

**SPS. ARTHUR AND LEONORA STILGROVE, COMPLAINANTS, VS.
CLERK OF COURT ERIBERTO R.SABAS AND SHERIFF III ERNESTO
SIMPLICIANO, RESPONDENTS.**

A.M. NO. P-06-2257 (FORMERLY OCA IPI NO. 01-1212-P). November 29, 2006

Ponente: TINGA, J.

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TINGA, J.:

This resolves an administrative complaint against Eriberto Sabas, the since retired[1] Clerk of Court and Ex-Officio Sheriff of the MTC, 4[th] Judicial Region, Puerto Princesa City, and Ernesto Simpliciano, already deceased,[2] as Deputy Sheriff of the same court. The complaint was filed by the spouses Arthur and Leonora Stilgrove for grave abuse of authority and for conduct unbecoming officers of the court.

In their verified Complaint dated 20 July 2001,[3] complainants claim that the respondents are liable in view of the following:

- For having knowingly, voluntarily and feloniously acted beyond the scope of their powers and functions, with manifest partiality, evident bad faith or gross inexcusable negligence, thereby causing undue damage and injury to herein complainants;
- For having knowingly allowed themselves to be persuaded, induced and influenced by Latube and De los Santos into committing such illegal demolition of complainants' structures not included in the aforementioned decision in [C]ivil [C]ase [N]o[.] 1311;
- For unjustifiably refusing to heed the clearly justified pleas of complainants for them not to include in the demolition said structures[,] as well as to accept the letter and the affidavit of third-party claim that complainants were tendering on them; and
- Specifically on the part of respondent Sabas, for insulting complainant Arthur Stilgrove by shouting at him to "Return to (his) country, for (he) is not welcome here!", and for almost causing him to suffer physical injuries by ordering the demolition men to proceed in chainsawing the fence without minding said complainant even as he already saw that the latter was standing between the saw and the fence in order to prevent the illegal demolition from proceeding.

Another case arising from the same incident was filed by the same complainants with the Ombudsman.[4] OMB-1-01-0668-H was a complaint for violation of Sections 3(a) and (e) and Section 4(b) of Republic Act No. 3019 filed by complainant spouses against respondents Sabas and Simpliciano and Francisca Gacot-Latube and Cresencia de los Santos. The case was dismissed as far as the latter two were concerned for lack of jurisdiction.[5]

The antecedent facts of this case are as follows:

In 1994, Geronimo Gacot filed a detainer suit (subsequently amended into an action for recovery of possession of a parcel of land) against Joaquin Montero and Emilio Batul with the Municipal Trial Court (MTC) of Puerto Princesa City. The case, docketed as Civil Case No. 1311, involved Lot No. 18553, the lot adjacent to the land

occupied and possessed by the spouses Stilgrove. During the pendency of Civil Case No. 1311, Lot No. 18553 was sold to Cresencia de los Santos, who was able to secure Transfer Certificate of Title No. 162460[6] in her name. Eventually, the MTC rendered a decision in favor of Gacot, who had, upon his death, been already substituted by his heirs, represented by Francisca Gacot-Latube.

The decision of the MTC in Civil Case No. 1311 was affirmed on appeal by Branch 48 of the Regional Trial Court, Puerto Princesa City, Palawan on 8 January 2001.[7] The dispositive portion of the affirmed MTC decision reads:

- Ordering defendants, Emilio Batul, Joaquin Montero as well as all persons claiming rights under them to peaceably vacate the property subject of this litigation within three (3) working days and restore possession thereof to the plaintiff or his representative;
- Ordering defendants to pay plaintiff jointly and severally the sum of P10,000.00 as attorney's fees;
- Ordering defendants, Emilio Batul, and all persons claiming rights under him to pay plaintiff as reasonable rental for the use and occupation of plaintiff's property the amount of P100.00, a month from January 1987, until he vacates the property; there being no fixed month in 1986, when he entered the premises; and
- Ordering Joaquin Montero and all persons claiming rights under him to pay plaintiff the amount of P100.00, a month effective January 1994, for the same reason as above, until they too, vacate the premises;
- To pay the costs.[8]

