

FIRST DIVISION

[A.M. No. P-10-2817 [Formerly OCA I.P.I. No.09-3089-P], January 26, 2011]

**CORAZON TENORIO, REPRESENTED BY IMELDA TENORIO-ORTIZ,
COMPLAINANT, VS. ALYN C. PERLAS, SHERIFF III,RESPONDENT.**

D E C I S I O N

VELASCO JR., J.:

This administrative complaint against Sheriff Alyn C. Perlas (Sheriff Perlas), Office of the Clerk of Court, Metropolitan Trial Court (MeTC) of Pasig City stems from a complaint filed by Corazon Tenorio (Tenorio), represented by her attorney-in-fact Imelda Tenorio-Ortiz, charging Sheriff Perlas with Oppression, Dishonesty and Grave Misconduct under Republic Act No. (RA) 6713 and with violations of RA 3019 relative to the implementation of the Writ of Preliminary Attachment in Civil Case No. 15251, entitled *747 Lumber and Construction Supply v. Spouses Edgardo Pile and Marissa Pile* for Sum of Money.

The facts of the case, as gathered from the records, are as follows:

According to the letter-complaint of Tenorio, on December 22, 2008, Sheriff Perlas, accompanied by other persons, arrived at her store, Ten Rey Gravel and Sand and Construction Materials, located at No. 377 McArthur Highway, Corazon, Calumpit, Bulacan.^[1] Upon their arrival, Sheriff Perlas served upon her a Notice of Levy on Attachment clearly addressed to spouses Edgardo Pile and Marissa Pile (spouses Pile) of Apalit, Pampanga.^[2] Tenorio emphasized that Sheriff Perlas served the notice in a discourteous and arrogant manner.^[3]

After this, Tenorio showed Sheriff Perlas the Certificate of Car Registration of their two (2) units of dump trucks and pleaded to her not to take the trucks away because they were the registered owners of the trucks. However, despite this, Sheriff Perlas forcibly took the two (2) units of trucks without even verifying with the Land Transportation Office (LTO) as to who were the true registered owners of the trucks.^[4]

Aggrieved, Tenorio filed a Complaint-Affidavit dated January 12, 2009 before the Office of the Court Administrator, charging Sheriff Perlas with Oppression, Dishonesty and Grave Misconduct under RA 6713 and with Violation of RA 3019. According to Tenorio, Sheriff Perlas used her public office as Sheriff to oppress and harass her. Further, Tenorio said that the humiliating manner by which Sheriff Perlas rudely and insolently served the Notice of Levy on her caused her serious mental anxieties, moral shock, and sleepless nights.^[5]

Finally, Tenorio added in her Complaint-Affidavit that Sheriff Perlas received Php

50,000 from 747 Lumber & Construction Supply, Inc. as evidenced by the affidavit of Edgardo Pile.^[6] In his affidavit, Edgardo Pile stated that he saw the trucks parked in the vicinity of 747 Lumber & Construction Supply; and that despite explaining to the owner of the store who the true owners of the subject vehicles were, he refused to surrender them, saying that he paid Sheriff Perlas money for them.

On March 24, 2009, Sheriff Perlas filed her comment stating that Tenorio already earlier instituted a complaint for Damages against her before the Municipal Trial Court of Calumpit, Bulacan for the same incident subject of the instant case. She filed an answer in the said civil case which she is adopting in the instant administrative case.

In her answer, Sheriff Perlas denied all the allegations and recounted that on December 17, 2008, Judge Marina Gaerlan-Mejorada issued a Writ of Preliminary Attachment against Spouses Pile in relation to Civil Case No. 15251.^[7] Consequently, on December 22, 2008, she, together with the plaintiff's representative in the civil case, George Clemente (Clemente), proceeded to implement the writ.^[8] However, upon arriving at Ten Rey General Merchandise, the defendants spouses Pile were not present.

Clemente insisted that they proceed to spouses Pile's other address, which turns out to be the address of Tenorio, mother of Marissa Pile. When they reached the place, Sheriff Perlas noticed two (2) trucks with the body markings "TEN REY" and with plate numbers TJE 757 and TBU 705. She believed in good faith that these trucks belong to Spouses Pile and tried to obtain the certificates of registration from the drivers. When the drivers and Tenorio failed to produce certificates of registration, she assumed the vehicles were owned by spouses Pile.^[9]

Further, Sheriff Perlas claimed that she acted within the scope of her authority and maintained that she was not arrogant, discourteous or callous.^[10]

On March 16, 2009, the MeTC issued an Order resolving in its *ratio decidendi* that:

x x x A considerable period of time had lapsed and yet, no such indemnity bond was filed by the plaintiff, hence, based on the provision of Section 14, Rule 57 of the Rules of Court '*the sheriff shall not be bound to keep the property under attachment*' emphasizing the point that the properties levied upon in this case may now be released to third-party claimant Corazon R. Tenorio, whose proofs of title or right of possession over the properties '*in litis*' have proven to be persuasive.^[11]

On June 17, 2009, Tenorio submitted a Manifestation to the Office of the Court Administrator seeking the dismissal of the instant administrative case against Sheriff Perlas due to the fact that the trucks had already been released and that Sheriff Perlas already personally apologized to her for whatever damage and inconvenience that the Writ of Preliminary Attachment may have caused her. In addition, Tenorio pointed out that both parties had already settled amicably and jointly moved for the dismissal of the civil case for damages filed against Sheriff Perlas.