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[A.M. No. P-99-1350. December 12, 2001]

PERRY MALBAS, RODOLFO NAGRAVA, JIMMY MALBAS, RUBEN ESPINOSA, GARY AUTENCIO, BENIGNO BAYQUEN, RONALDO FURING, ROMMEL CERVO, WILMINO GUARIÑO, BERTIE TOCAYON, ROGEL REBANCO, AND REYNALDO BENGATRO, *complainants, vs.* **NICANOR B. BLANCO, and PAULO M. GATLABAYAN, Sheriffs of the Regional Trial Court, Antipolo, Rizal,** *respondents.*

SYNOPSIS

Involved in a complaint filed against Sheriff Blanco, *et al.* were two ejectment cases, Civil Cases Nos. 1174 and 1189. When a writ of demolition was issued in Civil Case No. 1189, respondent sheriffs and their men went to the subject land and demolished all the houses in the area, including that of the complainants. Previously, however, complainants already wrote Sheriff Gatlabayan informing him that they were not defendants in Civil Case No. 1189; they were defendants in Civil Case No. 1174. On the day of the demolition relative to Civil Case No. 1189, complainants reiterated to respondent sheriffs that their houses should not be included therein.

For the irregular implementation of the writ of demolition, respondent sheriffs Blanco and Gatlabayan were dismissed from the service. Sheriff Blanco cannot escape liability by claiming that they relied on the misrepresentations of the representative of the prevailing party in Civil Case No. 1189. And Sheriff Gatlabayan was held as guilty as Sheriff Blanco for assisting the latter in the execution of a writ which he, Sheriff Gatlabayan, has no authority to enforce. Hence, both sheriffs were found guilty of grave misconduct and gross abuse of authority.

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SYLLABUS

1. **POLITICAL LAW; ADMINISTRATIVE LAW; COURT EMPLOYEES; SHERIFFS; GRAVE MISCONDUCT AND GROSS ABUSE OF AUTHORITY; IMPROPER IMPLEMENTATION OF A WRIT OF DEMOLITION.** — Sheriff Blanco cannot feign ignorance of the fact that complainants were not parties to the case in which the writ of execution was issued. Respondents cannot escape liability by claiming that they relied on the misrepresentations of the representatives of Chemical Fibers, the prevailing party. Sheriff Gatlabayan [on the other hand], was not principally authorized to enforce the writ of execution. He was not the assigned sheriff. Nonetheless, he assisted the sheriff in the execution of the writ. Thus, he was as guilty as Sheriff Blanco in depriving the complainants of their constitutionally protected rights. The failure to verify complainant's allegation manifests blatant irresponsibility and they must be meted out with the appropriate penalty. Complainants were subjected to unnecessary damages that respondents could not compensate with any monetary consideration. By their acts, respondents committed grave misconduct, oppression and conducted themselves in a manner highly prejudicial to the best interest of the service.

2. **ID.; ID.; ID.; ID.; ID.; IN THE IMPLEMENTATION OF A WRIT OF EXECUTION, A SHERIFF IS BOUND TO ACT WITH PRUDENCE AND CAUTION.**— We have held that all those involved in the administration of justice must faithfully adhere to, hold inviolate, and invigorate the principle solemnly enshrined in the Constitution that a public office is a public trust. Any act or omission on their part, which violates the norms of public accountability or even merely tends to diminish the faith of the people in the judiciary, must be condemned and not countenanced. . . . In the enforcement of judgments and writs, a sheriff must know what is inherently right and wrong and is bound to act with prudence and caution. Moreover, he must at all times show a high degree of professionalism in the performance of his duties.

APPEARANCES OF COUNSEL

Lacas Lao & Associates for complainants.

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RESOLUTION

PER CURIAM:

The Case

In a sworn complaint dated August 26, 1996, complainants accused Sheriff Nicanor B. Blanco and two other unidentified sheriffs of the Regional Trial Court, Antipolo City, Rizal of violation of the Constitution (Article III, Section 1) and of acting beyond their authority in connection with the implementation of a writ of demolition.[1]

The Facts

There are two (2) cases involved in this complaint.

One is Civil Case No. 1174, entitled *Chemical Fibers, Inc. v. Perry Malbas*, for ejectment and damages.

The other is Civil Case No. 1189, entitled *Chemical Fibers, Inc. v. Feddy Malbas, et al.*, also for ejectment and damages.

On August 6, 1996, the Municipal Trial Court, Taytay, Rizal issued a writ of demolition[2] in Civil Case No. 1189, the dispositive portion of which reads.