A writ of execution was subsequently issued and served on the defendants in Civil Case No. 1311. Instead of complying with the order for them to vacate the premises subject of the litigation within three (3) working days, the defendants remained on the land and even built new structures on Lot No. 18553. Thus, Judge Heriberto M. Pangilinan issued a Special Order for Demolition[9] on 30 April 2001, which commanded the Ex-Officio Sheriff and/or Deputy Sheriff:

x x x to cause the demolition of all structures including fences built or erected by defendants or any other persons claiming rights under such defendants within the premises forming part of plaintiff's property. The demolition shall immediately be carried out after giving them a reasonable period of up to [ten] 10 days from receipt of this Order to voluntarily demolish any structure they built within the premises.[10]

On 18 May 2001, respondents Sabas, being then the Clerk of Court and Ex-Officio Sheriff of the MTC, and Simpliciano, then the Deputy Sheriff of the same court, with a demolition team, proceeded to execute the demolition order. The demolition team proceeded to demolish the houses of defendants Joaquin Montero and Emilio Batul. Upon being asked by Arthur Stilgrove, respondent Sabas confirmed that the demolition will include a portion of Lot No. 18556 which was then occupied and possessed by the former. Arthur Stilgrove thereafter demanded that the demolition team desist from carrying out the demolition.[11] Notwithstanding Stilgrove's protestations, the demolition continued to include a fence and a portion of Stilgroves' house which was built on Lot No. 18556. Thereafter, on 21 May 2001, respondent Sabas executed a Return of Service.[12]

The two respondents' demolition of the fence and one-half of the house of the complainant spouses as well as respondent Sabas's shouting at complainant Arthur Stilgrove the words: "Return to (his) country, for (he) is not welcome here!," prompted the complainants to file this administrative case against respondents. As mentioned at the outset, another complaint was filed with the Office of the Ombudsman and docketed as OMB-1-01-0668-H (for violation of Sections 3(a) and (e) and Section 4(b) of Republic Act No. 3019),[13] entitled Arthur Stilgrove, et. al v. Eriberto Sabas, et. al.

In their Joint Comment[14] dated 10 September 2001, respondents prayed for the dismissal of the complaint and

raised the defense that they demolished the fence and one-half of the house of the complainants by virtue of the Special Order for Demolition[15] issued by Judge Heriberto M. Pangilinan in Civil Case No. 1311. Respondents alleged that the markers that were placed along the boundary line of Lot No. 18553 were placed at the surveyor's own initiative based on a relocation survey conducted by a licensed geodetic engineer. Respondents also maintained that the Stilgroves were mere trespassers or squatters with respect to a 10-meter wide encroachment made on Lot No. 18553 by Lot No. 18556 as determined by the same relocation survey,[16] and as such were bound by the judgment in Civil Case No. 1311.[17]

Respondents further claimed, citing a Sinumpaang Salaysay[18] allegedly executed by Joaquin and Esther Montero, that complainant spouses were claiming rights under one of the defendants in Civil Case No. 1311, Emilio Batul, who sold a portion of Lot No. 18553 to them during the pendency of Civil Case No. 1311. According to respondents, complainants cannot claim any right better than their seller who was a defendant in Civil Case No. 1311 and they are bound by the demolition order.

Respondents further averred that they were the ones who were subjected to verbal abuse by complainant Arthur Stilgrove. In fact, according to respondents, a criminal complaint for grave slander was filed by the former against the latter and his spouse.

