

FROILAN E. IGNACIO, COMPLAINANT, VS. PAUL CHRISTOPHER T. BALADING, SHERIFF III, BRANCH 33, METROPOLITAN TRIAL COURT, QUEZON CITY, RESPONDENT.*A.M. No. P-24-150 (Formerly OCA IPI No. 13-4030-P). July 30, 2024*

Ponente: LEONEN, SAJ.

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Sheriffs play a pivotal role as agents of the law. They are entrusted with the execution of court orders and writs and must adhere to stringent ethical and procedural standards. While expeditious enforcement of judgments is essential, due process and fairness must not be compromised.

This Court resolves the administrative Complaint[1] for grave abuse of authority filed by Froilan E. Ignacio (Ignacio) against former Deputy Sheriff Paul Christopher Balading (Balading) of Branch 33, Metropolitan Trial Court, Quezon City.

In 2011, the Metropolitan Trial Court decided *People v. Reyes*, a Bouncing Checks Law[2] case.[3] In the case, accused Carolina Reyes (Reyes) was acquitted of the charge but was nevertheless adjudged civilly liable to the private complainant, Romeo Aznar (Aznar), in the amount of PHP 128,500.00.[4] The Writ of Execution was issued on October 25, 2012.[5]

On January 4, 2013, to implement the Writ of Execution, Balading, then trial court sheriff, went to Megabuilt Enterprises, a hardware store located in Batasan, Quezon City.[6] He was accompanied by Aznar,[7] and some unidentified men he called "hatak boys." [8] Balading levied hardware materials, which he carted off and loaded into a van.[9]

On January 10, 2013, Ignacio filed the administrative Complaint[10] against Sheriff Balading. Ignacio alleged that he is the registered owner of Megabuilt Enterprises. Ignacio claimed that on the day Balading went to Megabuilt, the latter was armed and did not properly identify himself as a sheriff to Megabuilt's employees. Balading and his companions allegedly just barged their way into the hardware store despite physical resistance from Ignacio's four employees. According to Ignacio, Balading carted off hardware materials in the total value of not less than PHP 500,000.00.[11]

As evidence of the abusive manner Balading had used in implementing the writ, Ignacio appended sworn statements from his employees, as well as screenshots of CCTV footage of the incident. He also mentioned that he had filed a criminal complaint against Balading.[12]

After three directives[13] for him to respond to the Complaint, Balading finally filed his Comment[14] on June 2, 2016. Balading essentially admitted that before going to Megabuilt, he first went to Reyes's house, where he offered money to her helpers for them to surrender the keys to the vehicles parked in the house. When he failed to secure the keys, Balading then went to Kingplus Construction and Hardware Supply to levy the rights, interests, and participation of Reyes. However, when Atty. Alfredo Tan, Reyes's counsel, arrived, Balading "backed

off"[15] and returned to the trial court.[16]

Balading then conducted surveillance to determine Reyes's whereabouts. Finally, on January 4, 2013, he went to Megabuilt Enterprises to implement the Writ of Execution against Reyes. According to Balading, Ignacio was the husband of Reyes, and the latter was hiding in Megabuilt to evade her civil liability.[17]

Balading denied that a robbery took place, emphasizing that there was a police station near Megabuilt where Ignacio could have easily sought assistance. Balading admitted that he eventually sold the items he had levied at a public auction, the proceeds of which answered for Reyes's civil liability. He claimed that there were items listed in the Complaint that he did not levy.[18]

Lastly, Balading apologized for the belated filing of the Comment. He said that he had no intention of delaying the proceedings and thought that his non-filing would simply be considered a waiver of his right to file a comment considering that the allegations against him, in and of themselves, "will not substantially stand."[19]

In a July 11, 2016 Resolution,[20] this Court referred the Complaint and the Comment to the Office of the Court Administrator for evaluation, report, and recommendation.

In a September 16, 2016 Memorandum,[21] the Office of the Court Administrator recommended Ignacio to file a reply and repudiate the allegations in the Comment.[22] It also recommended that the case be referred to the executive judge of the Metropolitan Trial Court of Quezon City for further investigation, report, and recommendation considering that "there [were] factual issues that need to be verified and to be more thorough in determining if respondent [Balading] indeed committed abuse of authority in the discharge of his functions[.]"[23] Lastly, the Office of the Court Administrator recommended that Balading be fined PHP 10,000.00 for insubordination, specifically, for refusing to submit his comment despite several directives.[24]

In a June 20, 2018 Resolution,[25] this Court fined Balading for insubordination, ordered Ignacio to file a reply, and referred the administrative case to the executive judge of the Metropolitan Trial Court of Quezon City for further investigation, report and recommendation.

