

**OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS.
RAMON G. ENRIQUEZ, RESPONDENT.***A.M. No. P-89-290. January 29, 1993*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/836248eb72ed/>**PER CURIAM:**

In a letter dated 19 January 1987, one Eliodoro C. Cruz of Compania Maritima, Inc. informed this Court that the company's lawyer filed with the Tanodbayan on 12 December 1986 a complaint for falsification of a public document, use of falsified documents, robbery and the violation of R.A. No. 3019 against herein respondent Ramon G. Enriquez, Deputy Sheriff of Branch XXXI of the Regional Trial Court (RTC) of Manila and others. The said company lawyer requested that an investigation be conducted on the administrative aspect of the case.

In his 20 January 1987 letter to Mr. Cruz, then Court Administrator Leo D. Medialdea, who later became a member of this Court, informed the latter that as a matter of policy, the administrative aspect of the case "will be undertaken by this Office upon the filing of a corresponding information by the Tanodbayan before the Sandiganbayan."

Consequently, an Information for falsification of a public document was filed against the respondent with the Sandiganbayan on 6 October 1988. The case was docketed as Criminal Case No. 12987 and was assigned to the Second Division. A copy of the Information was furnished the Office of the Court Administrator on 17 October 1988.

On 1 February 1989, then Court Administrator Meynardo A. Tiro, pursuant to this Court's en banc resolution of 12 March 1981 and on the basis of the Information filed with the Sandiganbayan, administratively charged the herein respondent with the crime of falsification of a public document and with conduct prejudicial to the best interest of the service committed in the manner alleged in the said Information, to wit:

"That on or about May 12, 1986, in the City of Manila, Philippines, and within the jurisdiction of this Honorable Court, the said accused, a public officer, being then a Deputy Sheriff of the Regional Trial Court of Manila, National Capital Judicial Region, Branch 31, taking advantage of his official position and, committing the offense in relation to his official duties, did then and there wilfully, unlawfully and feloniously forge and falsify, or cause to be forged and falsified, Sheriff's (sic) Certificate of Sale dated May 12, 1986, which is a public document, wherein he is legally bound to disclose the truth, by stating therein that the payment for the properties which he levied and sold at public auction was made on May 12, 1986, and that the amount of P1,325,000.00, representing the bid price for the aforesaid levied properties, was paid to him on May 12, 1986, when in truth and in fact, as the said accused well knew, the payment thereof was actually made on May 23, 1986 to Genstar Container Corporation through its attorney-in-fact, to the damage and prejudice of public interest."

The respondent was directed to file his answer/explanation within ten (10) days from receipt of the charge.

Instead of filing the answer/explanation as ordered, the respondent forwarded to the Court Administrator a letter on 20 February 1989 informing the latter that Criminal Case No. 12987 was still pending resolution before the Sandiganbayan and that therefore, he (respondent) should not be held administratively liable.

On 15 May 1989, the Sandiganbayan, acting on a demurrer to evidence, promulgated a Resolution granting the same and dismissing the case against the respondent "for insufficiency of evidence." This conclusion is based on its findings that (a) the Sheriff's Certificate of Sale, presented and admitted without qualification or limitation, and objection as to purpose, showed that the public auction was held on 12 May 1986 and that the movable properties were sold to Rolando Patriarca for P1,325,000.00; this fact was confirmed by prosecution witness Rizalina Cailian, (b) the private prosecutor's contention that there was no public auction on that date runs counter to the Information which is based on the fact that a public auction was held on 12 May 1986, (c) it is presumed that the respondent regularly performed his official duty when he sold, during the said public auction, all the properties levied upon, and (d) the fact stands in bold relief that payment was actually made; whether the same was to the respondent or to Genstar, the fact also stands out that if the payment was to Genstar it was because the amount was due it as a judgment creditor; if made to the respondent "it was in effect to and intended for Genstar," --- thus having the same net effect; as a result, the assertion that the bid price was paid on 12 May 1986 to the respondent is not absolutely false but has some truth to it. The Sandiganbayan went on to state that the rule is settled that if the statements are not altogether false, there being some colorable truth to them, the crime of falsification is not deemed to have been committed; it further declared that the records "do not show that the rights ... of the parties involved would not be substantially the same if the bid price was paid on May 12, 1986, through the accused (respondent), as when the payment was done 11 days thereafter directly to Genstar, or vice-versa." Hence, the integrity of the Sheriff's Certificate of Sale was not affected.

