

VIRGINIA VILLALUZ VDA. DE ENRIQUEZ, COMPLAINANT, VS. JUDGE JAIME F. BAUTISTA AND DEPUTY SHERIFF JAIME T. MONTES, RTC, BR. 75, VALENZUELA, METRO MANILA, RESPONDENTS.

A.M. No. RTJ-99-1439. May 09, 2000

Ponente: VITUG, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/3e1b4f9c9ded/>

VITUG, J.:

Respondents Judge Jaime F. Bautista and Deputy Sheriff Jaime T. Montes were charged with gross misconduct for allegedly soliciting consideration in exchange for a favorable decision and for delaying execution thereof to the alleged embarrassment and humiliation of complainant Virginia Villaluz vda. De Enriquez. Exsm

The complaint, docketed Administrative Case No. RTJ-99-1439, was referred to the Court of Appeals for Investigation, Report and Recommendation.

Following the investigation, Honorable Salvador J. Valdez, Jr., Associate Justice of the Court of Appeals, submitted an extensive evaluation of the case. In his carefully prepared report, he summed up his findings. Kyle

Complainant Virginia Villaluz vda. De Enriquez filed a "Motion for Issuance of Alias Writ of Execution" in an ejectment suit, docketed Civil Case No. 4632-V-95, before the Regional Trial Court, Branch 75, of Valenzuela. Respondent Judge Bautista, according to complainant, issued on two different dates, one on 22 April 1997 and the other on 24 April 1997, two writs of demolition. Just as when everything was all set for the demolition, the writs of demolition were temporarily suspended for reasons unknown to complainant. In addition, the latter claimed that respondent judge inhibited himself from further taking cognizance of the civil case after issuing his order of suspension of the demolition. Respondent Deputy Sheriff Jaime T. Montes, complainant asserted, demanded from her the sum of P20,000.00 to cover the expenses of the demolition. She averred that during the pendency of the case from 1995 to 1997, respondent judge issued a total of 23 orders and asked, each time, for gifts or other things in consideration thereof.

On 24 April 1997, the scheduled date of the demolition, respondent sheriff advised complainant to engage the services of a security guard to prevent entry of squatters in the premises once the demolition would have been undertaken. Complainant followed the suggestion and even went so far as to immediately hire individuals who were to fence the premises after the houses would have been dismantled. No demolition team, however, arrived on the scheduled date; instead, she was informed by respondent sheriff that respondent judge had ordered the demolition to meanwhile be held in abeyance.

Respondent Judge, in His COMMENT of 12 August 1997, vehemently denied the accusations leveled against him. Driven by purely humanitarian reasons and taking into account the fact that the defendants would be literally thrown out to the streets, he issued an order temporarily suspending the enforcement of the writ of demolition. He later inhibited himself from proceeding with the case because a relative who happened to be a classmate of the lawyer for the defendants interceded. Nonetheless, he ultimately set aside the order of inhibition and once again took cognizance of the case.

Respondent sheriff submitted his COMMENT by way of an affidavit, dated 01 September 1997, controverting the charges against him by complainant. He said he issued the "notice to vacate" but the defendants refused to acknowledge the receipt thereof. On 17 April 1997, respondent judge ordered respondent sheriff to cause the immediate removal of the improvements on the premises. On 22 April 1997, he proceeded to the demolition site in the company of twelve persons and two police officers. The counsel for complainant acceded to the request made by the Lupong Tagapamayapa of the barangay for the suspension of the impending demolition. On 25 April 1997, heeding the handwritten plea of the defendants, he was again ordered to suspend the demolition. Resolving the "Ex-Parte Motion for Full Enforcement of the Writ of Demolition," respondent Judge, by an order, dated 15 May 1997, instructed him to immediately implement the writ. Demolition work thus began on 19 May 1997 at about one o'clock in the afternoon. While the demolition was on-going, five persons arrived at the site, one of whom was a certain Boboy Agustin from the Office of the Mayor, to plead for a two-day stoppage with an assurance that the defendants would voluntarily disassemble their houses. There was also a phone call from a Major Frank Bucayu who made a similar request. He agreed to suspend the demolition for a period of two days but resumed the same on 22 May 1997 until its completion the next day. The writ of demolition having been executed and fully satisfied, he then issued a "turn-over" receipt to the complainant.

Respondent sheriff further asserted that what he actually had received from complainant was the sum of P25,000.00 which was used to cover the expenses entailed by the demolition. Moreover, he explained, he hired the services of twelve persons at P300.00 each for four days in addition to the amount of P3,000.00 given to the "PNP SWAT" Team. He gave a breakdown of expenses; viz:

"(Demol. Team)12 persons x P300 ea. x

4 dates

=

P14,400.00

(Whole Team) PNP SWAT x

P3,000.00 x 4 dates

=

P12 000.00

TOTAL EXPENSE

=

P26,400.00

Less

=

P25,000.00

Unpaid Balance to the Team

=

(P1,400.00)"[1]

Respondent sheriff defended the integrity of respondent Judge, asseverating that in five years that he had worked with the judge, the latter never used at any time his position for personal advancement or gain.