"Now therefore, we command you to demolish the improvements directed by the defendants listed in the decision on that portion of the land belonging to the plaintiff, located at Sitio Sagingan, Barangay Dolores, Taytay, Rizal."

On August 8, 1996, Sheriff Paulo M. Gatlabayan sent a notice[3] to vacate to Hospisia H. Jovillanos and other occupants of the land by virtue of the writ of demolition.[4]

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[1] *Rollo*, pp. 3-8.

[2] *Rollo*, p. 9.

[3] Notice to Vacate, *Rollo*, p. 42.

[4] *Rollo*, p. 43.

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Previously however, on February 13, 1996, complainants sent a letter[5] to Sheriff Gatlabayan informing him that they were not the defendants in Civil Case No. 93-3208 (Civil Case No. 1189 in MTC) but in Civil Case No. 93-2819 (Civil Case No. 1174 in MTC).[6] The latter case was the subject of a petition pending with the Court of Appeals.[7]

On August 13, 1996, at about 9:45 a. m., respondent sheriffs arrived at Sitio Sagingan, Barangay Dolores, Taytay, Rizal with about thirty (30) armed men and more than a hundred civilians.

Complainants brought to the attention of the respondents that not all residents of the subject property were defendants in Civil Case No. 1189, and if respondents would demolish the improvements within the area, those belonging to the complainants should not be included. Further, complainants informed respondents that they were defendants in Civil Case No. 1174, which was pending with the Supreme Court.

Despite this, respondent sheriffs demolished all the houses in the area including the houses of the complainants.[8] As a result, complainants' belongings were destroyed, stolen or lost. And since respondents continued to demolish the houses despite the heavy rains, complainants' children suffered from various form of illnesses.

On August 26, 1996, complainants filed with the Supreme Court the instant complaint against Nicanor B. Blanco, John Doe, and Richard Doe, Sheriffs, Regional Trial Court, Fourth Judicial Region, Antipolo, Rizal.[9]

On February 9, 1998, we required the Executive Judge, Regional Trial Court, Antipolo City to conduct an investigation

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[5] *Rollo*, p. 11.

[6] Complaint, *supra*, at p. 4.

[7] CA-G. R. SP. No. 36331.

[8] *Barangay* Certification, *Rollo*, p. 31.

[9] *Rollo*, pp. 3-8.

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as to the identity of the two other sheriffs who accompanied Sheriff Blanco in the demolition work.

On February 18, 1998 Executive Judge Felix S. Caballes informed the Court that Sheriff Paulo M. Gatlabayan, sheriff of the Office of the Clerk of Court, Regional Trial Court, Antipolo, Rizal, accompanied Sheriff Nicanor B. Blanco on the date of the demolition. The other person who accompanied the two sheriffs was Willy Sereño, a representative of the prevailing party.[10]

In his comment,[11] Sheriff Nicanor B. Blanco explained that he caused the demolition of the houses of the complainants and compelled them to surrender possession of the property to the lawful owner, in the performance of his official duties as sheriff. At the time he enforced the writ of demolition, he had no knowledge and was not formally informed that the property occupied by the complainants was not the subject of Civil Case No. 1189. He added that he was manipulated, misled and deceived by Chemical Fibers into executing the writ against all the occupants without informing him that the property of the complainants was the subject of another ejectment complaint. Thus, his act of effecting the writ of demolition, was in good faith, that would absolve him of liability.

Sheriff Blanco stated that he and Sheriff Gatlabayan served a copy of the writ of execution with notice to vacate to the complainants but the latter did not file any comment or opposition thereto.[12]

On his part, Sheriff Gatlabayan denied the accusations since he was not the sheriff principally authorized to enforce the writ of execution. He only participated by signing and serving the notice to vacate. He admitted, however, that he received a letter from the complainants that they were not parties to Civil Case No. 1189.

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[10] Compliance, *Rollo*, pp. 50-51.

[11] Dated February 13, 1998, *Rollo*, pp. 38-40.

[12] *Ibid.*

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Thus —

"4. I was able to verify that our office indeed received the letter of complainants supposedly informing me that they are not included in Civil Case No. 1189. However, this fact does not render me liable for anything. It must be stressed that the letter was received long before the case was remanded by the Antipolo Regional Trial Court to the Municipal Trial Court of Taytay, Rizal for the issuance of the writ of demolition as required under the Rules of Court.

"6. Granting *arguendo* that I was one of those who assisted during the implementation of the writ of execution, I still strongly deny that I ordered the demolition of the houses of the complainants. Considering that the representatives of Chemical Fiber Inc. were at the demolition site, they are presumed to know the exact metes and bounds of subject property and since said plaintiff corporation did not provide for a geodetic engineer to guide and assist the implementing sheriff, he was constrained to rely on the word of the said representatives";[13]

Sheriff Gatlabayan said that they had reasons to believe that the complainants acted in behalf of the defendants in Civil Case No. 1189, considering that they were relatives of the latter.