In his December 10, 2018 Report,[26] Executive Judge Joel Socrates S. Lopena (Judge Lopena) stated that the trial court attempted to notify Balading of the proceedings against him, but the address indicated in the June 20, 2018 Resolution was no longer where the latter resided. Balading also went on an absence without leave sometime between 2014 to 2015. Further, Judge Lopena noted that Balading was an accused in a criminal case pending in Marikina, with a standing warrant of arrest against him. Therefore, Balading could not be duly notified and apprised of the investigation.[27]

In any case, Judge Lopena proceeded with the investigation and scheduled a hearing on October 26, 2018, where complainant Ignacio and two of his counsels appeared.[28]

Upon inquiry, Ignacio maintained that he is the sole proprietor of Megabuilt Enterprises, as evidenced by a Certification from the Department of Trade and Industry. He also denied that Carolina Reyes is his common-law wife, or that she is a co-owner of Megabuilt. He admitted that he was not at Megabuilt when Balading went to implement the Writ of Execution, as he was resting on the second floor of the hardware store.[29]

One of Ignacio's counsels, Atty. Alfredo V. Tan, admitted that he was the counsel of Carolina Reyes in the Bouncing Checks Law case. Still, he emphasized that there was no relationship between Ignacio and Reyes, or that the latter had an interest in Megabuilt Enterprises.[30]

Based on the evidence before the trial court, Judge Lopena found that Balading indeed committed grave abuse of authority. Given the uncontroverted evidence that Balading enforced the Writ of Execution without proof that

Reyes owned or otherwise had proprietary interest in Megabuilt, his conduct is prejudicial to the best interest of the service.[31]

Furthermore, the CCTV footage showed that Balading and his companions, without identifying themselves to Megabuilt's employees, forcibly hauled and carted off hardware stocks without giving Ignacio or his employees the opportunity to contest the implementation of the Writ or to pay the amount due.[32]

Judge Lopena ultimately recommended that Balading be fined in the amount of PHP 10,000.00, to be taken from his remaining benefits, if any remained, considering that he had already been dropped from the rolls for going absent without leave.[33]

In a July 13, 2020 Resolution,[34] this Court referred Judge Lopena's Report to the Office of the Court Administrator. However, pursuant to A.M. No. 18-01-05-SC, amending Rule 140[35] of the Rules of Court, the present administrative Complaint was transferred to the Judicial Integrity Board.

Based on its own evaluation, the Judicial Integrity Board found that Balading gravely abused his authority in enforcing the Writ of Execution against Ignacio's properties, there being no proof that Reyes had an interest in or was a co-owner of Megabuilt Enterprises. It emphasized that Balading did not present the Writ of Execution to Megabuilt's employees when he went to the hardware store. There was also no showing that Balading proved that the value of the hardware materials he had levied were those provided in the Writ of Execution.[36]

Thus, in its January 25, 2023 Report,[37] the Judicial Integrity Board recommended that the Complaint be re-docketed as a regular administrative matter, and that Balading be found guilty of grave abuse of authority. As penalty, the Judicial Integrity Board recommended the forfeiture of all Balading's benefits as this Court may determine, and his disqualification from reinstatement or appointment to any public office, including government-owned or government-controlled corporations, provided that the forfeiture of benefits shall in no case include accrued leave credits.[38]

In a May 20, 2024 Resolution, this case was re-docketed as a regular administrative matter and was referred from this Court's Second Division to the Court En Banc in view of the recommended penalty. This Court En Banc accepted the case from the Second Division in a June 20, 2024 Resolution.

The issue for this Court's resolution is whether respondent Paul Christopher T. Balading is guilty of grave abuse of authority.

This Court En Banc accepts this case from the Second Division and notes the January 25, 2023 Report of the Judicial Integrity Board. Furthermore, as recommended by the latter, this Court finds respondent guilty of grave abuse of authority.

Grave abuse of authority is "a misdemeanor committed by a public officer, who under color of his office, wrongfully inflicts upon any person any bodily harm, imprisonment, or other injury; it is an act of cruelty, severity, or excessive use of authority." [39]

Rule 39, Section 9(a) of the Rules of Court provides that "[t]he officer shall enforce an execution of a judgment for money by demanding from the judgment obligor the immediate payment of the full amount stated in the writ of execution and all lawful fees." Here, it was established that respondent Balading made no such demand and, without introducing himself to the employees of Megabuilt, started carting off hardware materials supposedly in satisfaction of Reyes's liability.