In his AMENDED/SUPPLEMENTAL COMMENT of 10 September 1997, as well as in his MOTION TO DISMISS of 10 June 1999, respondent Judge insisted that since complainant and her relatives had already been effectively placed in possession of the land in dispute and that their grievance had theretofore been redressed by the court, the administrative case should be considered moot and academic. Respondent Judge belied the existence of any correspondence, official or personal, between him and complainant about the ejectment case. In this regard, the following series of questions and answers transpired in the course of the investigation conducted by Justice Salvador J. Valdez, Jr., thus:

"Q

In the complaint filed against you which is actually a handwritten letter, there were three handwritten letters also attached with, which handwritten letters previously marked as Exhibit 'B', 'C', and 'D'. I am now showing these exhibits or handwritten letters to you, Judge, and will you please tell us if these are your letters?

"A

Yes, these are my personal letters not to the complainant but to my niece Nanette, niece by my mother side.

"Q

These letters were addressed to a certain 'Boss' or 'Boss Nanette', are you saying that this 'Boss' or 'Boss Nanette' does not refer to the complainant in this case?

"A

Yes, I have never written any letter, personal or official, to the complainant but to my niece.

"Q

In other words, you are now admitting that this 'Boss' or 'Boss Nanette' referred to, whom you are addressing these letters marked as Exhibit 'B', 'C' and 'D' is your niece?

"A

Yes, a young girl of 32 years old.

"Q

And where is the residence of this niece of yours?

"A

In Valenzuela also.

"Q

Are you referring to Exhibit 'C', Judge, and there is a word here 'abunuhan'. What do you mean by this?

"A

Actually, it all started, my niece called me up so I sent a letter to her. She was requesting me if I could join them, after 5:00, after my official work as judge, join them in ballroom dancing, because they are going out at night so I said I could contribute for myself.

"Q

So, what do you mean then by the word 'abuno'?

"A

For her to seek some solicitation, so I could give some referral but it should be done after office hours.

"Q

There is also a statement in this Exhibit 'C' which states and I quote, 'Ihanda ninyo yong sobre.' What do you mean by that?

"A

The envelope was to contain the referrals because she leaves ahead of me from Valenzuela. I only assumed RTC Judge in Valenzuela in 1993. She has been residing there before my assumption. So she knows more people than I do. So, just bring the envelope and place there the list of persons whom she knows, but I specifically instructed her not to include my lawyers anymore because I intend to have it in my personal capacity, after 5 o'clock. As a matter of fact, I would have like to stop the ballroom activity but it did not push through.

"Q

There is also a statement here and I quote, 'Ire-release ng 2:00 p.m.' What are you trying to say here, Judge?

"A

That word there is meant to be a notice for a meeting among all the participants to the ballroom dancing. I have been in the judiciary for ten years, and I was before the Assistant Prosecutor, so I was used to using legal terms but that should have been a notice. I admit it was a mistake.

"Q

So, what are you trying to say is that at 2 o'clock p.m., a notice to hold a ballroom dancing is to be released?

"A

Yes, a meeting after 5 o'clock at their residence. It should not be an order.

"Q

And why did you then write this to your niece?

"A

Because she called up by telephone.

"Q

And what was your purpose in writing this letter then to your niece?

"A

Precisely, to check whether in the referral contained in the envelope, she included some litigants or lawyers. I would not condone that. It should be personal friends.

"Q

And did you actually attend the ballroom dancing?

"A

It did not push through because she didn't make the required abuno. I could only make abuno for myself because I also want to join them to unwind after office hours.

"Q

Now, in connection with these letters Exhibit 'C' and 'D', do you want to say something else?

"A

Yes, of course. I have never written any personal or official or judicial letter to the complainant. To my mind, I don't know how that came into the possession of the complainant. Although last hearing she said it was a certain Mr. Joaquin. I don't know Mr. Joaquin since Adam.

"x x x

x x x

X X X

"Q

Judge, you admitted that Exhibits 'B', 'C', and 'D' are your letters?

"A

Yes, sir.

"Q

Just for the record, will you kindly read the contents of Exhibit 'B'?

"JUDGE BAUTISTA: (reading)

'Boss, nasaan yong dagdag, baka puede yong dagdag ngayon dahil may date uli kami ni Dra. Evelyn. Thanks, Boss.'

"JUDGE VALDEZ:

Will you kindly read the contents of Exhibit 'C'?