On 10 April 1991, respondent filed a Manifestation informing this Court of the promulgation of the above resolution and praying that "by virtue of the dismissal of the Criminal Case filed against the respondent before the Sandiganbayan, the Administrative Case x x x be likewise dismissed."

On 6 May 1991, this Court resolved to refer the case to the Office of the Court Administrator for investigation, report and recommendation.

In his Memorandum of 11 December 1991, then Court Administrator, now a member of this Court, Josue N. Bellosillo, opined that the dismissal of Criminal Case No. 12987 by the Sandiganbayan does not necessarily warrant the dismissal of the administrative case against the respondent considering that the quantum of evidence needed to sustain a judgment of conviction in a criminal case is proof beyond reasonable doubt, while in administrative proceedings, only moral certainty is required; by way of comment to the Sandiganbayan's statement to the effect that the records do not show that the rights and obligations of any of the parties involved would have been substantially affected if the bid price was paid either on 12 May 1986 or 23 May 1986, he avers that in the crime of falsification of public or official documents, whether by public officials or private persons, it is not necessary that there be present the idea of gain or intent to cause damage to a third person for the reason that in contradistinction to falsification of private documents, the principal act punished in the former is the violation of the public faith and the destruction of the truth as therein solemnly proclaimed.[1] Court Administrator Bellosillo then recommended the referral of the case to the Executive Judge of the RTC of Manila for investigation, report and recommendation.

Acting thereon, this Court, in the Resolution of 5 February 1992, referred the instant case to the said Executive Judge for investigation, report and recommendation.

Thereupon, Executive Judge Bernardo P. Pardo conducted an investigation; after completing the same, he submitted on 5 August 1992 his Report and Recommendation wherein, on the basis of the following summation of evidence and findings:

"In his testimony, Atty. Redentor R. Melo stated that on May 12, 1986, at 9:00 o'clock in the morning, he personally went to El Varadero de Manila Compound in Cavite City to attend the auction sale of property

levied upon by deputy sheriff Ramon G. Enriquez and advertised for sale at auction scheduled on said date and time. He waited until past 4:00 o'clock in the afternoon without sheriff Enriquez appearing. Then, he left and returned to Manila. At about 5:00 o'clock that same afternoon, he was advised that Sheriff Enriquez appeared at past 4:00 o'clock but that no auction sale was conducted.

In a sheriff's partial report dated May 23, 1986, respondent deputy sheriff Enriquez stated that on May 3, 1986, he served a copy of a writ of execution issued by Judge Regino T. Veridiano of the Regional Trial Court of Manila upon Gregorio Coronel at the El Varadero de Manila dockyard at Sangley Point, Cavite City. Immediately thereafter, he made a levy of personal property of the defendant and scheduled the sale on May 12, 1986 at 10:00 o'clock in the morning at El Varadero de Manila, Sangley Point, Cavite City, to satisfy the writ of execution. On May 8, 1986, third party claims were filed involving the levied property. On May 12, 1986, the judgment creditor posted the necessary indemnity bond duly approved by the court. After the bond was posted, deputy sheriff Enriquez conducted the sale and one Rolando Patriarca was the highest bidder in the total amount of P1,325,000.00 and which amount was credited to the partial satisfaction of the writ (copy of the Sheriff's Partial Report dated May 23, 1986 as filed in the record of Civil Case No. 85-30134 is hereto attached Annex "B" for ready reference). In the minutes of the sheriff's sale dated May 12, 1986, it is made to appear that the bidding started at 3:55 p.m. and was finished at 5:00 p.m. on May 12, 1986 with Rolando C. Patriarca as the highest bidder (copy of the said minutes is hereto attached as Annex "C").

Deputy Sheriff Ramon G. Enriquez did not present any evidence during the investigation. He submitted the case on the basis of the Sheriff's Return dated May 23, 1986. He stated that he received the bid money on May 12, 1986 on which date he issued the certificate of sale. Respondent Enriquez admitted that he did not require the judgment creditor to pay the sheriff's percentage of commission.

In his testimony, Atty. Jose C. Sison, counsel for judgment creditor stated that the auction took place May 12, 1986 on which date the bid price was given to him in check by the highest bidder Rolando Patriarca; that he would not have agreed if the payment was made on May 23, 1986.