Worse, respondent implemented the Writ of Execution against a person who is not the judgment obligor. Complainant Ignacio established that Megabuilt Enterprises is a sole proprietorship, which Reyes neither

co-owned nor had a proprietary interest in. Even if it were true that Reyes was the common-law wife of complainant, and that she hid in Megabuilt to evade the execution of the judgment against her, these do not mean that she owned the hardware business and that the Writ of Execution can be implemented against Megabuilt.

Respondent even admitted that, before going to Megabuilt, he first went to Reyes's residence and offered money to her helpers for them to surrender the keys to her vehicles. This is an act prejudicial to the best interest of the service. Offering money to induce the helpers to betray their employer's trust; failure to make a demand for payment; and, worst of all, enforcing an execution against a person not the judgment obligor, constitute grave abuse of authority.

Grave abuse of authority is a serious charge, the sanction^[40] for which is either dismissal from service with forfeiture of benefits; suspension for more than six months but not exceeding one year; or a fine of more than PHP 100,000.00 but not exceeding PHP 200,000.00. Under these circumstances, we would have dismissed respondent from the service. However, since he was already dropped from the rolls, dismissal from service may no longer be imposed on him.

For this reason, this Court instead forfeits all of respondent's benefits, which shall in no case include his accrued leave credits. Given the gravity of respondent's offense, we add the penalty of fine in the amount of PHP 200,000.00,^[41] to be paid within 30 days from the finality of this Resolution. The fine shall be paid within the period given regardless of the filing of a Motion for Reconsideration.^[42] If the fine remains unpaid within the given period, contempt proceedings shall be commenced against respondent for disobeying a lawful order of this Court.^[43]

It is true that, under Rule 140, Section 22 of the Rules of Court, a fine, if unpaid within a period of not exceeding three months from the time the decision or resolution is promulgated, may be deducted from accrued leave credits. Section 22 explains that the deduction of unpaid fines from accrued leave credits is a form of compensation, thus:

SECTION 22. Payment of Fines. – When the penalty imposed is a fine, the respondent shall pay it within a period not exceeding three (3) months from the time the decision or resolution is promulgated. If unpaid, such amount may be deducted from the salaries and benefits, including accrued leave credits, due to the respondent. The deduction of unpaid fines from accrued leave credits, which is considered as a form of compensation, is not tantamount to the imposition of the accessory penalty of forfeiture covered under the provisions of this Rule. (Emphasis supplied)

However, under the Civil Code, a true compensation takes place "when two persons, in their own right, are creditors and debtors of each other."^[44] This is not the case here, as respondent is not a debtor of this Court. Rather, respondent was a court personnel over whom this Court is constitutionally mandated to exercise administrative supervision,^[45] and the fine was imposed as an administrative penalty, not a civil obligation.

More importantly, receiving the value of leave credits, when earned during the period of employment, is a vested right of an employee. Therefore, "[a]s a matter of fairness and law, [employees] may not be deprived of such remuneration, which they have already earned prior to their dismissal."^[46]

Thus, the fine, if unpaid, cannot be deducted from accrued leave credits. Rule 140, Section 22 of the Rules of Court should therefore be amended in this wise:

SECTION 22. Payment of Fines. – When the penalty imposed is a fine, the respondent shall pay it within 30 days from the finality of the decision or resolution imposing the fine. Decisions and resolutions in administrative cases which are immediately executory shall be considered final, for purposes of the payment of fines, upon receipt of the decision and resolution, and the fine shall be paid within the period given regardless

of the filing of a Motion for Reconsideration.

If unpaid within the period given, indirect contempt proceedings shall be commenced against the respondent pursuant to Rule 71, Section 3 of the Rules of Court.

ACCORDINGLY, respondent Paul Christopher T. Balading, former Sheriff III of Branch 33, Metropolitan Trial Court, Quezon City, is found GUILTY of grave abuse of authority. His offense merits the imposition of the penalty of dismissal from service. However, since he has been previously dropped from the rolls, dismissal from service may no longer be imposed.

In lieu of dismissal, respondent is meted the penalty of FORFEITURE of all his benefits, except his accrued leave credits, and is ordered to pay a FINE of PHP 200,000.00, to be paid within 30 days from the finality of this Resolution. If unpaid, contempt proceedings shall be commenced against him pursuant to Rule 71, Section 3 of the Rules of Court for disobeying a lawful order of this Court.

Furthermore, he is DISQUALIFIED from reinstatement or appointment to any public office, including government-owned or government-controlled corporations.

SO ORDERED.

Gesmundo, C.J., Caguioa, Hernando, Lazaro-Javier, Inting, Zalameda, M. Lopez, Gaerlan, Rosario, J. Lopez, Dimaampao, Kho, Jr., and Singh, JJ., concur.
Marquez,[*] J., no part.