On 13 August 2001, the Office of the Deputy Ombudsman referred the records of OMB-1-01-0668-H to the Office of the Court Administrator[19] pursuant to Section 6, Article VIII of the 1987 Constitution.[20]

In their Reply,[21] complainants countered that respondents' reliance on the relocation survey conducted by a licensed engineer allegedly for Cresencia de los Santos is untenable since such survey was never presented to the Court and was thus, never part of the records of Civil Case No. 1311. More tellingly, the survey plan was prepared only on 26 June 2001 after the RTC and MTC decisions and after the demolition had been carried out. Accordingly, it could not have been taken cognizance of by the Courts at the time Civil Case Nos. 1311 and 3470 were heard. The relocation survey was not even approved by the Land Registration Authority.

Complainants also argued that Article 433 of the New Civil Code which requires resort to judicial process for the recovery of property was not observed when respondents considered valid the alleged claim of encroachment. Likewise, respondents' refusal to accept complainants' affidavit of third-party claim violated Section 16 of Rule 39 of the Rules of Court. Complainants also alleged that Joaquin Montero never appeared before the notary public to sign the Sinumpaang Salaysay dated 23 May 2001 and that the signature of Esther Montero in said affidavit was procured because respondents took advantage of her lack of education.

On 25 November 2002, upon the recommendation of the Office of the Court Administrator, the Court referred this administrative matter to the Executive Judge of the Regional Trial Court of Puerto Princesa City for investigation, report and recommendation within sixty (60) days from receipt of the record.[22] On 10 February 2003, Executive Judge Nelia Yap-Fernandez informed the Court that respondent Clerk of Court IV Sabas had already retired from the service on 17 September 2001, and that her office had already taken judicial notice of the death of the other respondent Simpliciano in connection with another administrative matter.[23] This Court referred her letter to the Office of the Court Administrator for evaluation, report and recommendation within five (5) days from receipt of the records.[24] Upon recommendation by Deputy Court Administrator Jose P. Perez in his Memorandum[25] dated 1 October 2003, the Court referred the case back to the Executive Judge of the Regional Trial Court of Puerto Princesa City, Palawan for investigation, report and recommendation within sixty (60) days from receipt of the record.[26]

After hearing the testimonies of the witnesses and reception of documentary evidence for both parties, Investigating Judge Nelia Yap-Fernandez dismissed the administrative case against respondent Simpliciano for

lack of merit but found respondent Sabas guilty of grave misconduct, abuse of authority and conduct unbecoming of a court personnel. The Report and Recommendation[27] of the investigating judge states:

WHEREFORE, this investigating officer respectfully recommends to the Honorable Supreme Court thru the Honorable Court Administrator the forfeiture of respondent Eriberto Sabas' retirement benefits and all other benefits withheld from him pending the resolution of this case, except accrued sick leave and vacation leave credits and the dismissal of the case against deputy sheriff Ernesto Simpliciano for lack of merit.[28]

It is worthy to note that the Investigating Judge in her Report and Recommendation, like the Office of the Court Administrator before, did not touch the complaint for violation of Sections 3(a), 3(e) and 4(b) of the Anti-Graft and Corrupt Practices Act. Accordingly, we refer the matter to the Executive Judge of the Regional Trial Court of Puerto Princesa City for investigation, report and recommendation on respondents' administrative liability.

Now, we turn again to the charge of grave abuse of authority and conduct unbecoming an officer of the court. We agree with the findings of the Investigating Judge with respect to both.

The administrative case with respect to respondent Simpliciano must be dismissed. The testimonies of his co-respondent Sabas and complainant Arthur Stilgrove[29] show that, aside from his mere presence at the time of the demolition, respondent Simpliciano did not participate in the actual demolition of complainants' fence and house. It is a basic rule in evidence that each party must prove his affirmative allegation.[30] Since the burden of evidence lies with the party who asserts the affirmative allegation, complainant spouses have to prove the material allegations in their complaint.[31] As far as Simpliciano's administrative liability was concerned, complainant spouses failed to discharge this evidentiary burden by establishing any culpable acts which the Deputy Sheriff performed, other than his mere presence when the demolition occurred.

However, a different result must obtain as to the administrative liability of respondent Sabas.

