

BAIKONG AKANG CAMSA, COMPLAINANT, VS. JUDGE AURELIO D. RENDON, MUNICIPAL TRIAL COURT, ISULAN, SULTAN KUDARAT, AND SHERIFF EDWIN G. CABUG, REGIONAL TRIAL COURT, BRANCH 19, ISULAN...

A.M. No. MTJ-02-1395. March 28, 2003

Ponente: VITUG, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/f0cfde279988/>

VITUG, J.:

The above-numbered administrative case has its roots from a complaint for violation of the Anti-Graft and Corrupt Practices Act (Republic Act 3019) and gross ignorance of the law against Judge Aurelio D. Rendon and for gross ignorance of the law and violation of the Code of Conduct and Ethical Standards for public officials and employees against Sheriff Edwin Cabug.

The factual and case background was encapsulated in the decision of this Court, bearing the same title as the instant case, promulgated on 19 February 2002; viz:

On 22 May 1997, respondent judge rendered a decision in favor of plaintiff Philippine Evangelical Enterprises and ordered defendant Baikong Akang Camsa -

”1. To restore the plaintiff in complete possession of the two parcels of land subject of this controversy, Lot No. 3, Sgs-12-000273 and Lot No. 1, Sgs-12-000273, aforementioned;

’2. To remove the wire fence she erected on the property at her own expense;

’3. To pay the plaintiff P50,000.00 as attorney’s fees and P10,000.00 as litigation expenses;

’4. To pay the plaintiff the sum of P40,000.00 as exemplary damages; [and]

’5. To pay the cost of this suit.’

“The decision was not appealed to the Regional Trial Court. When the decision became final and executory, the plaintiff filed a motion for the issuance of a writ of execution. On 15 December 1997, the writ was issued. Respondent sheriff, however, failed to enforce the writ. According to complainant, respondent judge then issued, *motu proprio*, an alias writ of execution, the contents of which did not conform with the dispositive portion of the decision, dated 22 May 1997, in that the alias writ of execution included an order of demolition. Complainant also asserted that prior to the rendition of the decision, respondent judge demanded, through a mutual friend, the amount of P60,000.00 in exchange for a favorable decision but that complainant was only able to give P30,000.00. In the case of respondent sheriff, complainant claimed that extraordinary force was used by the sheriff in the enforcement of the writ of execution.

“In his comment, respondent judge denied having issued an alias writ of execution *motu proprio* but that he only issued it upon motion filed by the plaintiff. He explained that the contents of the alias writ of execution was in total conformity with the dispositive portion of the decision of the court. He strongly disavowed having demanded

P60,000.00, or having received P30,000.00, from complainant in exchange for a favorable decision.

“Respondent sheriff, in his own comment, maintained that the enforcement of the alias writ of execution was done in accordance with standard rules, and that complainant, in defiance of the writ of execution, had refused to vacate the property, prompting respondent sheriff to then seek the assistance of Provincial Commander Col. Acme and his assistant Col. Rinazo so as to ensure an orderly enforcement of the writ of execution.

“On 19 February 2001, an omnibus manifestation was submitted to the Office of the Court Administrator (‘OCA’) by Renee Rendon-Lozano, daughter of respondent judge, informing the OCA of the death of her father, respondent Judge Aurelio D. Rendon, on 01 February 2001 and seeking a partial release of his retirement benefits.

“The OCA, in its memorandum of 25 June 2001, opined that based on the complaint and comment submitted by respondents and ‘considering the seriousness of the charges against respondents and the conflicting allegations of the parties, a more thorough investigation (was) imperative,’ and recommended that the matter be referred to Executive Judge German Malcampo of the Regional Trial Court of Isulan, Sultan Kudarat, Branch 19, for investigation, report and recommendation.”

Due to Judge Rendon’s death before a formal investigation of the case could be pursued, this Court, in its 19 February 2002 decision, held:

“WHEREFORE, the instant administrative complaint against Judge Aurelio Rendon of the Municipal Trial Court of Isulan, Sultan Kudarat, is DISMISSED. The case, however, against Sheriff Edwin Cabug is referred to Executive Judge German M. Malcampo, Regional Trial Court, Branch 19, Isulan, Sultan Kudarat, for investigation, report and recommendation within sixty (60) days from receipt of the records of the case.”[1]

The report and recommendation of Executive Judge Malcampo was duly noted by the Court and thereafter referred to the Office of the Court Administrator (OCA) for evaluation, report and recommendation.