[*] No part

[1] Rollo, pp. 1-4.

[2] Batas Pambansa Blg. 22.

[3] Rollo, p. 52, December 10, 2018 Report.

[4] Id.

[5] Id.

[6] Id. at 1.

[7] Id. at 26.

[8] Id. at 44.

[9] Id. at 1-3. In his Comment, Balading said that he had the levied items loaded into a truck. See rollo, p. 44.

[10] Rollo, pp. 1-4.

[11] Id. at 1-3. The total value of the materials levied as listed in the Complaint is PHP 258,657.00.

[12] Id. at 3.

[13] Id. at 17, 1[st] Indorsement dated January 24, 2013; id. at 21, 1[st] Tracer Re: OCA IPI No. 13-4030-P; id. at 24-25, Resolution dated July 6, 2015.

[14] Rollo, pp. 26-28.

[15] Id. at 27.

[16] Id. at 26-27.

[17] Id. at 27-28.

[18] Id. at 28.

[19] Id.

[20] Id. at 30.

[21] Id. at 31-37.

[22] Id. at 36.

[23] Id. at 34.

[24] Id. at 35-36.

[25] Id. at 39-41. This includes the back page of p. 41.

[26] Id. at 51-57.

[27] Id. at 51.

[28] Id.

[29] Id. at 54.

[30] Id.

[31] Id. at 55.

[32] Id. at 56.

[33] Id. at 56-57.

[34] Id. at 58.

[35] Discipline of Judges of Regular, Special or Shari'ah Courts, Justices of the Court of Appeals, the Sandiganbayan, Court of Tax Appeals, and Shari'ah High Court, Court Administrator, Deputy Court Administrators and Assistant Court Administrators, and Personnel of the Judiciary.

[36] Rollo, p. 68.

[37] Id. at 61-73.

[38] Id. at 72.

[39] *Romero v. Villarosa, Jr.*, 663 Phil. 196, 207 (2011) [Per Curiam, En Banc], Citation omitted.

[40] RULES OF COURT, Rule 140, sec. 17 as amended by A.M. No. 21-08-09-SC, partly provides:

SECTION 17. Sanctions. —

(1)

If the respondent is guilty of a serious charge, any of the following sanctions shall be imposed:

(a)

Dismissal from service, forfeiture of all or part of the benefits as the Supreme Court may determine, and disqualification from reinstatement or appointment to any public office, including government-owned or -controlled corporations. Provided, however, that the forfeiture of benefits shall in no case include accrued leave credits;

(b)

Suspension from office without salary and other benefits for more than six (6) months but not exceeding one (1) year; or

(c)

A fine of more than PHP 100,000.00 but not exceeding PHP 200,000.00.

[41] RULES OF COURT, Rule 140, sec. 18, as amended by A.M. No. 21-08-09-SC, provides:

SECTION 18. Penalty in Lieu of Dismissal on Account of Supervening Resignation, Retirement, or Other Modes of Separation of Service. — If the respondent is found liable for an offense which merits the imposition of the penalty of dismissal from service but the same can no longer be imposed due to the respondent's supervening resignation, retirement, or other modes of separation from service except for death, he or she may be meted with the following penalties in lieu of dismissal:

(a)

Forfeiture of all or part of the benefits as the Supreme Court may determine, and disqualification from reinstatement or appointment to any public office, including government-owned or -controlled corporations. Provided, however, that the forfeiture of benefits shall in no case include accrued leave credits; and/or

(b)

Fine as stated in Section 17(1)(c) of this Rule.

[42] See OCA Circular No. 115-2014 (2014).

[43] See OCA Circular No. 115-2014 (2014).

[44] CIVIL CODE, art. 1278 provides:

Article 1278. Compensation shall take place when two persons, in their own right, are creditors and debtors of each other.

[45] CONST., art. VIII, sec. 6 provides:

Section 6. The Supreme Court shall have administrative supervision over all courts and the personnel thereof.

[46] See *Dela Rama v. De Leon*, 897 Phil. 561, 572 (2021) [Per Curiam, En Banc], where this Court said that "case law is nevertheless consistent that [accrued leave credits are] not included in the forfeited benefits as [they are] considered as earned remuneration similar to salaries." See also *Paredes v. Padua*, 471 Phil. 31, 32 (2004) [Per J. Panganiban, En Banc], where this Court said that "[d]espite their dismissal from the service, government employees are entitled to the leave credits that they have earned during the period of their employment. As a matter of fairness and law, they may not be deprived of such remuneration, which they have already earned prior to their dismissal."

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