



Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated February 17, 2021 which reads as follows:*

“OCA IPI No. 19-4892-P (Spouses Elmer and Jesusa Arambulo v. Resurreccion C. Sepidoza, Sheriff, Office of the Clerk of Court, Regional Trial Court, Binangonan, Rizal) – In a Complaint-Affidavit<sup>1</sup> dated 20 December 2018, complainants, spouses Elmer and Jesusa Arambulo (complainants), charged respondent Sheriff Resurreccion C. Sepidoza (Sepidoza), Office of the Clerk of Court, of the Regional Trial Court of Binangonan, Rizal, with delay in the implementation of the Writ of Execution<sup>2</sup> in Civil Case No. 007-16, entitled “*Spouses Elmer and Jesusa Arambulo vs. E.S. Gilmore Electrical Services and Clemente P. Jomoc.*” Sepidoza had reached the retirement age on 10 April 2020, and other than this complaint, no other administrative case has been filed against her.

**Antecedents**

Complainants alleged that Sepidoza procrastinated in implementing the writ of execution dated 18 January 2018<sup>3</sup> that was issued in their favor. According to them, Sepidoza acted in the interest of defendants in Civil Case No. 007-16, such as when she informed them that the lawyer of the defendants begged for more time to settle the money judgment. Worse, Sepidoza even accepted from defendants the amounts of P50,000.00 and P20,000.00 sometime in 2018,

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<sup>1</sup> *Rollo*, pp. 2-6.

<sup>2</sup> *Id.* at 7.

<sup>3</sup> *Id.* The dispositive portion reads:

“WHEREFORE, premises considered, ES Gilmore Electrical Services and Clemente P. Jomoc are ordered, jointly and severally, to pay Spouses Elmer C. Arambulo and Jesusa Arambulo P170,000.00 as temperate damages with interest of 6% per annum from the date of this decision until full payment has been effected; P100,000.00 for loss of earning capacity; P20,000.00 as attorney’s fees and cost of suit.”

allegedly, as partial payments for the settlement of the decision with the request that complainants accept the same.

In her Comment<sup>4</sup> dated 19 February 2019, Sepidoza denied the imputations against her. She claimed having received the Writ of Execution on 22 January 2018, and on 01 February 2018. Thereafter, she issued and served a Notice to Comply<sup>5</sup> at the office of defendant ES Gilmore Electrical Services, located at Walter Mart, Taytay, Rizal, which was received on the same day by a certain Judy G. Gomez.

When Sepidoza returned to ES Gilmore Electrical Services after a week, the office was no longer there. Thus, she updated the complainants who promised that they will help her find where the company relocated. In June 2018, she was informed by complainants that they have found the new office of the defendants in Binangonan, Rizal. Sepidoza went to the new office and was able to talk to Eric Gilmore, the owner of the company. She informed the complainants about the development.

Sepidoza further maintained that she was not remiss in her duty to implement the writ. She sent letters<sup>6</sup> dated 09 June 2018 and 13 July 2018 to the Land Transportation Office, both in Binangonan and East Avenue, Quezon City, in order to verify whether there were vehicles registered under the names of defendants which can be levied upon. On various dates, she coordinated and requested for assistance from *Barangay Pantok*, Binangonan, Rizal. As a result of her coordination with the *barangay*, defendants' counsel committed to pay the subject amount stated in the writ. However, the partial payments of P50,000.00 and P20,000.00 were rejected by complainants.

Finally, Sepidoza explained that her heavy workload made it impossible for her to totally devote her attention on complainants' case alone. She also acted as sheriff for: Branches 1 and 2 of the Municipal Trial Court (MTC), Binangonan; the MTC of Cardona and Angono; and Branch 69, and previously of Branch 67, of RTC, Binangonan, Rizal. Consequently, she had a total of 162 writs under her jurisdiction from the year 2012 to December 2018.

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<sup>4</sup> *Rollo*, pp. 10-14.

<sup>5</sup> *Id.* at 15.

<sup>6</sup> *Id.* at 16 and 17.

### **Recommendation of the Office of the Court Administrator (OCA)**

In its Report<sup>7</sup> dated 16 September 2020, the OCA recommended the dismissal of the charge against Sepidoza for lack of merit. It found that although respondent has yet to fully implement the writ, there is no showing that she deliberately dragged her feet in the implementation thereof. In the absence of clear and convincing proof, the presumption of regularity in the performance of her duty prevails.

### **Ruling of the Court**

The recommendation of the OCA is well-taken.

