

MARGARITA AMOR, SOFRONIO TOLIN, AILEEN MINA, MARINA MENDOZA, JOCELYN LAUDE, CORAZON SANTOS, ANITA COMPANERO, VILMA SORIENTE, LEONARDA CALUGAY, CHITO BAGADIONG, ELIZABETH BARAS, ...

A.M. NO. P-02-1536. January 27, 2006

Ponente: GARCIA, J.

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GARCIA, J.:

The instant administrative matter stemmed from a verified complaint [1] dated May 26, 1999, charging respondent Deputy Sheriff Isaias E. Leyva with oppression and grave abuse of authority in connection with the implementation of a writ of demolition issued in Civil Case No. 95-3724, entitled "Concepcion Realty Inc. vs. Elvie Ferrer, et al.," a suit for recovery of possession with damages filed by Concepcion Realty, Inc. against a certain Elvie Ferrer and others before the Regional Trial Court (RTC) at Antipolo City and raffled to Branch 71 thereof.

Initially, the complaint included Judge Felix S. Caballes, presiding judge, Branch 71, Antipolo RTC, and Branch Clerk of Court Cesar Villamor, who allegedly conspired with respondent deputy sheriff in committing the acts complained of.

All three denied the charges in their respective comments.

The Office of the Court Administrator (OCA) found no sufficient basis to hold Judge Felix S. Caballes and Branch Clerk of Court Cesar Villamor liable and instead limited the fault to only the herein respondent, Deputy Sheriff Isaias E. Leyva. Accordingly, in his memorandum [2] dated October 18, 2001, the Court Administrator recommended to the Court the following:

- The charges against Judge Felix S. Caballes, Branch Clerk of Court Cesar Villamor be DISMISSED for lack of merit;
- Deputy Sheriff Isaias E. Leyva be held liable for Misconduct and be penalized 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; and
- OCA IPI No. 99-643-P be CANCELLED in the docket and OCA IPI No. 99-753-RTJ be CONSIDERED as the official docket number of the administrative case. [3]

In its December 10, 2001 resolution, [4] the Court adopted the foregoing recommendations and required the parties to manifest whether they are willing to submit the case on the basis of the pleadings already filed. While the complainants manifested their willingness, respondent, for his part, filed a supplemental comment.

Record on hand readily reveals that the writ of demolition [5] issued on January 28, 1999 by the Branch Clerk of Court in Civil Case No. 95-3724 commanded respondent, as follows:

NOW THEREFORE, you are hereby commanded to demolish and/or cause the demolition of such structures

that maybe found unlawfully constructed within the questioned premises, and to cause the eviction of herein defendants and any or all persons claiming rights or under their authority, and to place plaintiff thereof, employing such degree of persuasion as maybe reasonable and necessary to effect the same, subject to such rules of procedure as mandated by laws obtaining in such circumstances.

Complainants allege that on May 12, 1999, respondent deprived them of their properties without due process when he caused the demolition of their houses and structures although they were not among the defendants in Civil Case No. 95-3724, nor do they claim any right under any of the defendants therein. According to complainants, the decision in that case was solely against a certain Annie Jimenez. They further alleged that their names were not among those mentioned in the Notice to Vacate and Leave Premises Upon the Writ of Demolition [6] issued by the respondent Deputy Sheriff on January 29, 1999.

As for the charge of oppression, complainants claim that respondent implemented the writ of demolition in a tyrannical, cruel and high-handed manner.

In his COMMENT [7] dated August 5, 1999, respondent claimed that herein complainants had earlier filed a joint affidavit-complaint with the Ombudsman involving the same charges. Said affidavit was indorsed to the OCA which docketed it as OCA IPI No. 99-643-P. Relative thereto, respondent filed a comment [8] dated July 19, 1999, which he is now adopting.

In said comment, respondent averred that a motion to exclude the houses or structures of complainants from demolition was filed in Civil Case No. 95-3724 but the same was denied by the trial court in its Order [9] of April 26, 1999. Complainants also filed a petition for prohibition before the Court of Appeals, seeking to confine the demolition to the houses of the defendants in Civil Case No. 95-3724, but it, too, was denied, this time by the CA in its resolution [10] dated April 15, 1999. Complainants' motion for reconsideration was also denied.