"JUDGE BAUTISTA(reading):

'Nanette, ihanda ninyo yong sobre, kung kulang dagdagan ninyo sa Lunes i-release ng 2:00. Abunuhan ninyo muna. Bibigyan ka nila.'"[2]

Initially, complainant asseverated in her sworn letter-complaint that Judge Bautista often solicited gifts and other considerations in exchange for a favorable judgment. In her subsequent testimony, however, she radically contradicted herself.

Concluding his report, the Investigating Justice held:

"WHEREFORE, it is most respectfully recommended that respondent Judge Jaime F. Bautista be exonerated of the administrative charge proffered against him with the ADMONITION that he should be more discreet in his actuations; while respondent Deputy Sheriff Jaime T. Montes be declared guilty of gross misconduct and suspended for a period of three (3) months without pay, with a stern warning that any further infraction of the Rules of Court shall be dealt with more severely."[3]

Like the Investigating Justice, this Court is not persuaded that the supposed grave misconduct imputed on respondent judge, i.e., the demand for money in consideration of a favorable action by him, can be inferred from the attendant circumstances, particularly in the light of the admission of complainant during the investigation that she herself would not be in any position to substantiate the charges against the Judge and that she has merely

relied on her uncle who instigated the filing of the complaint. Indeed, it is apparent that complainant has not been a privy to whatever might have ensued between respondent Judge and her deceased uncle, Avelino Joaquin, a co-owner of the premises subject of the ejectment case. Emsmc

Respondent Judge, nevertheless, cannot be said to be entirely blameless. His actuations have been less than circumspect. He should have kept himself free from any appearance of impropriety and should have endeavored to distance himself from any act liable to create an impression of indecorum. A judicial office traces a line around his official as well as personal conduct, a price one has to pay for occupying an exalted position in the judiciary, beyond which he may not freely venture. Canon 2 of the Code of Judicial Conduct enjoins a judge to avoid not just impropriety in the performance of judicial duties but in all his activities, whether in his public or private life. He must conduct himself in a manner that gives no ground for reproach.[4]

In the case of respondent sheriff, however, the records would sustain the penalty recommended by the Investigating Justice. The sheriff failed to require the plaintiffs in the ejectment case to deposit with the Clerk of Court and Ex-Officio Sheriff the duly approved estimated expenses. He neither issued any official receipt for the amounts he had collected from the plaintiffs or demanded a corresponding receipt for each disbursement he had made nor timely submitted a proper liquidation thereof. The case would bear striking resemblance to the case of *Ong vs. Meregildo*[5] where this Court held: Esm

"Respondent Sheriffs unilaterally and repeatedly demanding sums of money from a party-litigant purportedly to defray expenses of execution, without obtaining the approval of the trial court for such purported expense and without rendering to that court an accounting thereof, in effect constituted dishonesty and extortion. That conduct, therefore, fell too far short of the required standards of public service. Such conduct is threatening to the very existence of the system of administration of justice."

Respondent sheriff ignored the procedures laid down in the second paragraph of Section 9, Rule 141, of the Rules of Court, providing thus: Chief

"In addition to the fees hereinabove fixed, the party requesting the process of any court, preliminary, incidental, or final, shall pay the sheriff's expenses in serving or executing the process, or safeguarding the property levied upon, attached or seized, including kilometrage for each kilometer of travel, guards' fees, warehousing and similar charges, in an amount estimated by the sheriff, subject to the approval of the court. Upon approval of said estimated expenses, the interested party shall deposit such amount with the clerk of court and ex-officio sheriff, who shall disburse the same to the deputy sheriff assigned to effect the process, subject to liquidation within the same period for rendering a return on the process. Any unspent amount shall be refunded to the party making the deposit. A full report shall be submitted by the deputy sheriff assigned with his return, and the sheriff's expenses shall be taxed as costs against the judgment debtor."

Good faith on the part of respondent sheriff, 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 the officer of the court tasked therefor, it behooves him to make due compliances. He is expected to live up to the exacting standards of his office and his conduct must at all times be characterized by rectitude and forthrightness and so above suspicion and mistrust as well. Jksm

WHEREFORE, respondent judge JAIME F. BAUTISTA is EXONERATED of the administrative charge against him with the ADMONITION that he should be more discreet and mindful in his every conduct, whether personal or related to his judicial function. Respondent Deputy Sheriff JAIME T. MONTES is FOUND GUILTY of gross misconduct and is SUSPENDED for a period of three months, without pay, with a stern warning that any further infraction by him shall be dealt with severely.

SO ORDERED.

Melo, (Chairman), Panganiban, and Gonzaga-Reyes, JJ., concur.

Purísima J., abroad-no part.

[1] Rollo, p. 38.

[2] Rollo, pp. 169-183.

[3] CA Report and Recommendation, p. 20.

[4] San Juan vs. Bagalacsa, 283 SCRA 416.

[5] 233 SCRA 632.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.