ATTY. NELSON T. ANTOLIN AND ATTY. DIOSDADO E. TRILLANA, COMPLAINANTS, VS. JUDGE ALEX L. QUIROZ, SHERIFF EDWIN V. GARROBO, AND SHERIFF MARIO PANGILINAN, RESPONDENTS.

A.M. No. RTJ-09-2186 [Formerly A.M. OCA-IPI No. 03-1893-RTJ]. July 14, 2009

Ponente: CARPIO MORALES, J.

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CARPIO MORALES, J.:

These two administrative complaints, A.M. OCA IPI No. 03-1893-RTJ and A.M. OCA IPI No. 04-1993-RTJ, stemmed from the issuance, in Civil Case No. 59264, "Fruehauf Electronics Philippines, Inc. v. Signetics Corp., U.S.A.," by then Judge Alex L. Quiroz (Judge Quiroz)[1] of Branch 156, Regional Trial Court (RTC) of Pasig City of a Writ of Execution, and its implementation.

By Decision of October 31, 1996, the RTC, in Civil Case No. 59264, found in favor of Fruehauf Electronics Philippines, Inc. (Fruehauf), which decision was affirmed on appeal by the Court of Appeals.

On May 21, 2001, Fruehauf filed a Motion for Execution of the decision. The motion was submitted for consideration of Judge Quiroz who had in the meantime assumed as Presiding Judge of Branch 156.

Fruehauf sought to enforce execution of the decision against Philips Semiconductors Philippines, Inc. (PSPI), a local subsidiary of Signetics Corp. U.S.A. (Signetics).

By Order of January 21, 2002, Judge Quiroz ruled that execution could not be directed against PSPI, which was not a party to the civil case. Fruehauf assailed this Order via Certiorari and Mandamus before the Court of Appeals.

By Decision of September 10, 2003, the appellate court set aside Judge Quiroz' Order and directed him "to issue a writ of execution against Philips Semiconductors, Philippines, Incorporated as the local subsidiary of the original defendant, Signetics, USA, in accordance with the decision of the trial court dated October 31, 1996."

Re: A.M. OCA IPI NO. 03-1893-RTJ
("Atty. Nelson T. Antolin, et al. v. Judge
Alex L. Quiroz, et al.")

In compliance with the appellate court's above-said Decision of September 10, 2003, Judge Quiroz ordered on October 9, 2003 the issuance of a writ of execution specifically designating Deputy Sheriff Edwin V. Garrobo (Garrobo) of Branch 156 to implement it.

With the authority of the Branch Clerk of Court, Garrobo and another sheriff, Mario Pangilinan of the Office of the Clerk of Court (Pangilinan),[2] proceeded to Cabuyao, Laguna to implement the writ. At that time, Judge Quiroz was on sick leave.

The sheriffs were told to wait for the counsels of PSPI, namely Atty. Nelson T. Antolin and Atty. Diosdado E. Trillana (complainants). Upon arrival, complainants informed respondent sheriffs that execution could not

proceed as the appellate court's September 10, 2003 Decision was not yet final and executory pending resolution of their Motion for Reconsideration of said Decision. And complainants furnished respondent sheriffs a copy of their Motion to Set Aside the October 9, 2003 Order of Judge Quiroz. Respondent just the same proceeded with the implementation of the writ.

Hence, spawned complainants' letter-complaint of November 3, 2003 to the Chief Justice, they assailing the issuance of the Writ of Execution and respondent sheriffs' implementation thereof, viz:

> [Judge Quiroz] issued the Order of Oct. 9, 2003 despite the following: (1) the CA Decision that permitted execution of the lower court's judgment had not yet become final and executory; (2) he issued it motu propio (sic), without a motion having been filed by the party sustained in the CA Decision; and (3) he issued it without an entry of the judgment of the CA, as required by Rule 39, Sec. 1. x x x
>
> Last Friday, Oct. 17, 2003, when the undersigned talked to the Sheriffs to explain the illegality of what they were doing, we saw the face of lawlessness. They would not listen to reason; they ignored the facts, insisting on the Writ as though they had duty to enforce even a Writ that was void on its face.
>
> We saw two men gone mad with power. We saw two officers of the court - for such they are as Sheriffs - who acted in flagrant violation of the rules they were sworn to uphold, simply because they had no courage to say no to what Fruehauf's representatives wanted. x x x [3] (Italics and underscoring in the original)

By Resolution of November 25, 2003, the Court required Judge Quiroz and respondent sheriffs to comment thereon. The letter-complaint, which was referred to the Office of the Court Administrator (OCA) for investigation and evaluation, was docketed as OCA- IPI No. 03-1893-RTJ.[4]

In his Comment of November 25, 2003, Judge Quiroz maintained that his challenged Order of October 9, 2003 was in compliance with the appellate court's directive in its Decision of September 10, 2003. He asserted that the Rules of Court only require a certified copy of the judgment/decision to be attached to the writ and not an entry of judgment as contended by the complainants.