In compliance, the OCA, through Deputy Court Administrator Christopher O. Lock, in a memorandum addressed to Chief Justice Hilario G. Davide, Jr., dated 03 October 2002, made its finding and recommendation, the pertinent portions reading thusly:

“A simple perusal of the said decision and alias writ will readily show that both directed respondent sheriff ‘To remove the wire fence she (defendant) erected on the property at her (defendant) own expenses.’ Simply stated, the removal of said improvements must be done at the expense of the defendant (the complainant in this case). Thus, in the event that the respondent failed to implement the said directive, the procedure laid down under Section 10(d), Rule 39 of the Revised Rules of Court must be followed as a matter of course, to wit: ‘when the property subject of the execution contains improvements constructed or planted by the judgment obligor or his agent, the officer shall not destroy, demolish or remove said improvements except upon special order of the court, issued upon motion of the judgment obligee, after due hearing and after the former has failed to remove the same within a reasonable time fixed by the court.’

“Hence, as clearly stated in the above-quoted rule, it is only upon the filing of a motion by the proper party that a ‘Special Order of Demolition’ is issued by the Court. Without the said special order, the sheriff cannot arrogate upon himself a duty that is not directed for him to perform. Thus, there is no doubt that respondent sheriff violated a rule, which specifically provides for a procedure before a certain act should be done. A sheriff’s function [is] purely ministerial, not discretionary. In this case, respondent sheriff exercised his discretion. In this case, respondent sheriff exercised his discretion by stretching the provisions of the writ. It was clearly established during the investigation that respondent sheriff was fully aware of the need to secure a prior order from the court before a demolition could be effected. In fact, the complainant’s counsel even called his attention regarding the provisions under Section 10(d) of Rule 39. This notwithstanding, he continued with his wrongful act. For this reason, respondent sheriff must be administratively penalized.

“x x x x x x x x

“In view of the foregoing, it is respectfully recommended that respondent Sheriff Edwin G. Cabug, RTC, Isulan, Sultan Kudarat, be found GUILTY of gross ignorance of the law and that he be meted with a penalty of FINE in the sum of Five Thousand (P5,000.00) Pesos. Complainant’s other charges, to wit: manifest partiality in the execution of duties as a sheriff and violation of Section 3 (e) of the Anti-Graft and Corrupt Practices Act (R.A. 3019), be DISMISSED for insufficiency of evidence.”

We accept the above findings and recommendation of the OCA.

During the investigation of this case, complainant, through counsel, submitted an affidavit of desistance. The investigating Judge correctly proceeded with the investigation despite the statement of desistance.

An affidavit of desistance by a complainant does not divest the Supreme Court of its jurisdiction to investigate and ascertain the truth of the matter alleged in a complaint against a court personnel.[2] The Court has an interest in the conduct and behavior of all officials and employees of the judiciary and in ensuring at all times the proper delivery of justice to the people. Its efforts in that direction cannot be frustrated by any private arrangement of the parties.[3]

In this case, respondent sheriff undoubtedly exceeded his authority in executing the alias writ of execution which, here reproduced, read:

TO: THE PROVINCIAL SHERIFF
OR HIS DEPUTY
ISULAN, SULTAN KUDARAT

G R E E T I N G S:

A Sheriff’s return of service having been made to this Court by Sheriff IV Edwin G. Cabug on 06 March 1998 and acting on the informations contained therein, this Alias Writ of Execution is hereby issued commanding you to restore the plaintiff in complete possession of two parcels of land subject of this controversy Lot. No. 3, Sgs-12-000273 and Lot No. 1, Sgs-12-000273, aforementioned; to remove the wire fence she (defendant) erected on the property at her (defendant) own expense, and that of goods and chattels of Bai Akong (C)amsa (defendant) of Kalawag 3, Isulan, Sultan Kudarat you cause to be made the amount of P50,000.00 as attorney’s fees and P10,000.00 as litigation expenses; to pay the plaintiff the sum of P40,000.00 as exemplary damages; to pay the cost of suit, together with your lawful fees for the service of this execution all in the Philippine Currency which Philippine Evangelical Enterprises, Inc., represented by its President, Rev. Jared W. Barker (plaintiff) recovered in the Municipal Trial Court of Isulan, Province of Sultan Kudarat, in the Decision rendered by this Court dated May 22, 1997, (copy of which is hereto attached) against Bai Akong (C)amsa for Forcible Entry and Damages with Prayer for the Issuance of a Writ of Preliminary Injunction and Restraining Order, and that you tender the same to plaintiff, Philippine Evangelical Enterprises, Inc., rep. by its President, Rev. Jared W. Barker aside from your fees within thirty (30) days from receipt hereof with your proceedings endorsed thereon.

