ANGELINA SARMIENTO, NORMANDO PASION EFREN SAMBILE, CRISPIN LUMBA, EMMANUEL SAGMIT, ELIZABETH TRINIDAD, ELIZABETH MACALINO, ESTRELITA GONZALES, OSCAR CASTILLO, NICANOR SUVA, RENA...

A.M. NO. MTJ-06-1644 [OCA-IPI NO. 05-1705-MTJ). July 31, 2006

Ponente: YNARES-SANTIAGO, J.

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YNARES-SANTIAGO, J.:

This administrative case emanated from the issuance of a writ of demolition by respondent Judge Yolanda M. Leonardo of Metropolitan Trial Court of Manila, Branch 10, relative to the ejectment cases filed against complainants by Solanda Enterprises, Inc.

Shortly after the service and enforcement of the writ, complainants filed a complaint charging Judge Yolanda M. Leonardo with ignorance of the law, oppression, grave misconduct, and violation of the Anti-Graft and Corrupt Practices Act for issuing the writ of demolition; Sheriff III Jess A. Arreola of Metropolitan Trial Court of Manila, Branch 10, with grave coercion, grave misconduct, oppression, and violation of the Anti-Graft and Corrupt Practices Act for allegedly allowing Sheriff III Apolinar S. Juan to actively participate without authority in serving the demolition order and coercing complainants to demolish their houses; and Sheriff III Apolinar S. Juan of Metropolitan Trial Court of Manila, Branch 17, with usurpation of authority, oppression, grave misconduct, grave coercion, and violation of the Anti-Graft and Corrupt Practices Act for allegedly actively participating in the issuance of the demolition order and coercing complainants to demolish their houses without authority from the court.

Complainants aver that respondent judge issued the writ despite the lapse of more than five years since the finality of judgment in the ejectment cases thus, showing her partiality to plaintiff Solanda Enterprises, Inc. They also claim that Sheriffs Arreola and Juan served the writ despite being invalid and coerced them to demolish their houses. Complainants allege that respondents completely disregarded the writ of possession already issued by another trial court in an expropriation case filed by the City of Manila covering the same property against Solanda Enterprises, Inc.

Respondent judge avers that on May 19, 1993, judgment[1] was rendered in the said ejectment cases ordering the removal of the houses and structures of complainants from the subject premises. The decision was affirmed by the Regional Trial Court of Manila, Branch 39. However, a fire occurred on April 11, 2001 thus the parties were directed to reconstitute the records of the cases. Meanwhile, an expropriation case involving the same properties was decided in favor of the City of Manila which was appealed by Solanda Enterprises, Inc.

On July 25, 2003, after the reconstitution of the records of the ejectment cases, the Regional Trial Court of Manila, Branch 26,[2] issued a writ of execution to enforce the May 19, 1993 judgment. Complainants filed a Motion for Reconsideration but the same was denied. Complainants then filed a Motion for Inhibition against Judge Emmanuel M. Lorredo which was granted. Hence, the cases were raffled to Judge Myra F. Fernandez but

due to the latter's promotion as Regional Trial Court judge on November 3, 2004, the cases were inherited by respondent judge.

On February 7, 2005, respondent judge issued the writ of demolition. Thereafter, complainants filed an Urgent Motion for Inhibition with Urgent Motion to Quash Writ of Demolition,[3] which was denied on March 14, 2005.

Respondent judge alleges that her predecessor judges had already decided that complainants failed to prove that Solanda Enterprises, Inc. did not comply with the five-year period provided under Section 6, Rule 39 of the Rules of Court in the execution of judgment. She contends that complainants prevented the execution of the judgment with their dilatory motions and requests for inhibition of the presiding judges. She cites the principle of equity in maintaining that delays without the fault of the prevailing parties should not be included in the computation of the five-year period to execute a judgment by motion. Since there was no obstacle nor temporary restraining order to stop the enforcement of the assailed writ, respondent judge maintains that it was her ministerial duty to issue the writ as the decision has long become final and executory.

Sheriff Arreola avers that he did not solicit or receive money from Solanda Enterprises, Inc.; nor did he commit any grave misconduct, coercion and oppression against complainants. He denies allowing Sheriff Juan to actively participate in serving the writ and claims that he only asked for directions since the latter is familiar with the area. He alleges that he gave complainants 10 days to voluntarily vacate and remove the structures in the area. However, after the lapse of the grace period, complainants still have not left the subject premises hence, he sought the help of Sheriff Juan in locating Barangay Chairman Viray before he started to demolish the houses of complainants. After the denial of complainants' Motion to Quash the Writ, he proceeded to demolish the remaining houses in the subject premises.

On the other hand, Sheriff Juan avers that he had no direct involvement in the ejectment cases of complainants, nor with the enforcement of the assailed Writ of Demolition issued by respondent judge. He explains that he resides only about 75 meters from the subject premises and that he merely chanced upon Sheriff Arreola near the area who then asked him for directions in locating the subject premises and Barangay Chairman Viray.