Respondent Blanco in his supplemental counter-affidavit,[14] submitted a copy of the Court's resolution in G. R. No. 125409[15] (previously Civil Case No. 1174), which denied complainant's petition for review on *certiorari*. Sheriff Blanco reiterated his position that the demolition of the houses was pursuant to the order of the court and covered by the phrase "xxx INCLUDING ALL PERSONS ACTING ON THEIR BEHALF AND SURRENDER THE POSSESSION TO THE PLAINTIFFS."[16]

On November 15, 1999, we resolved to docket this case as a regular administrative complaint and referred the same to

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[13] *Rollo*, pp. 83-85.

[14] Dated July 12, 1999.

[15] August 7, 1996, *Rollo*, pp. 101-103.

[16] *Rollo*, p. 100.

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Executive Judge Mauricio Rivera, Regional Trial Court, Antipolo City for investigation, report and recommendation.[17]

The Investigation and Evaluation

Complainants failed to appear during the investigation before Judge Mauricio Rivera. Respondents manifested that the complainants were no longer interested to pursue the case. Hence, Judge Rivera submitted the following recommendation:

"Since the complainants did not appear, no evidence was presented by them on the claim for damages as stated in their complaint. In other words, complainants did not prove their allegations on the complaint for which the undersigned could use as basis in his decision. Only allegations which are supported by the records of the case were considered. But the matter on the acts of the respondents which constitute the complaint, the Court has no evidence to be evaluated for the failure of the complainants to appear and testify.

"WHEREFORE, the undersigned recommends that both Sheriffs Nicanor B. Blanco and Paulo M. Gatlabayan be ACQUITTED of the charge against them by the complainants."[18]

On September 21, 2000, however, the Office of the Court Administrator, after evaluation, did not agree with the recommendation of the investigating judge. The memorandum of the Office of the Court Administrator reads:

"By his own admissions, respondent Gatlabayan was informed by the complainants that they are not included in the demolition. Thus, it becomes hardly believable that he (Gatlabayan) failed to inform respondent Blanco of such fact, considering that respondent Gatlabayan joined respondent Blanco in the demolition on August 13, 1996. Hence, respondent Blanco cannot claim that at the time he enforced the writ of demolition, he had no personal knowledge nor was he informed that the property being occupied by the complainants was not the subject of Civil Case No. 1189 but of another ejectment case in which Chemical Fibers, Inc. is also the plaintiff.

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[17] *Rollo*, p. 104.

[18] Recommendation dated April 28, 2000.

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"Respondents' claim that they were manipulated and misled by the representative of Chemical Fibers, Inc. hardly deserves any credence. As frontliners in the demolition, it is their bounden duty to determine which houses are to be demolished according to the terms of the writ. They cannot escape liability by claiming that they relied on the party's misrepresentation. They always have the writ of execution to guide them in the performance of their duties.

"We find respondent Gatlabayan's insistence that he is not liable for anything since he was not the sheriff who principally authorized the enforcement of the writ of demolition irresponsible. As a matter of fact, he is as guilty as respondent Blanco in depriving the complainants of their well-protected rights causing undue injury to them.[19]

The Court's Ruling

We agree with the recommendation of the Court Administrator.

Sheriff Blanco cannot feign ignorance of the fact that complainants were not parties to the case in which the writ of execution was issued. Respondents cannot escape liability by claiming that they relied on the misrepresentations of the representatives of Chemical Fibers, the prevailing party.

Sheriff Gatlabayan was not principally authorized to enforce the writ of execution. He was not the assigned sheriff. Nonetheless, he assisted the sheriff in the execution of the writ. Thus, he was as guilty as Sheriff Blanco in depriving the complainants of their constitutionally protected rights. The failure to verify complainant's allegation manifests blatant irresponsibility and they must be meted out with the appropriate penalty. Complainants were subjected to unnecessary damages that respondents could not compensate with any monetary consideration.

By their acts, respondents committed grave misconduct, oppression and conducted themselves in a manner highly prejudicial to the best interest of the service. We have held that all those involved in the administration of justice must

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[19] Memorandum, Office of the Court Administrator.