“But if sufficient personal property can not be found whereof to satisfy this execution and lawful fees thereon, then you are commanded that of the lands and building of the said Bai Akong (C)amsa, you cause to be made the sum of money in the manner required by law and the Rules of Court and to make a return of your proceedings with this Writ within thirty (30) days from receipt hereof.

“Likewise, you are hereby ordered to eject defendant, her agents, representatives and all persons acting on her behalf or those who are not supposed to be inside the properties, subject of this case, in view of the issuance of a Writ of Preliminary Mandatory Injunction restoring plaintiff to the possession of the property described as Lot No. 3, Sgs-12-000273 (portion of Lot No. 50, SWO-17260, situated in Kalawag 1, Extension, Isulan,

Sultan Kudarat), containing an area of TWELVE THOUSAND SEVEN HUNDRED FIFTY THREE (12,753) Square meters, more or less, and also directing defendant and her agents to desist from further committing acts of dispossession against plaintiff over another property described as Lot No. 1, Sgs-12-000273 (portion of Lot No. 50, SWO-17260, situated in Kalawag 1, Extension, Isulan, Sultan Kudarat), containing an area of NINE THOUSAND SIX HUNDRED FIFTY THREE (9,653) Square meters, more or less, which properties are both subjects of this case, and a restraining order issued on December 11, 1996 which was made permanent by the subsequent issuance of a Writ of Preliminary Injunction on December 23, 1996; and to remove all improvements introduced by them therein in order to give full effect and compliance to this Alias Writ of Execution.

“The PNP Regional Director, Region XII, PNP Provincial Director of Sultan Kudarat, the Station Commander of PNP Isulan, Sultan Kudarat and the Brigade Commander of the 301[st] Brigade, 3[rd] Division, Philippine Army based in Barangay Kalandagan, Tacurong, Sultan Kudarat are hereby directed to give full and necessary assistance to the Provincial Sheriff, his Deputy or Deputies for the immediate and complete implementation or enforcement of this Alias Writ of Execution.

“Let copies of this order be furnished to the Court Administrator, Supreme Court, Padre Faura St., Ermita, Manila, the Executive Judge, Regional Trial Court, Branch 19, Isulan, Sultan Kudarat, the PNP National Director, Camp Crame, Quezon City, and the Army Chief of Staff, Camp Aguinaldo, Quezon (City).

March, 1998, at Isulan, Sultan (Kudarat)

(Sgd.) AURELIO D. RENDON
Municipal Trial Judge[4]

Clearly, the alias writ of execution did not give authority to respondent sheriff to undertake the questioned demolition. Although he could have been confused by the statement in the writ directing him “to remove all improvements introduced by them therein in order to give full effect and compliance to this Alias Writ of Execution,” respondent, nevertheless, was expected to be guided by Section 10(d), Rule 39, of the 1997 Rules of Civil Procedure, to wit:

“When the property subject of the execution contains improvements constructed or planted by the judgment obligor or his agent, the officer shall not destroy, demolish or remove said improvements except upon special order of the court, issued upon motion of the judgment obligee after due hearing and after the former has failed to remove the same within a reasonable time fixed by the court.”

Indeed, complainant called the attention of respondent sheriff to the above provision of the Rules but the latter still went on with the demolition.

Sheriffs and deputy sheriffs are officers of the Court and agents of the law. It behooves them to discharge their duties with utmost care and diligence, particularly in implementing the orders of the court, for hardly can they err without affecting the efficiency of the process by which justice is administered.[5] The sheriff is the front-line representative of the justice system in this country, and if the sheriff loses the trust reposed in him, he inevitably diminishes likewise the faith of our people in the judiciary.[6]

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

WHEREFORE, Sheriff Edwin G. Cabug is declared guilty of gross ignorance of the law, and he is hereby ordered to pay a FINE of Five Thousand (P5,000.00) Pesos, with a warning that a repetition of the same or similar infraction in the future will be dealt with severely.

SO ORDERED.

Davide, Jr., C.J. (Chairman), Ynares-Santiago, Carpio, and Azcuna, JJ., concur.

[1] Rollo, pp. 87-88.

[2] Farrales vs. Judge Camarista, A.M. No. MTJ-99-1184, 02 March 2000, 327 SCRA 84.

[3] Caña vs. Santos, A.M. No. 93-10-1269-RTC, 08 July 1994, 234 SCRA 17.

[4] Rollo, pp. 54-56.

[5] Ignacio vs. Payumo, A.M. No. P-00-1396, 24 October 2000, 344 SCRA 169.

[6] Dilan vs. Dulfo, A.M. No. P-99-1293, 11 March 1999, 304 SCRA 460.

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.