

## FIRST DIVISION

[ A.M. No. P-97-1256, June 22, 1998 ]

**MARTIN V. BRIZUELA, COMPLAINANT, VS. DEPUTY SHERIFFS JOSEPH ANTONIL OF BRANCH 63; ERIBERTO DE CASTRO AND VILLAMOR VILLEGAS OF THE OFFICE OF THE CLERK OF COURT OF THE REGIONAL TRIAL COURT, MAKATI CITY, RESPONDENTS.**

### R E S O L U T I O N

**VITUG, J.:**

Joseph Antonil, Eriberto de Castro and Villamor Villegas, all Deputy Sheriffs assigned to the Regional Trial Court of Makati,<sup>[1]</sup> were charged by Martin V. Brizuela with grave misconduct, oppression and dishonesty in connection with the alleged wrongful implementation of a writ of possession and an *alias* writ of possession issued in LRC Case No. M-3510. Brizuela, the respondent in the LRC case, averred that respondent Sheriffs implemented a writ of possession, dated 24 May 1995, on 24 August 1995 which was well beyond the sixty-day period provided for by the Rules of Court within which the writ could be enforced. The complainant claimed that no one was in his house when the writ was implemented and respondent Sheriffs merely broke open the steel gates of the premises, entered the house, took out the personal belongings thereat and placed the items on the garage. He and his family, however, were able to later gain possession of the premises but only after the security guards posted thereat were told of the pending cases with the Court of Appeals involving the property. The complainant admitted that the temporary restraining order issued by the Court of Appeals had already expired but he maintained that respondent Sheriffs should have accorded due courtesy to the appellate court where a motion for the reconsideration of the denial of his motion for the issuance of an injunctive writ was filed. The complainant added that the irregular actuations of respondent Sheriffs were repeated on 01 September 1995 when the latter returned, accompanied by about a hundred personnel, to implement an *alias* writ of possession without bothering to wait for the resolution of his pending motion for reconsideration with the appellate court. This second time around, respondent Sheriffs took personal belongings worth about P5,000,000.00.

Respondent Sheriff de Castro, in his comment, dated 12 January 1996, explained that he only had taken part in the implementation of the *alias* writ of possession. He sought assistance from the Station Commander of Block 3, Bangkal, Makati City, because the complainant had hired seven heavily armed security guards from the ACD Investigation Security Agency in an attempt to thwart the enforcement of the writ. De Castro said that he and his fellow respondents did not attempt to implement the writ, until after complainant's lawyer arrived at about five o'clock in the afternoon, in order to give complainant a chance to secure a restraining order. Finally, de Castro maintained, the writ had been implemented in accordance with the rules prescribed therefor.