENTED BY HIS ATTORNEY-IN-FACT,  
NORA TRINIDAD, COMPLAINANT, VS. SOTERO S. PACLIBAR,  
SHERIFF III, REGIONAL TRIAL COURT, BRANCH 7, LEGAZPI  
CITY, RESPONDENT.**

### D E C I S I O N

**VITUG, J.:**

An administrative complaint was filed by Louie Trinidad, through his attorney-in-fact, Nora Trinidad, against respondent Sheriff III Sotero S. Paclibar of the Regional Trial Court, Branch 7, of Legazpi City, for conduct unbecoming a government official, estafa, and malversation. The charge stemmed from the alleged improper implementation by respondent of the writ of execution in Civil Case No. 9290, entitled "Louie Trinidad v. Spouses Enrique Vibar and Araceli Vibar and Emmanuel Vibar," for breach of contract with damages.

Complainant was the plaintiff in Civil Case No. 9290 in whose favor the trial court, after due hearing, rendered judgment. On 15 September 2000, the trial court ordered the issuance of a writ of execution. The writ was assigned to respondent sheriff for implementation. The complaint alleged that on 05 December 2000, respondent received from the judgment debtors the amount of P90,000.00 in full satisfaction of the judgment but, instead of remitting the sum to complainant, respondent "claim[ed], pretended, [and] falsely informed the former that he was not able to satisfactorily effected [sic] the writ, but only received P40,000.00 from the defendants [on] 19 February 2001, of which amount only P37,000.00 was turn[ed] over to the complainant, [after] deducting P3,000.00 for respondent's service fee." Then, during the months that followed, respondent gave complainant P5,000.00 on 01 June 2001, another P5,000.00 on 16 August 2001, and P16,000.00 in September 2001. Complainant sought the dismissal from the service, with forfeiture of benefits, of respondent and an order directing respondent to pay the balance of P27,000.00 [*i.e.*, P24,000.00 + P3,000.00] and the legal interest corresponding to the entire amount of P90,000.00 from the time respondent took hold of the money until the balance of P27,000.00 would have been fully settled.

In his answer, dated 21 May 2002, respondent admitted that he received from the judgment debtors the total amount of P85,558.80 computed, thus -

"1 -	Principal (as per decision)	P59,036.80
	Add: Interest at 12% p.a. starting	
	November 17, 1996 until fully paid.	
	P59,036.80 x [. ]12 = P6,084.41 [sic]	
	P6,084.41 x 4 yrs. = P24,337.64	24,337.64
11-	Sheriff's Fee	2,184.36