

FIRST DIVISION

[A.M. No. P-07-2290, May 25, 2007]

**LETICIA T. MALSI, COMPLAINANT, VS. SILVINO R. MALANA, JR.,
SHERIFF IV, REGIONAL TRIAL COURT, TUGUEGARAO CITY,
RESPONDENT.**

DECISION

AZCUNA, J.:

This is an administrative complaint filed by complainant Leticia T. Malsi against Sheriff Silvino R. Malana, Jr. of the Regional Trial Court (RTC) of Tuguegarao City in connection with the implementation of the Writ of Execution in Civil Case No. 771 entitled "Leticia Taguinod-Malsi v. Reymundo Valino."

Complainant Malsi obtained a favorable decision as the plaintiff in Civil Case No. 771 which was an action for a sum of money. The dispositive portion of the decision dated January 18, 2005 rendered by then Judge Jimmy R. Butacan of the Municipal Trial Court of Solana-Enrile, Cagayan reads as follows:

WHEREFORE, in view of the foregoing, judgment is hereby rendered in favor of the plaintiff and against the defendant ORDERING:

1. The defendant to pay the plaintiff the sum of SIXTY-ONE THOUSAND (P61,000.00) PESOS representing his indebtedness plus legal rate of interest of Twelve Percent (12%) per annum commencing from the date of filing of the instant case which was on June 7, 2002 up to the time of actual payment;
2. The defendant to pay the plaintiff the sum of FIFTEEN THOUSAND PESOS (P15,000.00) as Attorney's Fees;
3. The defendant to pay the plaintiff the sum of FIVE THOUSAND PESOS (P5,000.00) by way of exemplary damages; and
4. The defendant to pay the plaintiff the cost of suit of FIVE HUNDRED (P500.00) PESOS.

SO DECIDED.^[1]

The Writ of Execution was forwarded to the Office of the Clerk of Court of RTC, Tuguegarao City for implementation and was officially received by respondent Sheriff Malana, Jr. on July 15, 2005.

According to the letter-complaint dated June 8, 2006 filed by complainant with the Office of the Court Administrator, a copy of the writ was served upon the defendant Reymundo Valino who then promised to pay his obligation after the rice harvest. The

defendant thereafter asked complainant to call him once the crop was harvested. When subsequently informed of the same, the defendant purportedly never came.

Complainant further alleged that when she learned the defendant had leased his land, she again went to the office of respondent to ask him to collect from the defendant. Respondent, however, asked her to wait until defendant pays in his office. Complainant likewise maintained that the defendant has other properties such as a motorcycle, refrigerator, radio cassette and a store which could be used to satisfy his obligation to her. She purportedly even showed to respondent a copy of the document proving defendant's ownership of the motorcycle but respondent did not levy the same because he still had to verify the authenticity of the document with the Land Transportation Office. Despite diligently following up the matter with respondent, the judgment debt in favor of complainant remained unsatisfied.

In reply to the charges against him, a letter^[2] dated July 21, 2006 was submitted by respondent to the Office of the Court Administrator stating that: (1) no personal properties were levied because these were exempt from execution under Section 13, Rule 39 of the Rules of Court; and (2) he followed up on the Writ of Execution on November 15, 2005 and April 19, 2006 but the defendant was always working in the field. Attached to his letter were: (1) a copy of his Initial Report dated September 7, 2005 stating that the defendant requested that the payment be made on installments after each harvesting season because he is a mere farm helper with a small store worth Two Thousand Pesos (P2,000.00); and (2) a copy of the Certificate of Property Holdings dated July 9, 2005 issued by the Office of the Municipal Assessor, Solano, Cagayan showing that the defendant has no real property there.

After evaluating the evidence of both parties, Court Administrator Christopher O. Lock found that while complainant's allegations on respondent's failure to levy the defendant's personal properties were unsubstantiated, respondent was still liable for failure to perform his duty in effecting the full implementation of the writ of execution and for failure to submit periodic reports to the court and to complainant. Court Administrator Lock stated that respondent should be held administratively liable for dereliction of duty, and recommended that the latter be fined in the amount of One Thousand Pesos (P1,000).

The Court agrees that respondent is administratively liable but holds that a stiffer penalty than a fine is warranted under the circumstances. It bears emphasis that execution is the fruit and end of the suit.^[3] Without execution, a judgment would be a pyrrhic victory for the prevailing party. As the sheriff, respondent is the officer of the court charged with the delicate task of executing the judgment in a case. By so doing, he plays an integral role in the administration of justice. The sheriff, in carrying out his task, must necessarily be circumspect and proper in his behavior. He is expected to execute the directives of the court strictly in accordance with the letter thereof and without any deviation therefrom.^[4]

The Court has explained the reason for the imposition of a high standard on sheriffs in *Canlas v. Balasabas*,^[5] thus:

At the grassroots of our judicial machinery, sheriffs and deputy sheriffs are indispensably in close contact with the litigants; hence, their conduct