Respondent Sabas is charged with grave abuse of authority when he caused the demolition of a fence and a portion of complainant spouses house which structures were all built on Lot No. 18556, the lot adjacent to Lot No. 18553, and for conduct unbecoming an officer of the court when he shouted at complainant Arthur Stilgrove the words: "Return to (his) country, for (he) is not welcome here!"

Grave abuse of authority (oppression) is a "misdemeanor committed by a public officer, who under color of his office, wrongfully inflict upon any person any bodily harm, imprisonment or other injury." It is an "act of cruelty, severity, or excessive use of authority." [32]

In this case, respondent attempted to justify the demolition of the fence and a portion of complainant spouses' house by saying that he was merely implementing a lawful order of the Court. Indeed, the scope of respondent Sabas' power as Sheriff was limited by the decision of the MTC in Civil Case No. 1311, which decision was affirmed in toto by the RTC, and the Special Order for Demolition[33] issued by Judge Heriberto M. Pangilinan. The two documents could not be any clearer. The MTC decision was directed to the "defendants ... as well as all persons claiming rights under them x x x" while the Special Order of Demolition ordered the Ex-Officio Sheriff and/or Deputy Sheriff "to cause the demolition of all structures including fences built or erected by defendants or any other persons claiming rights under such defendants within the premises forming part of plaintiff's property." [34]

The spouses Stilgrove were not the defendants in Civil Case No. 1311 nor were they persons claiming rights under such defendants. They were merely the occupants and possessors of the lot adjacent to the lot for which the demolition order was issued.

A judgment directing a party to deliver possession of a property to another is in personam.[35] It is conclusive,

not against the whole world, but only "between the parties and their successors in interest by title subsequent to the commencement of the action." [36] An action to recover a parcel of land is a real action but it is an action in personam, for it binds a particular individual only although it concerns the right to a tangible thing. [37] Any judgment therein is binding only upon the parties properly impleaded and duly heard or given an opportunity to be heard. [38] However, this rule admits of the exception, such that even a non-party may be bound by the judgment in an ejectment suit where he is any of the following: (a) trespasser, squatter or agent of the defendant fraudulently occupying the property to frustrate the judgment; (b) guest or occupant of the premises with the permission of the defendant; (c) transferee pendente lite; (d) sublessee; (e) co-lessee; or (f) member of the family, relative or privy of the defendant. [39]

There is no evidence to show that the spouses Stilgrove are included in the exceptions to the general rule above. Therefore, they are not bound by the judgment in Civil Case No. 1311.

Respondent Sabas considered the spouses Stilgrove as trespassers or squatters after he concluded that, based on the relocation survey conducted by the licensed geodetic engineer commissioned by Cresencia De los Santos, Lot No. 18556 encroached on Lot No. 18553. Yet, this argument is tenuous. The relocation survey relied upon by respondent Sabas is not extant in the records of Civil Case No. 1311 nor in the records of Civil Case No. 3470. In fact, the survey plan was prepared only on 26 June 2001, that is, after the demolition had already taken place. The lower courts could not have taken cognizance of the same in the issuance of the decision and the Special Order of Demolition.

Respondent Sabas further claimed that the Stilgrove spouses derived their title from defendant Emilio Batul by virtue of a Sinumpaang Salaysay allegedly executed by Esther and Joaquin Montero to that effect. However, there is doubt as to the genuineness and due execution of the Sinumpaang Salaysay for in another affidavit executed by Joaquin Montero, he denied having appeared before a notary public to sign such a document. The claim that respondent took advantage of Esther Montero's little education cannot be dismissed lightly. Also, the Sinumpaang Salaysay was executed on 23 May 2001, after the demolition had been done. Even if no taint attaches to the due execution of the Sinumpaang Salaysay, it is definitely hearsay, for failure of the alleged affiants therein to testify on the contents thereof.