In its Report, the Office of the Court Administrator (OCA) finds that the present complaint does not allege any impropriety in the exercise of respondent judge's judicial functions and in respondent sheriffs' manner of implementing the writ of demolition. The OCA thus recommends:

> In view of all the foregoing, this Office respectfully submits for the consideration of the Honorable Court its recommendation that the complaint be DISMISSED for lack of merit.[4]

We agree with the findings and recommendation of the OCA.

In administrative proceedings, the complainant bears the onus of establishing, by substantial evidence, the averments in the complaint.[5] In the absence of contrary evidence, what will prevail is the presumption that respondent judge[6] and respondent sheriffs[7] have regularly performed their official duties, as in this case.

We note that the factual bases of the accusations attributed to respondent judge pertain to the exercise of her judicial functions, particularly the issuance of a writ of demolition against complainants. The latter, however, failed to substantiate the allegation that respondent judge acted with bad faith, fraud, dishonesty, corruption, ignorance of the law, oppression, or grave misconduct. Charges based on mere suspicion and speculation cannot be given credence. Complainants cannot rely on mere conjectures and suppositions without any substantiation.[8]

Besides, well-entrenched is the rule that a party's remedy, if prejudiced by the orders of a judge given in the course of a trial, is the proper reviewing court, and not with the OCA by means of an administrative complaint.[9] As a matter of policy, in the absence of fraud, dishonesty and corruption, the acts of a judge in his official

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capacity are not subject to disciplinary action. The judge cannot be subjected to liability - civil, criminal or administrative - for any of his official acts, no matter how erroneous as long as he acts in good faith. Only judicial errors tainted with fraud, dishonesty, gross ignorance, bad faith, or deliberate intent to do an injustice will be administratively sanctioned.[10]

As for the respondent sheriffs, it is elementary that their duty in the execution of a writ is purely ministerial. When a writ is placed in their hands, it is their duty, in the absence of any instructions to the contrary, to proceed with reasonable celerity and promptness to implement it in accordance with its mandate. It cannot be overemphasized that sheriffs play an important part in the administration of justice, because they are tasked to execute the final judgments of courts. If not enforced, such decisions are empty victories on the part of the prevailing parties. Indeed, the execution of a final judgment is the fruit and end of the suit and is the life of the law.[11]

The records show that Sheriff Arreola acted within the scope of his authority. There is no evidence showing that he committed grave coercion, grave misconduct or oppression. He only asked directions from Sheriff Juan and requested assistance from Barangay Captain Viray in view of the hostility displayed by the complainants during the demolition of the structures. Both acts were reasonable and necessary to enforce the writ of demolition.

The same can be said as to the charges of usurpation of authority, oppression, grave misconduct and grave coercion against Sheriff Juan. There is no evidence to prove complainants' allegation that he actively participated in the enforcement of the writ or that he coerced them to demolish their houses without authority from the court.

This Court has always been punctilious over and over again that it will never tolerate or condone any conduct, act or omission that would violate the norm of public accountability or diminish the people's faith in the judiciary. However, when an administrative charge against a court personnel holds no basis whatsoever in fact or in law, this Court will not hesitate to protect the innocent court employee against any groundless accusation that trifles with judicial process. This Court will not shirk from its responsibility of imposing discipline upon employees of the judiciary, but neither will it hesitate to shield them from unfounded suits that only serve to disrupt rather than promote the orderly administration of justice.[12]

WHEREFORE, the instant administrative case filed against Judge Yolanda M. Leonardo and Sheriff III Jess A. Arreola, both of the Metropolitan Trial Court of Manila, Branch 10; and Sheriff III Apolinar S. Juan of Metropolitan Trial Court of Manila, Branch 17, is DISMISSED for lack of merit.
SO ORDERED.

Panganiban, C.J., (Chairperson), Austria-Martinez, Callejo, Sr., and Chico-Nazario, JJ., concur.

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[1] Penned by Judge Reinata G. Quilala, Metropolitan Trial Court of Manila, Branch 26.

[2] Presided by Judge Emmanuel M. Lorredo.

[3] Rollo, pp. 83-85.

[4] Id. at 167.

[5] Mamerto Maniquiz Foundation, Inc. v. Pizarro, A.M. No. RTJ-03-1750, January 14, 2005, 448 SCRA 140, 155.

[6] Navarro v. Cerezo, A.M. No. P-05-1962, February 17, 2005, 451 SCRA 626, 630.

[7] Capacete v. Arellano, A.M. No. P-03-1700, February 23, 2004, 423 SCRA 323, 328.

[8] Planas v. Reyes, A.M. No. RTJ-05-1905, February 23, 2005, 452 SCRA 146, 161.

[9] Dadula v. Ginete, A.M. No. MTJ-03-1500, March 18, 2005, 453 SCRA 575, 587.

[10] Planas v. Reyes, supra at 155.

[11] De La Cruz v. Bato, A.M. No. P-05-1959, February 15, 2005, 451 SCRA 330, 336.

[12] Id. at 337.

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