



PHILJA E-Alerts

The PHILJA Electronic Alerts is published by the Research, Publications and Linkages Office of the Philippine Judicial Academy, with office at the 3rd Floor of the Supreme Court Centennial Building, Padre Faura Street corner Taft Avenue, Manila.

Tel. No: 02 5529524 Fax No: 02 5529621

E-mail address
philja@sc.judiciary.gov.ph
research_philja@yahoo.com

Website address
<http://philja.judiciary.gov.ph>

PHILIPPINE JUDICIAL ACADEMY

Justice Adolfo S. Azcuna
Chancellor

Dean Sedfrey M. Candelaria
Head, Research, Publications
and Linkages Office

Atty. Ma. Melissa R. Dimson-Bautista
Editor

Editorial, Research and Circulation
Research, Publications
and Linkages Office

Issue 15-09
September 2015

Sheriffs: Simple Neglect of duty.

Section 14, Rule 39 of the Rules of Court makes it mandatory for a sheriff to make a return of the writ of execution to the Clerk of Court or to the Judge issuing it immediately upon satisfaction, in part or in full, of the judgment. If the judgment cannot be satisfied in full, the sheriff shall make a report to the court within thirty (30) days after his receipt of the writ and state why full satisfaction could not be made. The sheriff shall continue to make a report to the court every thirty (30) days on the proceedings taken thereon until the judgment is satisfied in full, or its effectivity expires. Failure of a sheriff to make periodic reports on the status of a writ of execution warrants administrative liability. The reason behind this requirement is to update the court on the status of the execution and to take the necessary steps to ensure the speedy execution of decisions.

In the instant case, by respondent sheriff's admission, it is undisputed that he actually failed to make a periodic report on the proceedings in relation to the implementation of the writ. He was directed to Execute the Writ of Execution on November 12, 2003 but he submitted the Sheriff's Return only on July 14, 2005, and the Amended Sheriff's Return was reported only on April 24, 2009. While respondent offered several explanations as to why the writ remained unsatisfied for a long time, he, however, failed to satisfactorily explain the reason why he failed to make the necessary periodic reporting of the proceedings, and the long delay in the submission of the Sheriff's Return.

For his failure to perform his duties and considering that this is his first offense and taking into consideration his long years of service in the judiciary of about 28 years, in lieu of suspension, respondent sheriff was fined in an amount equivalent to his salary for one month. **(A.M. No. P-14-3214 [Formerly OCA I.P.I. No. 11-3747-P], September 14, 2015)**