Respondent Sabas harps on the fact that the spouses Stilgrove do not own Lot No. 18556 based on Original Certificate of Title No. 3870 issued in the name of the Heirs of Geronimo Gacot. However, such determination occurred after the demolition. In fact, at the time of the demolition, there was a pending case between the Heirs of Gacot and the Stilgrove spouses over Lot No. 18556. [40] At that time, the spouses Stilgrove, who were the possessors and occupants of the lot, were still presumed to be the owners thereof. This presumption derives from Article 433 of the New Civil Code, which states:

Actual possession under claim of ownership raises a disputable presumption of ownership. The true owner must resort to judicial process for the recovery of the property.

Under Article 433, the true owner has to resort to judicial process to recover his property, only if the possessor does not want to surrender the property to him, after proper request or demand has been made. Judicial process must then be had to prevent disturbances of the peace. [41] In this case not only did respondent Sabas act with undue haste in concluding that the Gacots owned Lot No. 18556 but he also exercised discretion that properly pertains to courts of justice.

It has been said that the sheriff's duty to execute a judgment is ministerial. A purely ministerial act is one "which an officer or tribunal performs in a given state of facts, in a prescribed manner, in obedience to the mandate of the legal authority, without regard to the exercise of his own judgment upon the propriety of the act done." [42]

Otherwise stated, a sheriff need not look outside the plain meaning of the writ. Any exercise of discretion may be used only when a sheriff is faced with an ambiguous execution order, in which case prudence and reasonableness dictate that he seek clarification from the judge.[43]

In this case, there is no ambiguity in the words of the Decision sought to be executed as well as the Special Order of Demolition. The words were clear by themselves. The decision applied only to "defendants x x x as well as all persons claiming rights under them x x x" while the Special Order of Demolition ordered the demolition of structures built or erected by "defendants or any other persons claiming rights under such defendants within the premises forming part of plaintiff's property." [44]

Even assuming that there was an ambiguity in the wordings of the Decision sought to be implemented and the Special Order for Demolition, respondent Sabas' still should have sought judicial clarification on the matter. He should not have proceeded to unilaterally include complainant spouses' properties in the demolition.

In the proper exercise of prudence and limited discretion, it is worth emphasizing this Court's ruling in *Sta. Ana v. Sunga*, [45] directing the proper action of sheriffs and the courts in these matters:

x x x There may be cases when the actual possessor may be claimed to be a privy to any of the parties to the action, or his bona-fide possession may be disputed, or where it is alleged, as in the instant case, that such possession has been taken in connivance with the defeated litigant with a view to frustrating the judgment. In any of these events, the proper procedure would be to order a hearing on the matter of such possession and to deny or accede to the enforcement of a writ of possession as the finding shall warrant. But in the absence of any such hearing or any proceeding of a similar character, every person in the actual possession of the land has a right to be respected therein (Art. 446, Civil Code) and his ejectment would constitute a deprivation of a property right without due process of law.

At this point, we must decry respondent Sabas' propensity to exercise judicial discretion when he is not privileged to do. On his own, he ruled and agreed with the results of the relocation survey that there was an encroachment by Lot No. 18556 on Lot No. 18553. He concluded that complainant spouses derived their title from one of the defendants and were therefore privy to the decision in Civil Case No. 1311. He concluded that since the Gacots were the true owners of Lot No. 18556, complainant spouses were mere trespassers who were bound by the decision in Civil Case No. 1311. Finally, based on these conclusions, he included complainant spouses' fence and a portion of their house in the execution of the Special Order of Demolition.