Much as we would like to accept the testimony of Atty. Sison as the truth, we find that he is sadly mistaken. In its resolution dated May 15, 1989, the Sandiganbayan, on the basis of stipulation (sic) of facts and the evidence adduced, held that on May 23, 1986, the highest bidder Rolando Patriarca offered the three (3) vessels M/V Dadiangas, T/B Marinero and T/B Timonel out of several other personal properties bidden (sic), to Rizalina Ingco-Cailian, a businesswoman engaged in the sale of scrap iron. These vessels were sold to Cailian for the price of P1,325,000.00. Cailian, highest bidder Patriarca and his wife repaired to the Navotas Branch of the Philippine National Bank that same day. Cailian bought cashier's check No. 273290 dated May 23, 1986 for P1,325,000.00 which, upon request of Patriarca, who said he had no money to pay for the vessels, was made payable to the order of "Genstar Container c/o Atty. Jose C. Sison" the judgment creditor (resolution, p. 4, p. 84, rec.). This piece of evidence is certainly eloquent proof of the fact that there was no payment of the bid price by the bidder Rolando Patriarca on May 12, 1986 to the sheriff amounting to P1,325,000.00. As found by the Sandiganbayan, it was the bidder's buyer (sic) Rizalina Ingco-Cailian who paid the bid price directly to the judgment creditor. This took place on May 23, 1986. Indeed, if the bid price was given to the respondent deputy sheriff on May 12, 1986, it was his duty to deposit the amount immediately with the court's cashier. He did not do this. He did not also require the judgment creditor to pay the sheriff's percentage of collection.

Consequently, the inevitable conclusion is that the respondent sheriff was remiss in his duties and that the sheriff's certificate of sale was falsified because the truth is that the bid price was not paid by the highest bidder on May 12, 1986. In fact, there was no auction conducted on that date because it was already past 4:00 o'clock, the (sic) sheriff was not yet at the place of auction which was indeed scheduled at 10:00 a.m., May 12, 1986. The bid price was actually paid by a third party who bought the three (3) vessels out of several other properties levied upon. She paid therefor directly to the judgment creditor. The sheriff's percentage of commission was not paid.

IN VIEW WHEREOF, we respectfully submit that the respondent Deputy Sheriff Ramon G. Enriquez is guilty of the charge of falsifying the sheriff's certificate of sale dated May 12, 1986 in Civil Case No. 85-30134 of the Regional Trial Court of Manila."

he recommended the following:

"WHEREFORE, we respectfully recommend that respondent Deputy Sheriff Ramon G. Enriquez be dismissed from the service, with forfeiture of retirement benefits, if any."

We find the above findings of Executive Judge Pardo to be supported by the evidence. His conclusions and recommendation are therefore in order.

We wish to add, however, that from the facts surrounding the case, it appears that (a) no bidding was held on 12 May 1986; even if one was conducted, the alleged highest bidder, one Rolando Patriarca, did not have the money to pay for his bid of P1,325,000.00, thereby resulting in a failure of the proceedings; or (b) the sale was consummated only on 23 May 1986, without the requisite bidding, to Rizalina Ingco-Cailian to whom Patriarca allegedly "sold" what he bought during the "bidding" of 12 May 1986. In his Notice of Levy and Sale dated 3 May 1986, the respondent expressly stated that he "will sell at PUBLIC AUCTION to the highest bidder for CASH and in Philippine Currency on May 12, 1986 at 10:00 o'clock in the morning or soon thereafter at El Varadero de Manila, Sangley Point, Cavite" the vessel M/V Dadiangas, Tugboat Timonel, Tugboat Marinero and the other properties therein described. The un rebutted testimony of Atty. Redentor R. Melo reveals that he went to the auction site at 9:00 o'clock in the morning of 12 May 1986 and stayed there until past 4:00 o'clock in the afternoon. Respondent did not show up to conduct the auction sale. Later, at around 5:00 o'clock in the afternoon, Atty. Melo, who had by that time returned to Manila, was advised that the respondent's appeared at 4:00 o'clock but that no auction was conducted. In his Minutes of Sheriff's Sale dated 12 May 1986, the respondent made it appear that he started the auction sale at 3:55 P.M. and concluded the proceedings at 5:00 o'clock that same afternoon with Patriarca submitting the highest bid in the amount of P1,325,000.00. There is no explanation as to why he could not start the bidding at 10:00 o'clock in the morning as set out in his Notice. In the light of Atty. Melo's un rebutted testimony, it is evident that the respondent falsified this entry in the Minutes. In his Sheriff's Certificate of Sale also dated 12 May 1986, the respondent certified that the highest bidder "thereupon did pay to the undersigned Deputy Sheriff the bid price of ONE MILLION THREE HUNDRED TWENTY FIVE THOUSAND (P1,325,000.00) PESOS, which amount was credited to the partial satisfaction of the Writ of Execution." However, it is a fact that as also found by the Sandiganbayan in its Resolution of 15 May 1989, which the respondent cannot refute as he himself submitted the same to this Court and even asked for the dismissal of the administrative case against him on the basis of the said Resolution:

"x x x on May 23, 1986, Patriarca offered the three vessels - M/V Dadiangas, T/B Marinero, and T/B Timonel - to Rizalina Ingco-Cailian, a businesswoman engaged in the buy and sell of scrap iron. Having agreed on the price of P1,325,000.00 for the three vessels, Cailian, Patriarca, and his wife repaired to the Navotas Branch of the Philippine National Bank that same day. Cailian bought Cashier's Check No. 273290 dated May 23, 1986, for P1,325,000.00 which, upon request of Patriarca who said he had no money to pay for the vessels, was made payable to the order of 'GEN. STAR CONTAINER C/O ATTY. JOSE C. SISON,' the judgment creditor.

On the same day, May 23, 1986, they went to Branch XXXI, RTC of Manila, where Cailian met the accused for the first time, Atty. Jose C. Sison, and one Judge Luz. Atty. Sison, Judge Luz, and Patriarca with his wife brought Cailian to the canteen of the building housing Branch XXXI. She gave the cashier's check to Atty. Sison, and Judge Luz prepared our Deed of Sale. It was dated May 20, 1986, the figure '20' being handwritten, and appeared to have been acknowledged on the same date.

As a result of the transaction, Patriarca delivered to Cailian M/V Dadiangas and one of the tugboats, which was

later on taken back from her. The other tugboat was the subject of a third-party claim of Compania Maritima alleged to be different from Maritime, the judgment debtor."

Clearly, therefore, if indeed the public auction was held on 12 May 1986 and Patriarca was the highest bidder therein, he did not at such time have the cash, corresponding to his submitted bid, for delivery to the respondent and eventually, the judgment creditor. Accordingly, pursuant to his own Notice, which of course is binding on him, Patriarca could not be awarded the bid. The latter's inability to produce cash is equivalent to a bidder's refusal to pay under Section 22, Rule 39 of the Rules of Court in which case, as provided therein, the sheriff "may again sell the property to the highest bidder and shall not be responsible for any loss occasioned thereby." Moreover, the sheriff may thereafter reject any subsequent bid of such person. Since Patriarca had no available cash to pay for the bid, the respondent could neither deliver the subject articles nor execute and deliver to the former a certificate of sale as provided for in Section 25, Rule 39 of the Rules of Court. Thus, even granting for the sake of argument that he did conduct the public auction on 12 May 1986, the respondent, in view of the non-payment of the purchase price, violated said Section 25. Furthermore, he falsified his Sheriff's Certificate of Sale upon entering therein the fact that Patriarca "thereupon did pay" to him the bid price of P1,325,000.00 which was credited to the partial satisfaction of the writ of execution. Assuming that Patriarca truly paid the purchase price, there could be no possible explanation for the belated Sheriff's Partial Report dated 23 May 1986.

In the light of the foregoing, We conclude that Patriarca never acquired ownership over the vessel M/V Dadiangas and the tugboats Marinero and Timonel. Neither could he then have "sold" the same to Cailian. Hence, the latter stands on an entirely different footing and must then be considered as the true vendee who purchased the vessels on 23 May 1986 without any public bidding. In this regard, the respondent, together with a certain Judge Luz and Atty. Jose C. Sison, became a willing co-conspirator to conceal this illegal act by making it appear that Patriarca sold the vessels to Cailian per a deed of sale which the said Judge Luz prepared on 23 May 1986, but which was dated 20 May 1986. In his haste to cover up for his misdeeds, he even forgot to charge against the proceeds of the said "sale" the sheriff's fee which is prescribed in Section 7, Rule 141 of the Rules of Court; such an omission certainly prejudiced the government. It is unfortunate that the Sandiganbayan failed to appreciate these illegal acts and despicable maneuverings. Be that as it may, its dismissal of the criminal case on the ground of insufficiency of evidence was never meant, as respondent doggedly believed and arrogantly asserted, to foreclose administrative action against him or to give him a clean bill of health in all respects. The Sandiganbayan, in dismissing the same, was simply saying that the prosecution was unable to prove the guilt of the respondent beyond reasonable doubt, a condition sine qua non for conviction^[2] because of the presumption of innocence which the Constitution guarantees an accused.^[3] Lack or absence of proof beyond reasonable doubt does not mean an absence of any evidence whatsoever for there is another class of evidence which, though insufficient to establish guilt beyond reasonable doubt, is adequate in civil cases; this is preponderance of evidence.^[4] Then too, there is the "substantial evidence" rule in administrative proceedings which merely requires in these cases such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.^[5]