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faithfully adhere to, hold inviolate, and invigorate the principle solemnly enshrined in the Constitution that a public office is a public trust.[20] Any act or omission on their part, which violates the norms of public accountability or even merely tends to diminish the faith of the people in the judiciary, must be condemned and not countenanced.[21]

We said:

"The Court cannot overstress the need for proper and circumspect behavior on everyone connected with an office charged with the dispensation of justice, from the presiding judge, to the sheriff and the lowliest clerk. Said conduct is circumscribed with the heavy burden of responsibility and must, at all times, be characterized with propriety and decorum. Every employee of the judiciary should be an example of integrity, honesty and uprightness. He must always be above and beyond suspicion. Sheriffs, in particular, must show a high degree of professionalism in the performance of their duties given the delicate task they're reposed with."[22]

In *Severina Gacho v. Dioscoro A. Fuentes, Jr., Deputy Sheriff IV, Regional Trial Court, Branch 20, Cebu City*, the Court held that:

"At the grassroots of our judicial machinery, sheriff and deputy sheriff are indispensably in close contact with the litigants; hence, their conduct should be geared towards maintaining the prestige and integrity of the court, for the image of a court of justice is necessarily mirrored in the conduct, official or otherwise, of the men and women who work thereat, from the judge to the least and lowest of its personnel; hence, it becomes the imperative sacred duty of each and everyone in the court to *maintain its good name and a standing as*

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[20] *Sy v. Academia*, 198 SCRA 705 [1991]; *Carreon v. Mendiola*, 220 SCRA 214, [1993].

[21] *Babor vs. Garchitorena*, 337 Phil. 470 [1997], citing *Sy v. Academia, supra*, Note 20, at 717 [1991]; *Orfila v. Quiroz*, 343 Phil. 271 [1997], citing *Roque v. Grimaldo*, 328 Phil. 1096 [1996]; *Re: Ms. Teresita S. Sabido*, 312 Phil. 513 [1995]; *Lirio v. Ramos*, 331 Phil. 378 [1996].

[22] *Cunanan v. Flores*, 319 SCRA 5 [1999], citing *Borja, Sr. v. Angeles*, 314 Phil. 705 [1995].

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a temple of justice. Respondent's behavior erodes the faith and confidence of our people in the administration of justice. He no longer deserves to stay in service any longer."[23] (Italics ours)

In the enforcement of judgments and writs, a sheriff must know what is inherently right and wrong and is bound to act with prudence and caution. Moreover, he must at all times show a high degree of professionalism in the performance of his duties.[24]

For serious misconduct and grave abuse of authority, respondents do not deserve to remain in the judicial service. The wrongful acts cannot go unpunished. In *Sy v. Academia*,[25] we ruled:

"This Court condemns and would never countenance any conduct, act or omission on the part of all those involved in the administration of justice which would violate the norm of public accountability and would diminish or even just tend to diminish the faith of the people in the Judiciary . . ."

In *Carreon vs. Mendiola*,[26] the sheriffs demolished the complainants' house in blatant disregard of the safeguards prescribed in Rule 39, Section 14 of the Revised Rules of Court, and despite an order setting aside the writ of execution pending appeal. Respondents therein were declared guilty of grave misconduct, gross ignorance of the duties pertaining to their office, oppression and conduct prejudicial to the best interest of the service. Thus, the Court dismissed the respondents from the service.

We must apply the same ruling here.

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[23] 353 Phil. 665 [1998] citing *Punzalan-Santos v. Arquiza*, 314 Phil. 460 [1995].

[24] *Philippine Bank of Communications v. Cachero*, A.M. No. P-00-1399, February 19, 2001.

[25] 198 SCRA 705, 717 [1991]; *Carreon v. Mendiola, supra*, Note 20.

[26] *Supra*, Note 20.

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Incidentally, we suspended Sheriff Paulo M. Gatlabayan for six (6) months in A. M. No. P-99-1323, promulgated on February 20, 2001. In that case, Sheriff Gatlabayan overzealously executed a writ of execution, which resulted in irregularities in its implementation. We found the Court Administrator's recommendation of dismissal too harsh because it was his first offense. *This case is his second offense. We find no reason to hesitate in dismissing him.*

The Fallo

WHEREFORE, the Court finds respondents Nicanor B. Blanco and Paulo M. Gatlabayan, both sheriffs of the Regional Trial Court, Antipolo Rizal, guilty of grave misconduct and gross abuse of authority, and hereby *DISMISSES* them from the service, with forfeiture of all benefits except earned leave credits, if any, with prejudice to re-employment in any branch or office of the government, including government-owned and controlled corporations.

SO ORDERED.

Davide, Jr., C.J., Bellosillo, Melo Puno Vitug, Kapunan, Mendoza, Panganiban, Quisumbing, Pardo, Ynares-Santiago, De Leon, Jr., Sandoval-Gutierrez, and *Carpio, JJ.,* concur.

Buena, J., on official leave.