His actions, which were beyond the scope of his authority, deprived complainant spouses of their property without due process of law. They make him liable for grave abuse of authority. Good faith on the part of the respondent, or lack of it, in proceeding to properly execute his mandate would be of no moment, for he is chargeable with the knowledge that being an officer of the court tasked therefore, it behooves him to make due compliance.[46] Any method of execution falling short of the requirement of the law deserves reproach and should not be countenanced.[47]

It is well to remind Sheriffs and Deputy Sheriffs that they are officers of the court, and considered agents of the law. They form an integral part of the administration of justice because they are called upon to serve court writs, execute all processes, and carry into effect the orders of the Court, as such, they should discharge their duties with due care and utmost diligence.[48] The expeditious and efficient execution of court orders and writs should not be at the expense of due process and fair play.[49]

Writs of Execution should always be served and enforced with prudence and caution, taking into consideration all relevant circumstances. All sheriffs should bear in mind the injunction in *Peñalosa v. Viscaya, Jr.* [50] that:

Public Officers, as recipients of a public trust, are under obligation to perform the duties of their offices

honestly, faithfully and to the best of their ability. As trustees for the public, they should demonstrate courtesy and civility in their official actuations with the public. Every public officer is bound to use reasonable skill and diligence in the performance of his official duties, particularly where rights of individuals may be jeopardized by his neglect. In sum, he is bound virtute officii, to bring to the discharge of his duties that prudence, caution and attention which careful men usually exercise in the management of their own affairs.[51]

Respondent Sabas further failed to demonstrate courtesy and civility in the discharge of his functions when he shouted at complainant Arthur Stilgrove the words, "Return to (his) country, for (he) is not welcome here!" Discourtesy and disrespect have no place in the judiciary.[52] It is conduct unbecoming a court employee. An officer of the court such as respondent Sabas is charged with the duty to observe courtesy and civility in his official actuations with the public. As a public officer, it is his obligation to act with courtesy, self-restraint and civility at all times when dealing with the public even when he is confronted with rudeness and insolence.[53]

Time and again we have held that this Court condemns and would never countenance any conduct, act or commission on the part of all those involved in the administration of justice, which would violate the norm of public accountability and diminish or even just tend to diminish the faith of the people in the judiciary.[54] All those involved in the administration of justice have the obligation to perform the duties of their office honestly, faithfully and to the best of their ability.[55]

In *Equitable PCI Bank, Inc. v. Bellones*,[56] we held:

Sheriffs play an important role in the administration of justice and they should always hold inviolate and invigorate the tenet that a public office is a public trust. Being in the grassroots of our judicial machinery, sheriffs and deputy sheriffs are in close contact with the litigants; hence, their conduct should all the more maintain the prestige and the integrity of the court. By the very nature of their functions, sheriffs must conduct themselves with propriety and decorum, so as to be above suspicion. Sheriffs cannot afford to err in serving court writs and processes and in implementing court orders lest they undermine the integrity of their office and the efficient administration of justice.[57]

Grave abuse of authority (oppression) is a grave offense punishable with suspension for six (6) months and one (1) day to one (1) year, for the first offense while the discourtesy committed by respondent Sabas in the course of his official duties is a light offense punishable by reprimand.[58]

However, in view of respondent Sabas' retirement on 17 September 2001, the penalties of suspension and reprimand would not longer be applicable. Thus, the Court resolves instead to impose a fine equivalent to his salary for six (6) months, deductible from his retirement pay.

Further, since respondent Sabas is not entitled to any leave credit during the period of suspension, which is six (6) months, an amount corresponding to such leave credits shall be deducted from his retirement benefits.

WHEREFORE, premises considered, respondent Eriberto Sabas, former Clerk of Court and Ex-Officio Sheriff of the Municipal Trial Court of Puerto Princesa City, Palawan, is found GUILTY of Grave Abuse of Authority and Conduct Unbecoming of a Court Personnel, and accordingly FINED in an amount equivalent to his salary for six (6) months plus six (6) months leave credits, deductible from his retirement pay.

The charges of grave abuse of authority and conduct unbecoming a court officer against Ernesto Simpliciano, former Deputy Sheriff of the Municipal Trial Court of Puerto Princesa City, Palawan, is hereby DISMISSED for lack of merit.