Going back to Our findings, there is no doubt in Our minds that the respondent (a) falsified the Minutes of Sale and the Sheriff's Certificate of Sale; (b) violated Sections 22 and 25, Rule 39 of the Rules of Court by not conducting another bidding -- assuming one was held on 12 May 1986 -- after the alleged highest bidder, Patriarca, failed to pay the bid price, by executing in the latter's favor a certificate of Sheriff's Sale and by delivering the auctioned vessels despite the failure to pay; (c) illegally sold the vessels to Cailian on 23 May 1986 without a public bidding; and (d) maliciously connived and conspired with Patriarca, Cailian and others to cover up such illegal acts by making it appear, by means of an antedated deed of sale, that Patriarca sold the vessels to Cailian.

Respondent is therefore guilty of gross dishonesty, grave misconduct and conduct prejudicial to the best interest of the service. He not only deliberately violated the integrity of official acts of an employee of the court, but also undermined the faith and trust of the public in the Judiciary. He has transgressed the constitutional command that as a public office is a public trust, all public officers and employees must at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty and efficiency, act with patriotism and justice and lead modest lives.[6] In *Jereos vs. Reblando*,[7] We laid down the rule that the conduct and behavior of every one connected with an office charged with the dispensation of justice such as the court of which the herein respondent is the assigned sheriff, should be circumscribed with the heavy burden of responsibility. His conduct, at all times, must not only be characterized with propriety and decorum, but above all else must be beyond suspicion.

While it is but proper that the respondent should not be kept a minute longer in the Judiciary, his dismissal from the service should not end this case. In the light of the above findings of conspiracy with other parties, including a certain Judge Luz who prepared the alleged deed of sale in favor of Cailian, there is a need to dig deeper, in a manner of speaking, in this case. This could open the door to the secret chambers of a rumored syndicate which is in the business of fixing attachments and execution sales.

WHEREFORE, the Court resolves to DISMISS from the service, effective immediately, respondent RAMON G. ENRIQUEZ, for gross dishonesty, grave misconduct and conduct prejudicial to the best interest of the service, with forfeiture of all benefits, except the monetary value of his leave credits, if any, and with prejudice to his re-employment in any branch or service of the government, including government-owned or controlled corporations.

The Office of the Court Administrator is hereby directed to conduct a thorough inquiry into and investigation of the circumstances surrounding the execution sale in question, more particularly the true identity and alleged participation of a certain Judge Luz as above indicated. For that purpose, it should avail of the records of Criminal Case No. 12987 of the Second Division of the Sandiganbayan and take the testimonies of, among others, the respondent, Ms. Rizalina Ingco-Cailian, Atty. Jose C. Sison and Mr. Rolando Patriarca.

This decision is immediately executory.

SO ORDERED.

Narvasa, C.J., Gutierrez, Jr., Cruz, Feliciano, Padilla, Bidin, Griño-Aquino, Regalado, Davide, Jr., Romero, Nocon, and Campos, Jr., JJ., concur.

Bellosillo and Melo, JJ., no part.

[1] *People vs. Pacana*, 47 Phil. 48 [1924].

[2] Section 2, Rule 133, Rules of Court.

[3] Section 14(2), Article III, 1987 Constitution.

[4] Section 1, Rule 133, Rules of Court.

[5] *Ang Tibay vs. Court of Industrial Relations*, 69 Phil. 635, 642 [1940].

[6] Section 1, Article XI, 1987 Constitution.

[7] 71 SCRA 126, 131-132 [1976].

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