Respondent Garrobo, upon the other hand, countered that sheriffs do not possess the discretion to defer the implementation of a writ of execution, it being a ministerial duty. Respondent Pangilinan, for his part, stressed that as a mere assisting sheriff, he did not have any participation prior to the implementation of the writ.

The OCA came up with the following Evaluation:

> After studiously considering the complaint, including the annexes appended thereto and the comments of respondent Judge Quiroz, we hold that the instant administrative complaint is not the appropriate action for the correction of the alleged erroneous order of the respondent Judge, for a judicial remedy exists and is available. If a party is prejudiced by the orders of a judge, his remedy lies with the proper court for the proper judicial action and not with the Office of the Court Administrator by means of an administrative complaint. x x x
>
> As to the charges against respondent sheriffs, we note that respondent Sheriff Garrobo submitted a three-page comment while the other respondent Sheriff Pangilinan, filed a two and a half page comment, both of which submissions contain general averments. In addition, the complainant lawyers filed a Reply dated 23 December 2003 wherein they further assail the actuations of the respondent sheriffs for being in contravention of provisions of the Rules of Court. The veracity of the allegations and statements of the parties (complainant lawyers and respondent sheriffs) regarding the circumstances attendant to the enforcement of the writ cannot be determined solely on the basis of the pleadings on record. There is a need for a venue where the divergent versions of the contending parties relative to such circumstances can be reconciled or clarified and where they can further substantiate their respective positions. Hence, a formal investigation is deemed essential.

IN VIEW OF THE FOREGOING, it is respectfully recommended that:

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> - The complaint against respondent Judge Alex Quiroz, RTC, Branch 156, Pasig City, be DISMISSED for lack of merit; and
>
> - The complaint against respondent sheriffs, Edwin V. Garrobo and Mario S. Pangilinan be REFERRED to Executive Judge of the Regional Trial Court at Pasig City for investigation, report and recommendation within sixty (60) days from receipt of the records. (Emphasis in the original; underscoring supplied)

By Resolution of July 6, 2004, the Court En Banc, acting upon the recommendation of the OCA, dismissed the complaint against Judge Quiroz for lack of merit but referred the charges against respondent sheriffs to the Executive Judge of the RTC of Pasig City for investigation, report and recommendation. Per manifestation of then Executive Judge Edwin A. Villasor that one of the complainants was his former classmate at the University of the Philippines, the complaint was referred to 1[st] Vice Executive Judge Florito S. Macalino.

Re: A.M. OCA IPI NO. 04-1993-RTJ
(Edwin V. Garrobo v. Judge Alex L.
Quiroz)

Upon Judge Quiroz' return to office from his sick leave on November 27, 2003, he called on the members of his staff for their monthly meeting. By the claim of Garrobo, for the duration of the meeting, Judge Quiroz berated and lambasted him for serving the writ on PSPI, hence, his filing of the administrative complaint against the judge for gross misconduct, docketed as OCA-IPI No. 04-1993-RTJ. Garrobo gave the following details of his complaint:

> On November 21, 2003, Four (4) days after Judge Quiroz reported back to the office after weeks of being on leave, Right away, he called a Staff meeting and conducted his usual loyalty check. Four (4) of the Staff said they still believe in my capacity and worthiness as Branch Sheriff, Still, Judge Quiroz lambasted me again infront of my fellow employees! He was so angry he refused to listen to the explanation of Atty. Lavandero who ventured that he was the one to blame. Judge Quiroz, using all his filthy words he can come up with insulted and threatened mo (sic) once more. I should resign, he said or he will make me resign. Even then, he promised, even if I did resign, he swore he will come after me. Better that I go on leave while I look for some other employment, he said. I had tainted his name, he alleged, at a time when his application with the Court of Appeals as an Associate Justice, is pending. And for that, he had shouted that I will be sorry."[5] (Underscoring supplied)

Judge Quiroz, denying the accusation, gave the following version:

> Time and again, before the undersigned took his leave of absence, Garrobo was advised to implement the writ in accordance with the Rules. While the subject of the writ was in Laguna, he was advised not to accept anything from the plaintiff and might prejudice the implementation of the writ. But on October 17, 2003, Garrobo, due to his lack of knowledge of his job, had to have two more sheriffs and Mr. Roman, just to serve the letter to comply against PSPI together with Plaintiff Mr. Litonjua who gave him money and accepted it before proceeding to Laguna. x x x
>
> Since Garrobo accepted money from Mr. Litonjua, as expected, the implementation of the Writ was prejudiced for he failed to exercise the proper protocol/conduct to implement the same resulting to an administrative case filed by lawyer of PSPI against Garrobo and his two sheriffs and the undersigned was included.
>
> During the meeting, each and everyone was asked to speak anent the problem encountered and the corruption committed by Garrobo and his incompetency in the implementation of the writ and the reason why he failed to follow instruction of the undersigned not to accept any consideration (money) from Mr. Litonjua (Plaintiff) for he might be subjected to the latter's control which would amount to the prejudice in the implementation of the writ.

> The undersigned explained to him (Garrobo) that he should have been cautious in the implementation of the writ and must have been prudent thereof.
>
> Throughout the meeting or even during the telephone conversation, the undersigned never lambasted Garrobo nor humiliated him. It is merely his scheme to get away from his corruption and incompetency committed after the undersigned informed him of the consequences of his action that may cause his removal from office..[6] (Underscoring supplied)

Judge Quiroz requested a formal investigation of his charge that Garrobo accepted monetary consideration in implementing the writ.

By Indorsement of December 5, 2003, the OCA directed the court personnel of Branch 156, RTC Pasig City, to comment on Garrobo's letter-complaint. In their Comment, the court personnel corroborated the version of Judge Quiroz.

On recommendation of the OCA, A.M. OCA IPI No. 04-1993-RTJ and A.M. OCA IPI No. 03-1893-RTJ were consolidated by the Court En Banc Resolution of February 23, 2005. By Resolution of March 29, 2005, the Court En Banc resolved to refer the cases to Pasig City Regional Trial Court Judge Florito S. Macalino. During the pendency of the investigation, respondent Pangilinan passed away.

In his Report of December 10, 2007, Investigating Judge Macalino recommended the dismissal of the complaint against Garrobo and Pangilinan in A.M. OCA IPI No. 03-1893-RTJ.

In A.M. OCA IPI No. 04-1993-RTJ, Investigating Judge Macalino recommended that the complaint against Judge Quiroz by Garrobo and the counter-charge of corruption by Judge Quiroz be dismissed for lack of evidence.

On August 12, 2008, the OCA made the following Evaluation and Recommendation:

> After a careful evaluation of the records of the consolidated complaints, this Office finds no merit in the instant complaints.
>
> In A.M. OCA IPI No. 03-1893-RTJ, respondent Sheriff Edwin V. Garrobo and Mario S. Pangilinan implemented the writ of execution issued by the lower court in compliance with the decision of the Court of Appeals dated September 10, 2003 directing the trial court to issue a writ of execution against Philips Semiconductors Philippines, Inc., as local subsidiary of the defendant, Signetics, USA. While it is true that the complainants are still questioning the decision of the Court of Appeals, it is worth noting that the said court did not issue any temporary restraining order that would have justified delaying the implementation of the writ.
>
> The filing of the instant complaint against respondent Sheriffs Garrobo and Pangilinan is thus not the appropriate action to take. As pointed out by the investigating Judge, the complainants themselves concede that the issues in the complaint border on questions of law that are too technical to decide on the spot. From this admission by the complainants, it can be deducted that they have yet to exhaust all judicial remedies available.
>
> Well-settled is the doctrine that the duty of the sheriffs in the execution of the writ issued by a court is purely ministerial. Indeed, it is their ministerial duty to proceed to execute a writ place in their hands, with reasonably celerity and promptness in accordance with their mandate. Unless restrained by a court order, they should see to it that the execution of judgment is not unduly delayed. Accordingly, they must comply with their mandate obligation as speedily as possible. (Underscoring supplied)
>
> Anent OCA IPI No. 04-1993-RTJ, this Office finds the charges and countercharges imputed by the parties unmeritorious.
>
> Sheriff Garrobo, aside from his bare allegations that he was berated by Judge Quiroz in the presence of his officemates, presented no evidence to support his assertions. On the other hand, the following personnel of