The charge of violation of Sections 3(a), 3(e) and 4(b) of Republic Act No. 3019 against Eriberto Sabas and Ernesto Simpliciano is REFERRED to the Executive Judge of the Regional Trial Court of Puerto Princesa City

for investigation, report and recommendation on respondents' administrative liability within sixty (60) days from receipt of the record.

SO ORDERED.

Quisumbing, (Chairperson), Carpio, Carpio Morales, and Velasco, Jr., JJ., concur.

[1] Respondent Sabas retired on 17 September 2001.

[2] Respondent Simpliciano died on 13 January 2002.

[3] Rollo, pp. 1-23.

[4] Docketed as OMB-1-01-0668-H entitled, Arthur Stilgrove, et al v. Eriberto Sabas, et al.

[5] See Rollo, pp. 108-109. According to the Office of the Ombudsman, since the liability of respondents Sabas and Simpliciano is still yet to be established, and the jurisdiction of the Ombudsman over private respondents Gacot-Latube and De los Santos is conditioned on the existence of a conspiracy between them and the respondents public officials, the Ombudsman had no jurisdiction over private respondents Gacot-Latube and De los Santos.

[6] Rollo, p. 5.

[7] Id. at 6-9. The appeal to the Regional Trial Court from the MTC decision was docketed as Civil Case No. 3470.

[8] Id. at 6.

[9] Id. at . 31-32.

[10] Id. at 32.

[11] Id. at 11-12. Complainant Arthur Stilgrove presented a letter and an Affidavit of Third Party Claim but respondent Sabas refused to accept these documents.

[12] Rollo, p. 17.

[13] Sections 3(a), 3(e) and 4(b) of Republic Act No. 3019, reads:

SEC. 3. Corrupt practices of public officers. – In addition to acts or omissions of public officers already penalized by existing law, the following shall constitute corrupt practices of any public officer and are hereby declared to be unlawful:

(a) Persuading, inducing or influencing another public officer to perform an act constituting a violation of rules and regulations duly promulgated by competent authority or an offense in connection with the official duties of the latter or allowing himself to be persuaded, induced, or influenced to commit such violation or offense.

x x x x

(e) Causing any undue injury to any party, including the Government, or giving any private party any unwarranted benefits, advantage or preference in the discharge of his official, administrative or judicial functions through manifest partiality, evident bad faith or gross inexcusable negligence. This provision shall apply to officers and employees of offices or government corporations charged with the grant of licenses or permit or other concessions.

x x x x

SEC. 4. Prohibition of private individuals. – x x x x

(b) It shall be unlawful for any person knowingly to induce or cause any public official to commit any of the offenses defined in Section 3 hereof.

[14] Rollo, pp. 26-30.

[15] Id. at 31-32.

[16] Id. at 35-36.

[17] Citing *Oro Cam Enterprises, Inc. v. Court of Appeals*, 377 Phil. 469 (1999).

[18] Rollo, p. 37.

[19] Id. at 43;1[st] Indorsement.

[20] CONSTITUTION, Art. VIII, Sec. 6, states: "The Supreme Court shall have administrative supervision over all courts and the personnel thereof."

[21] Rollo, pp. 111-119.

[22] Id. at 148-149.

[23] Id. at 154.

[24] Id. at 165.

[25] Id. at 171-172.

[26] On 6 November 2002, Felecia G. Simpliciano, widow of respondent Ernesto Simpliciano, through a letter (Rollo, p. 146), asserted that by reason of her husband's death on 13 January 2002, the pending case against him had become moot and academic and that there is no more reason to hold her claim for retirement benefits. She further requested that her husband's benefits be processed as soon as possible because her family is in dire need of financial assistance. The Court referred her letter to the Office of the Court Administrator for evaluation, report and recommendation within ten (10) days from receipt of the records. (Rollo, p. 153) The Office of the Court Administrator found that the death of Simpliciano as well as the retirement of Sabas did not render the case moot and academic because the complaint had already been filed at the time of Simpliciano's death and Sabas' retirement. (Rollo, pp. 171-172)

[27] Rollo, pp. 471-493.

