

THIRD DIVISION

[A.M. No. P-00-1400, May 10, 2001]

**ATTY. MANUEL M. ROSALES, COMPLAINANT, VS. GIL STA. ANA,
OTHELO PARRONE, DEPUTY SHERIFFS, MUNICIPAL TRIAL
COURT IN CITIES, NAGA CITY, BRANCHES 2 AND 3,
RESPECTIVELY, RESPONDENTS.**

D E C I S I O N

VITUG, J.:

In a verified letter complaint, dated 01 April 1998, Attorney Manuel M. Rosales has charged Gil Sta. Ana and Othelo Parrone, both deputy sheriffs of the Municipal Trial Court in Cities, Naga City, Branch 2 and Branch 3, respectively, with misfeasance in failing to enforce the writ of execution in Civil Case No. 10340, entitled "La Perla Industries, Inc., vs. Julian Lavadia, Jr."

Complainant counsel represented La Perla Industries, Inc., in obtaining a favorable judgment in Civil Case No. 10340, a case decided by the Municipal Trial Court in Cities, Branch 3, of Naga City. On 28 May 1997, a writ of execution was issued by the trial court where respondent Othelo Parrone was the assigned deputy sheriff. Respondent Parrone allegedly refused, despite repeated requests, to enforce the writ of execution that constrained Attorney Rosales to lodge a letter-complaint, dated 26 November 1997, before Mrs. Lilia S. Buena, City Ex-Officio Sheriff of Naga City. No disciplinary action was taken against respondent Parrone. On 05 December 1997, complainant sought to have the case referred to another sheriff. The trial court granted the request, and respondent Sta. Ana was assigned to take over from Parrone in the enforcement of the writ of execution. Respondent Sta. Ana also failed to enforce the writ of execution.

In their joint comment, respondents denied the allegations of complainant that they had refused to enforce the writ of execution.

Respondent Parrone asserted that upon receiving the writ of execution, he promptly located the defendant, Julian Lavadia, Jr., who did not deny his obligation of P5,000.00 but just did not have the money to settle it. After several follow ups, respondent Parrone was able to collect from Lavadia, on 09 December 1997, a partial payment of P2,500.00.

Respondent Sta. Ana explained, in his case, that when he was assigned to enforce the writ of execution, he tried to communicate with Lavadia several times to collect the balance of the judgment award but his efforts were unsuccessful. He admitted that he was not able to immediately attend to the enforcement of the writ because he was busy with the preparation for the National Convention and Seminar Workshop of Sheriffs held on March 12-14, 1998. Nevertheless, he said, he was able to collect on 03 April 1998, another partial payment of P1,000.00 from Lavadia.