It is settled that in an administrative proceeding, it is the complainant who bears the burden of proving the allegations in their complaints by substantial evidence. If he fails to show in a satisfactory manner the facts upon which his claims are based, the respondent is not obliged to prove his exception or defense.<sup>8</sup> The burden is not satisfied when complainant relies on mere assumptions and suspicions as evidence.<sup>9</sup>

In the present case, complainants merely assumed that Sepidoza procrastinated in the implementation of the Writ of Execution, and that she acted in favor of defendants in Civil Case No. 007-16. Contrary to complainants' allegations, the records disclose that Sepidoza exerted efforts in implementing the Writ. She wrote letters to the LTO to determine whether there were motor vehicles which may be levied upon and even coordinated with the officials of *Barangay Pantok, Binangonan, Rizal*. She even succeeded in obtaining the amounts of P50,000.00 on 04 October 2018 and P20,000.00 on 30 October 2018 as partial payment of the monetary judgment. The said amounts, however, were rejected by complainants who insisted on the full payment of the obligation. In any event, Sepidoza could not be expected to devote her time only on complainants' case alone considering her heavy workload, servicing multiple courts as sheriff.

Moreover, it should not be forgotten that a sheriff enjoys the presumption of regularity in the performance of the functions of his or her office. In the absence of substantial evidence to the contrary,

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<sup>7</sup> See Administrative Matter for Agenda pp. 1 - 4.

<sup>8</sup> *Re: Letter of Lucena Ofendoreyes Alleging Illicit Activities Atty. Cajayon*, A.M. No. 16-12-03-CA & IPI No. 17-248-CA-J, 06 June 2017

<sup>9</sup> *Guazon v. Dojillo*, A.C. No. 9850, 06 August 2018.

said presumption prevails and cannot simply be overcome by bare and self-serving allegations.<sup>10</sup>


In fine, We will not hesitate to protect court personnel against any groundless accusation that trifles with judicial processes when an administrative charge against them has no basis whatsoever in fact or in law. We will not shirk from our responsibility of imposing discipline upon all employees of the Judiciary, but neither will We hesitate to shield them from unfounded suits that only serve to disrupt rather than promote the orderly administration of justice.<sup>11</sup>

**WHEREFORE**, in view of the foregoing, the complaint against Sheriff Resurreccion C. Sepidoza is hereby **DISMISSED** for lack of merit.

The complaint-affidavit dated December 20, 2018 (with enclosure) of Spouses Elmer and Jesusa Arambulo against Sheriff IV Resurreccion C. Sepidoza; the comment dated February 19, 2019 (with enclosures) of respondent Sheriff IV Resurreccion C. Sepidoza; the transmittal letter of the aforesaid comment together with the compact disc and USB containing the PDF and MS Word files of comment, annexes, and verified declaration; and the Report dated September 16, 2020 of the Office of the Court Administrator, are all **NOTED**.

**SO ORDERED.”**

**By authority of the Court:**

  
**LIBRADA C. BUENA**  
Division Clerk of Court  
6/14/21

by:

**MARIA TERESA B. SIBULO**  
Deputy Division Clerk of Court  
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<sup>10</sup> *Shop More Department Store, Inc. v. Bislumbre*, G.R. No. 220694 (Notice), 29 November 2017

<sup>11</sup> *Re: Catherine Damayo*, A.M. No. CA-15-53-J, 14 July 2015.



Sps. Elmer C. Arambulo &  
Jesusa Arambulo  
Complainants  
Blk. 8, Lot 29, 1<sup>st</sup> Street  
Baytown Homes, Brgy. Kalayaan  
Angono, 1930 Rizal

Ms. Resurreccion C. Sepidoza  
Respondent – Sheriff IV  
c/o Office of the Clerk of Court  
Regional Trial Court  
Binangonan, 1940 Rizal

Hon. Jose Midas P. Marquez (x)  
Court Administrator  
Hon. Raul B. Villanueva (x)  
Hon. Jenny Lind R. Aldecoa  
-Delorino (x)  
Hon. Leo Tolentino Madrazo (x)  
Deputy Court Administrators  
Hon. Lilian Barribal-Co (x)  
Hon. Maria Regina A. F. M. Ignacio (x)  
Assistant Court Administrators  
OCA, Supreme Court

Office of Administrative Services (x)  
Legal Office (x)  
Court Management Office (x)  
Financial Management Office (x)  
Docket & Clearance Division (x)  
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