[28] Id. at 493.

[29] TSN, 05 January 2004, p. 21.

[30] *Martinez v. NLRC*, 339 Phil. 176, 183 (1997), citing *Jimenez v. NLRC*, G.R. No. 116960, 2 April 1996, 256 SCRA 84 (1996).

[31] See *Aklan Electric Cooperative Incorporated (AKELCO) v. NLRC*, 380 Phil. 225 (2000).

[32] See *In the Matter of the Alleged Improper Conduct of Justice Badoy, Jr.*, 443 Phil. 296, 317 (2003).

[33] Rollo, pp. 31-32.

[34]Id. at 32.

[35] See *Gatchalian v. Arlegui*, No. L-35615, 17 February 1977, 75 SCRA 234, 243 (1977).

[36] Id.

[37] *Republic v. Court of Appeals*, 374 Phil. 209, 216-217 (1999), citing *Ching v. Court of Appeals*, G.R. No. 59731, 11 January 1990, 181 SCRA 9, 15-16 (1990).

[38]See *Ching v. Court of Appeals*, G.R. No. 59731, 11 January 1990, 181 SCRA 9, 15-16 (1990).

[39] *Biscocho v. Marero*, A.M. No. P-01-1527, 22 April 2002, 431 Phil. 147, 150 (2002), citing *Oro Cam Enterprises, Inc. v. Court of Appeals*, 319 SCRA 444, 454 (1999). See also *Sunflower Neighborhood Association v. Court of Appeals*, 457 Phil. 404, 409-410 (2003).

[40] At the time of the demolition, Civil Case No. 1681, an action to recover possession of Lot No. 18556 filed by the Heirs of Gacot against complainant spouses, was still pending before the MTC of Puerto Princesa City.

[41] PARAS, EDGARDO L., *CIVIL CODE OF THE PHILIPPINES ANNOTATED*, 13[th] Edition (1994), pp. 129-130, citing *Supia v. Quintero*, 59 Phil. 312.

[42] *Santos v. Gonzales-Muñoz*, 436 Phil. 22, 33, citing *Florendo v. Enrile*, 239 SCRA 22, 31 (1994).

[43] Id.

[44]Rollo, p. 32.

[45] 153 Phil. 320, 329 (1973).

[46]*Bello III v. Judge Diaz*, 459 Phil. 214 (2003).

[47]Id.

[48] *Wenceslao v. Madrazo*, 317 Phil. 812, 819-820 (1995), citing *Bareno v. Cabauatan*, 151 SCRA 293 (1987). See also *To v. Director*, 110 SCRA 398, 400 (1981).

[49] See *Wenceslao v. Madrazo*, *supra*.

[50] Adm. Matter No. P-1891, 31 July 1978, 84 SCRA 298.

[51] Id. at 300.

[52] *Gabriel v. Atty. Abella*, 450 Phil. 14, 22 (2003).

[53] See *Mamaril v. Contacto, Jr.*, A.M. No. P-89-281, 29 March 1990, 183 SCRA 780 and *Gabriel v. Abella*, *supra*.

[54] *Baquerfo v. Sanchez*, A.M. No. P-05-1974, 6 April 2005, 455 SCRA 13, 15 (2005), citing *Pamintuan v. Ente-Alcantara, et al.*, A.M. No. P-04-1912, 17 December 2004, 447 SCRA 277 (2004).

[55] Id. at 15, citing *Re: Jovelita Olivas and Antonio Cuyco*, A.M. No. CA-02-12-P, 431 Phil. 379, 391; 381 SCRA 630, 640 (2002).

[56] A.M. No. P-05- 1973, 18 March 2005, 453 SCRA 598.

[57] Id. at 613-614.

[58] CIVIL SERVICE COMMISSION (1999) Resolution No. 99-1936, Rule IV, Secs. 52(A)(14) and 52(C)(1).

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