

THIRD DIVISION

[A.M. No. 01-1463 (formerly OCA I.P.I. No. 99-572-P), March 20, 2001]

**EVELYN ACUÑA, COMPLAINANT, VS. RODOLFO A. ALCANTARA,
SHERIFF IV, REGIONAL TRIAL COURT, BRANCH 50, VILLASIS,
PANGASINAN, RESPONDENT.**

D E C I S I O N

VITUG, J.:

In a verified letter-complaint, dated 27 October 1998, complainant Evelyn Acuña charged Rodolfo A. Alcantara, Sheriff IV of the Regional Trial Court of Villasis, Pangasinan, Branch 50, with negligence and manifest partiality relative to his conduct in Civil Case No. V-0413 ("Mrs. Gloria R. Ocampo vs. Mrs. Evelyn Acuña") for "recovery of sum of money with prayer for preliminary attachment." The trial court, on 23 December 1997, granted the preliminary attachment prayed for by plaintiff Ocampo. The writ was thereupon issued on the two flatboats of herein complainant Acuña.

Complainant averred that, in implementing the writ, respondent sheriff had failed to take the necessary precautions in protecting the attached property. Respondent entrusted the flatboats to a relative of plaintiff Ocampo under whose care one of the flatboats submerged. Later, the flatboats were turned over by respondent to the Philippine Coast Guard of Sual, Pangasinan, in which custody the flatboats were totally damaged due to several typhoons that visited the area.

Respondent explained, when required to comment, that when he implemented the writ of attachment, the flatboats were not seaworthy. Initially, he sought the assistance of the Philippine Coast Guard of Sual, Pangasinan, in safekeeping the flatboats but the Coast Guard refused to accept such custody without a court order. Meanwhile, respondent was constrained to dock the flatboats at the Sual port, tied them to a bamboo post and entrusted them to a son of plaintiff Ocampo although the keys were kept by the latter. Sometime in May, 1998, after being informed that one of the flatboats had sunk, he asked for a court order to have the Philippine Coast Guard take possession of the flatboats. The court directed accordingly. Respondent implemented the order of the trial court, dated 05 June 1998, by hiring men at his own expense to lift the submerged flatboat and by depositing the two flatboats with the Philippine Coast Guard in Sual, Pangasinan. On 18 September 1998, respondent received a request from the Philippine Coast Guard to transfer the flatboats to a safer place to prevent them from further deteriorating. Before he could act on the request, however, typhoons "Gading," "Illiang" and "Loleng" struck the place and destroyed the flatboats.

Respondent admitted having initially turned over the custody of the boats to the son of the plaintiff but that he did so only because the Philippine Coast Guard had then