

FIRST DIVISION

[A.M. No. P-02-1550, October 03, 2003]

**AMELIA L. AVELLANOSA, COMPLAINANT, VS. JOSE Z. CAMASO,
SHERIFF IV, REGIONAL TRIAL COURT, BRANCH 24, CEBU CITY,
RESPONDENT.**

D E C I S I O N

VITUG, J.:

The instant administrative case stemmed from an affidavit-complaint, dated 16 October 2000, filed by Amelia Lomuntad Avellanosa charging respondent Jose Z. Camaso with failure to conduct an auction sale pursuant to an order, dated 04 August 2000, of the Regional Trial Court, Branch 24, of Cebu City, of a conjugal lot involved in Civil Case No. CEB-19293.

The Office of the Court Administrator (OCA) synthesized complainant's allegations thusly:

"She is the plaintiff in Civil Case No. CEB-19293 originally assigned to Judge Martin Ocampo, Branch 7, Cebu City. After the death of Judge Ocampo, the case was re-raffled to RTC, Branch 24 Cebu City, presided over by Judge Olegario Sarmiento, Jr.;

"On 04 August 2000, Judge Sarmiento issued an Order directing herein respondent to put on auction sale a lot in connection with the above-mentioned civil case;

"On or about 8 or 9 August 2000, she went to Branch 24 to secure a copy of the order and to follow-up its implementation with Sheriff Camaso, as she is in dire need of money for her medications;

"Upon being given a copy of the order, complainant proceeded to talk to the sheriff. She introduced herself to the latter who asked her, in a rude manner, for a copy of the description of the subject lot. She informed him that she did not bring a copy with her but they can get a copy from the court's records. Respondent vehemently refused and insisted that there is no such copy in his court files. Respondent then suddenly changed the subject and told her he was directed by Judge Sarmiento to make an accounting of the proceeds of the sale. He read to her a portion of the directive which states: `Plaintiff shall render an accounting to the court on the proceeds...' He then started to make an abstract of what he is going to spend, such as `pamasahe, merienda, at syempre, ang pagkain ko....'

"In desperation, she begged Sheriff Camaso to implement the order so she would have money to pay for her check-ups and laboratory tests. But

he said, 'Paano yan, wala ka pang pera! Paano ko mailalakad ito?' All this time, he kept pacing on the floor with complainant keeping pace with him despite the fact that she has difficulty walking;

"Respondent sheriff finally sat down only after she told him that all the money she had at that time was P20.00 but she will find a way to meet his demands if only he will tell her how much she would give him. To this he replied 'Meron ka naman dyan P140,000.00,' referring to the proceeds of the first auction sale. Complainant reasoned out that the money had been spent on attorney's fees, medicines, food and other personal needs, as well as the payment of debts. Complainant asked him again how much he really wanted and he answered: 'I will not quote and I won't quote!!!' He suddenly left her alone and when she saw him talking to Sheriff Guarin of Branch 7, she left the court.

"Attempts were made on several occasions to see Sheriff Camaso, but to no avail. Inquiries were made from the staff of Branch 24 as to what time the sheriff may be reached but she was told that he leaves the office very early at around 7:30 a.m. and does not come back for the rest of the day. She also asked if the sheriff could be reached by phone so she could make an appointment but the staff said that he has no phone;

"Becoming suspicious as to his being suddenly inaccessible, complainant went to the Palace of Justice, where Branch 24 is located, on two separate days before 7:30 a.m. and found that the doors of the courtroom are still locked at that hour. She also tried to go to Branch 24 when there are hearings to see if Sheriff Camaso was at his table, but all were in vain;

"She informed her lawyer of the aforementioned incidents and was told that he, too, also attempted to see the sheriff but was given the same answers. As a result, she filed a motion for the appointment of a special sheriff which was granted;

"Thereafter, complainant filed her grievance with the Office of the Ombudsman with a request for confrontation. The confrontation was held at the Office of Director Virginia Santiago, during which she ventilated all her grievances against the sheriff. The latter denied her allegations and instead made up his own story and tried to turn the tables on her. Further, while Director Santiago was explaining something to them, she happened to glance at Sheriff Camaso and caught him making faces, sticking his tongue out a little and smiling sarcastically. In a drained voice complainant told him not to be sarcastic, rude and arrogant. While Sheriff Camaso apologized, the same was, however, without sincerity as his sarcastic smile went on."

Respondent filed, in compliance with the directive of the OCA, his comment assailing the charges against him. He claimed that complainant had not paid the "government's commission" in the public auction sale of the first lot and when he reminded her about it, complainant retorted that he had no business telling her about it. Respondent likewise denied the contention that he could not be reached in his office and averred that his daily time record should refute complainant's