

LEAH H. BISCOCHO, JANET T. LABATA, VIRGINIA MANUEL, NORA MANUEL, LEDILLA DIONEDA, GIL CALICDAN, ELIZABETH SARMIENTO, THRU COUNSEL ATTY. CASIANO L. MONTES, COMPLAINANTS, VS. CORN...

A.M. No. P-01-1527 (Formerly OCA IPI No. 99-707-P). April 22, 2002

Ponente: PUNO, J.

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PUNO, J.:

This is an administrative complaint against Cornelio Marero, Sheriff IV of the Regional Trial Court of Antipolo City, Branch 72, for grave misconduct.

The complainants allege in a verified complaint[1] that on July 13, 1999, respondent sheriff implemented a Writ of Demolition[2] issued in connection with RTC Civil Case No. 97-4486,[3] entitled “Pepito Samson v. Ernesto Sarmiento, et al.,” upon the residents of Sitio Lower East Kamias, Cogeo II, Antipolo City. The demolition included the houses of the complainants who were not parties to the civil case; hence, the complaint against the respondent who conducted the demolition.

In his Comment,[4] the respondent denies the charges, and claims that the demolition was pursuant to a lawful order which he is tasked to implement. He further contends that the demolition was conducted without threat or intimidation against the complainants who were illegally occupying the subject property. Finally, the complainants’ interest in the outcome of RTC Civil Case No. 97-4486, as indicated in their administrative complaint, is an implied admission that their houses were proper subjects of the demolition.

The complainants allege in their Reply[5] that the decision of the municipal trial court in Civil Case No. 2954 (RTC Civil Case No. 97-4486) was erroneous, and that the demolition of their houses was illegal. They attached the Sheriff’s Return/Report on the Writ of Demolition to prove the respondent’s ignorance of his duties as a sheriff.[6]

The complaint was referred to the Office of the Court Administrator for evaluation, report and recommendation. The OCA found the respondent guilty of violating complainants’ right to due process of law and recommended thus:

“xxx respondent be suspended from the service for six (6) months without pay and be ordered to pay a fine of P10,000.00 with a warning that repetition of the same or similar offense shall be dealt with more severely.”

We agree.

An ejectment suit is an action in personam wherein judgment is binding only upon parties properly impleaded and given an opportunity to be heard.[7] However, this rule admits of the exception that even a non-party may be bound by the judgment in an ejectment suit where he is any of the following: (1) 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.[8]

It is clear that the complainants were not parties to the civil case for which the writ of demolition was issued.[9] Nor is there anything on record to prove that they belong to the abovementioned exceptions. Yet, the respondent sheriff, in utter disregard of the rights of the complainants, included their houses in the demolition. In a vain attempt to justify his actions, the respondent claims that he merely implemented a lawful order of the court. This contention is devoid of merit. The dispositive portion of the decision of the municipal trial court provides:

“WHEREFORE, judgment is hereby rendered in favor of the plaintiff and against the defendant and all persons claiming rights under them ordering the latter the following:

- To vacate the subject properties and surrender the possession thereof to the plaintiff.
- To pay plaintiff the amount of Five Hundred Pesos (P500.00) each as monthly rental or reasonable compensation for the use and occupation of the subject properties from the filing of the complaint until after the possession thereof is surrendered to the plaintiff.
- To pay plaintiff the sum of One Thousand Pesos (P1,000.00) each as and by way of attorney’s fees.
- To pay plaintiff the costs of suit.

SO ORDERED.”[10]

The Writ of Execution issued by the Regional Trial Court through officer-in-charge Antonio T. Ventayen quoted the foregoing dispositive portion and ordered the respondents, thus:

“NOW, THEREFORE, for and in consideration of the foregoing premises, you are hereby commanded to effect the execution of the Court’s judgment; that you cause the ejectment/eviction from subject premises in question of herein defendants and any and all persons claiming rights therefrom; that of the goods and chattels of the defendants in the premises and elsewhere, you cause to be had the quoted sums, together with all your lawful fees for the service of this writ, all in Philippine currency and that you render the same to said plaintiff, aside from your fees on this execution. In the event that payment cannot possibly be made against defendant’s personal properties to the satisfaction of this execution and your lawful fees thereon, then you are likewise commanded that of the lands and houses of said defendants, you make the said sums of money in the manner required by the Rules of Court. Make a return of this Writ with the required endorsement thereon within sixty (60) days from the date hereof.

xxx xxx xxx”[11]

The Decision of the Municipal Trial Court and the Writ of Execution of the Regional Trial Court were specifically directed “against the defendants and all persons claiming rights under them.” It is plain error on the part of the respondent to implement the writ against the complainants who are neither the defendants nor persons who derived property rights from the defendants in the civil case. Such error translates into grave misconduct especially where the effect is to deny individuals of their fundamental right to due process of law.

WHEREFORE, premises considered, Cornelio Marero, Sheriff IV, is found GUILTY of grave misconduct and is hereby SUSPENDED for six (6) months without pay and pay a fine of P10,000.00. He is WARNED that a repetition of the same or similar act in the future will be dealt with more severely.

SO ORDERED.

Sandoval-Gutierrez [**] and Austria-Martinez, JJ., concur.

Davide, Jr., C.J., (Chairman), Kapunan, and Ynares-Santiago, JJ., on official leave.

[**] Per Special Order No. 220, dated April 22, 2002.

[1] Rollo, p. 1.

[2] The Writ of Demolition was issued pursuant to an Order by the Regional Trial Court of Antipolo City, Branch 72.

[3] Originally Civil Case No. 2954 in the Municipal Trial Court of Antipolo City, Branch II.

[4] Rollo, p. 22.

[5] Id., p. 26.

[6] Id. p. 37.

[7] Republic v. Court of Appeals, 315 SCRA 600, 606 (1999).

[8] Oro Cam Enterprises, Inc. v. Court of Appeals, 319 SCRA 444, 454 (1999).

[9] The defendants in RTC Civil Case No. 97-4486/MTC Civil Case No. 2954 are Ernesto Sarmiento, Renato Gonzales, Vilma Pacis, Edwin Cesista, Roger Nebrija, Albert Nebrija, Petronilo Adao, Cecilia P. Bernal, Aurelio O. Supat, Carolina O. Estrada, and Mary Jean Mejica.

[10] Rollo, p. 10.

[11] Rollo, p. 7.

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