> RTC Branch 156, Pasig City, namely: Atty. Albert N. Lavandero, Branch Clerk of Court; Sylvia A. Lozada, Court Stenographer III; Ma. Lorina P. Uson, Interpreter III; Asuncion U. Cipriano, Court Stenographer III; Gina A. Talaro, Court Stenographer III; Floriza A. Guillermo, Court Stenographer III; Bryan Eduard Y. Flores, Clerk III; Arcelito C. Roman, Clerk III; Ronaldo R. Santos, Process Server; and Eileen C. Moraleta, Utility Worker I, when directed by Court Administrator to comment on the incident, unanimously belied the allegations of Sheriff Garrobo. Clearly, OCA IPI No. 04-1993-RTJ has no leg to stand on.
>
> With regard to the counter-charges imputed by Judge Quiroz against Sheriff Garrobo for alleged "corrupt practice", we likewise sustain the findings of the Investigating Judge.
>
> In administrative proceedings, the complainant has burden of the (sic) proving the allegations in the complaint with substantial evidence which a reasonable mind might accept as adequate to justify a conclusion.
>
> Judge Quiroz failed to substantiate his allegations that Sheriff Garrobo acted with dishonesty, corruption or grave misconduct. The Investigating Judge dismissed the witness presented by Judge Quiroz as a "bias and prejudiced witness." The Investigating Judge noted the admission made by the witness that he was designated by Judge Quiroz to keep a close watch on Sheriff Garrobo vis-à-vis the implementation of the subject writ. The claim of the witness that he received money from Sheriff Garrobo was not fully established by convincing evidence.
>
> FOREGOING considered, we respectfully submit to the Honorable Court the following recommendations:
>
> (1) The Complaint docketed as A.M. OCA IPI No. 03-1893-RTJ against respondent Edwin V. Garrobo, Sheriff IV, Regional Trial Court, Branch 156, Pasig City, be DISMISSED for lack of sufficient merit
>
> (2) The charges docketed as A.M. OCA IPI No. 04-1993-RTJ against Judge Alex L. Quiroz be DISMISSED for lack of merit;
>
> (3) The counter-charges docketed as A.M. OCA IPI No. 04-1993-RTJ against Sheriff Garrabo (sic) be DISMISSED for want of evidence. (Underscoring supplied)

The Court finds the evaluation and recommendations of the Investigating Judge and the OCA well-taken.

Respecting A.M. OCA IPI No. 03-1893-RTJ, that sheriffs have an important role to play in the administration of justice cannot be overemphasized. They form an integral part, as they are called upon to serve writs, execute all the processes, and carry into effect the orders, of the court. When placed in their hands, it is their duty, in the absence of any instruction to the contrary, to proceed with reasonable celerity and promptness, to execute writs according to their mandate.[7]

As noted by the OCA, no restraining order was issued by the appellate court on October 17, 2003 to excuse the delay in the execution of the writ. It was only on October 21, 2003 or four days later that the appellate court issued a temporary restraining order pending resolution of the motion for reconsideration. At all events, even if a writ is later ruled to be improvidently or improperly issued, the sheriff is not in a position to question it, as his duty in executing the same is purely ministerial.[8]

Respecting A.M. OCA IPI No. 04-1993-RTJ, although administrative proceedings are not bound by technical rules of procedure in adjudication of cases, it does not do away with compliance with basic rules in proving allegations. The fundamental requirement of due process requires that if sanction must be meted out, the quantum of proof required in administrative cases should be met. In the present case, absent substantial evidence to support them, the complaint and the counter-charge are reduced to bare accusations and mere conjectures. They must necessarily be dismissed.

WHEREFORE, the complaint against respondents Sheriffs Edwin V. Garrobo and Mario Pangilinan in A.M.

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OCA IPI No. 03-1893-RTJ is hereby DISMISSED.

The complaint filed by Sheriff Garrobo against respondent Judge Alex L. Quiroz, as well as the counter-charge, in A.M. OCA IPI No. 04-1993-RTJ is likewise DISMISSED.

SO ORDERED.

Puno, C.J., Quisumbing, Ynares-Santiago, Carpio, Corona, Chico-Nazario, Velasco, Jr., Nachura, Leonardo-De Castro, Brion, Peralta, and Bersamin, JJ., concur.

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[1] Now an Associate Justice of the Sandiganbayan.

[2] For A.M. No. RTJ-03-1893, Sheriff Garrobo and Sheriff Pangilinan shall be collectively referred to as "respondent sheriffs."

[3] Rollo, pp. 16-22, 16, 19.

[4] Id. at p. 34.

[5] Id. at 2.

[6] Id. at 149-153, 151-152.

[7] Alvarez v. Diaz, et. al., A.M. No. MTJ-00-1283, March 3, 2004, 424 SCRA 213, 232.

[8] Id. at 232-233.

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