Respondent justifies his enforcement of the writ by insisting that as a sheriff, he is responsible for the speedy and efficient service of processes and writs originating from his court and those that may be delegated to him from other courts. He cites this Court's decision in *Ramos vs. Generoso* [11] which held that an action of a deputy sheriff is in a way excusable because he was enjoined to enforce writs of execution/demolition.

A perusal of the records reveals that in Civil Case No. 95-3724, the named defendants were: Elvie Ferrer, Ma. Crisanta Mendoza, Conrado Santos, Jesus Reyes, Jr., Ricardo Mariñas, Wilson Rosette, Manuel Agas, Annie Jimenez, Sonny Valdez, Samson Llave, Elma Valdez, Jose Valdez, and all persons claiming rights under them. The case was decided in favor of the plaintiff therein and a writ of demolition was issued against the same defendants. Nowhere in the complaint in that case, nor in the writ of demolition issued relative thereto, did the names of the herein complainants appear. Respondent's insistence that complainants submitted to the jurisdiction of the RTC when they filed thereat their motion to exclude their houses and structures from the writ of demolition is of no moment. For sure, the filing of said motion is even understandable, precisely because complainants were never a party to Civil Case No. 95-3724. As it is, complainants did not receive any court process nor were they given by respondent the opportunity to be heard. Yet, respondent demolished their houses and structures. The demolition was, therefore, illegal, having been done and executed in violation of complainants' right to due process.

There can be no debate as regards the proposition that the implementation of a writ of execution/demolition issued by a court is the responsibility of the sheriff. However, respondent cannot simply demolish any house, assuming that it is within the property of the victorious plaintiff, for the reason alone that the writ of demolition contains the phrase "and any and all persons claiming rights under them" following the names of the defendants to a case. Evidence must be presented to establish that the persons whose names do not appear in the complaint derived

their rights from the defendants impleaded therein. Obviously, the presumption of regularity in the performance of official duty will not apply in this case.

Undoubtedly, respondent deputy sheriff exceeded his authority in the execution of the writ of demolition issued in Civil Case No. 95-3724.

Time and again, this Court has stressed that sheriffs and their deputies are officers of the court and agents of the law. As such, it behooves them to discharge their duties with utmost care and diligence, particularly in implementing orders and processes of the court. For, hardly can they err without affecting the efficiency of the process by which justice is administered. [12] Sheriffs and their deputies are the front-line representatives of the justice system, and if, through their lack of care and diligence in the implementation of judicial writs, they lose the trust reposed on them, they inevitably diminish likewise the faith of the people in the judiciary. [13]

Respondent sheriff should have been more circumspect in the performance of his duty.

WHEREFORE, Deputy Sheriff Isaías E. Leyva is adjudged guilty of simple misconduct, and is hereby ordered to pay a FINE of Ten Thousand Pesos (P10,000.00), [14] with a warning that a repetition of the same or similar infraction will be dealt with more severely.

SO ORDERED.

Puno, (Chairman), Sandova, Gutierrez, Corona, and Azcuna, JJ., concur.

[1] Rollo, pp. 1-3.

[2] Rollo, pp. 50-52.

[3] Rollo, p. 52.

[4] Rollo, p. 53.

[5] Rollo, pp. 19-20.

[6] Rollo, p. 21.

[7] Rollo, pp. 45-46.

[8] Rollo, pp. 47-49.

[9] Rollo, pp. 95-96.

[10] Rollo, p. 111.

[11] 215 SCRA 125 (1992).

[12] Ignacio vs. Payumo, 344 SCRA 169 (2000).

[13] Camsa Baikong Akang vs. Judge Aurelio D. Rendon and Sheriff Edwin G. Cabahug, 400 SCRA 1 (2003).

[14] Arturo Grayda vs. Nel G. Primo, Sheriff IV, Branch 65, RTC, Bulan, Sorsogon, 442 SCRA 60 (2004).

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