

## **EN BANC**

**[ A.M. No. P-94-1032, January 18, 1996 ]**

**FELICIDAD V. MORALES, PETITIONER, VS. JULIO G. TARONGOY,  
DEPUTY SHERIFF, REGIONAL TRIAL COURT, BRANCH 19,  
PAGADIAN CITY, ZAMBOANGA DEL SUR, RESPONDENT.**

### **D E C I S I O N**

#### **PER CURIAM:**

In a complaint, dated 09 March 1994, Felicidad V. Morales charged Deputy Sheriff Julio G. Tarongoy with Grave Misconduct and Violation of Republic Act No. 3019, also known as the Anti-Graft and Corrupt Practices Act, relative to the execution of a final judgment of the National Labor Relations Commission ("NLRC").

Complainant averred that, on 27 January 1992, a decision was rendered by the NLRC in Case No. RAB VII-0584-88 ("Felicidad V. Morales vs. Ever Cinema Theatre," etc.) ordering the employer to pay her and a fellow employee the amount of P190,254.00. Somehow, the judgment obligor managed to evade payment that prompted Labor Arbiter Dominador Almirante to issue an alias writ of execution ordering the Provincial Sheriff of the Regional Trial Court of Pagadian City, Zamboanga del Sur, to collect the sum adjudged by the NLRC or to satisfy the judgment by levying movable and immovable property of the employer not exempt from execution. Complainant alleged that she personally handcarried the writ of execution to Pagadian City. Respondent Sheriff demanded a P15,000.00 fee for the implementation of the writ. Since she had no cash on hand at the time, and in her eagerness to have the writ of execution promptly effected, she borrowed a portion of the sum demanded and gave it to the Sheriff.

Respondent Sheriff thereupon levied two parcels of real property owned by the employer. After the required publication and three days before the scheduled auction sale, respondent informed complainant that she would have to put up a bond because the property levied were mortgaged with a bank. She then questioned respondent for making a levy on the mortgaged assets despite the fact that there were eleven other parcels of land registered in the name of the employer which were not similarly encumbered.

In its resolution of 25 May 1994, the Court required respondent Sheriff to comment on the complaint. Respondent failed to comply. In the Court's resolution of 20 February 1995, respondent was required to show cause why he should not be disciplinarily dealt with for his having ignored the 25th May 1994 resolution of the Court and to submit within 10 days from notice his compliance with both directives. Again, the Court received no word from respondent Sheriff although it would appear that the Court resolutions were duly sent and acknowledged. Respondent Sheriff personally received a copy of the 25th May 1994 resolution on 27 June 1994 while a copy of the 20th February 1995 resolution was received by his authorized agent,