

THIRD DIVISION

[A.M. No. RTJ-00-1579, January 18, 2001]

GERARDO M. SANTOS, IGLICERIA VDA. DE KARAAN, BONIFACIO A. SIASAT, EMMANUEL C. PEREZ, CONSORCIA ZAMORA, FRANCISCA VASQUEZ, JENNY FLORENDO, ASTEYA GONZALES SANTIAGO, NORBERTA REYES AND GERALDO CALIMBAS, COMPLAINANTS, VS. JUDGE LORENZO R. SILVA JR.; ACTING CLERK OF COURT MARVIN SORIANO; SHERIFF RUEL DE GUZMAN; AND SHERIFF RENATO ROBLES OF THE REGIONAL TRIAL COURT OF BALANGA, BATAAN, RESPONDENTS.

DECISION

PANGANIBAN, J.:

Proper and efficient court management is the responsibility of a judge. In line with this principle, the responsibility for a writ of demolition that covers properties owned by persons who are not parties to a civil case cannot be evaded by the judge by invoking the negligence of the clerk of court.

The Case and the Facts

Herein complainants filed four separate letter-complaints^[1] with essentially identical joint affidavits attached thereto, charging Judge Lorenzo R. Silva Jr. with serious or deliberate neglect of duty or conduct prejudicial to the best interest of the service; and Legal Researcher Marvin Soriano (designated as acting clerk of court) and Sheriffs Ruel de Guzman and Renato Robles, with grave misconduct, abuse of authority and conduct prejudicial to the best interest of the service.

The factual antecedents of this case are narrated by the Office of the Court Administrator (OCA) as follows:

"It appears from the records of this case that a complaint for accion publiciana was instituted by Salvador Aguinaldo, et. al. against Mario Amidao and eighty seven (87) other defendants docketed as Civil Case No. 5702, in the Regional Trial Court, Branch 2, Balanga, Bataan, presided then by Judge Vivencio S. Baclig.

"The plaintiffs having satisfactorily substantiated their allegations in the complaint through their evidences which remain uncontroverted, the court rendered a Judgment dated March 10, 1995 in their favor, the dispositive portion of which is hereunder quoted, thus:

`WHEREFORE, premises above considered, judgment is hereby rendered in favor of the plaintiffs and against the defendants ordering the latter to remove, at their expense, illegally constructed structures on Lot Nos. 353 and 402 and

to surrender possession of the same to plaintiffs.

x x x x x x x x

No award is given with respect to the prayers for damages for lack of sufficient evidence to substantiate the same.'

"On April 30, 1998, the Court ordered the issuance of a Writ of Execution. The writ was issued on May 6, 1998.

"On July 22, 1998, the Court gave the defendants a period of thirty (30) days to remove whatever improvements they have constructed in the land subject of the case.

"The grace period given to the defendants having expired without complying with the above Order of the Court, a writ of demolition was issued on November 12, 1998.

"The writ of demolition was not implemented because there was then a negotiation between the [m]ayor of Morong and the plaintiffs and for humanitarian consideration in the spirit of the yuletide season.

"An alias writ of demolition was issued on January 4, 1999, but the same remain[ed] unimplemented and the thirty (30) day period had expired.

"Thereafter, another alias Writ of Demolition was issued on February 11, 1999.

"An Urgent Ex-Parte Motion to Amend the Alias Writ of Demolition dated February 11, 1999 was filed by the plaintiffs. The Court issued an Order dated March 1, 1999 for the issuance of another alias Writ of Demolition to be directed against the defendants and all persons claiming rights under them. The Writ was issued on the same date.

"On March 11 and 12, 1999, with the assistance of the Philippine National Police, the structures/houses of the defendants and all persons claiming rights under them were demolished."^[2]

Complainants claim to be the owners and proprietors of beach resorts with improvements thereon situated in Sitio Crossing, Barangay Nagbalayong, Morong, Bataan. They allege that from March 15 to 18, 1999, their properties were illegally demolished by Sergio Aguinaldo, who was accompanied by his "goons" and some agents of the police force.

According to complainants, they had vehemently opposed the alleged illegal destruction of their properties. However, the group of Aguinaldo did not heed their call, asserting that its acts were in accordance with the Order of Judge Silva.

They likewise allege that Aguinaldo's group was emboldened by Judge Silva's failure to supervise closely the acts of Sheriffs De Guzman and Robles in connection with the execution of the Writ of Demolition. As a result, even the properties of those not included in the subject case were destroyed. They further fault Judge Silva for

allowing acting Clerk of Court Marvin Soriano to expand the coverage of the Demolition Order dated November 11, 1998.

They also assail Respondent Soriano for illegally expanding the coverage of the Demolition Order. They claim that he inserted therein the words "third parties," which had not been included in the Decision promulgated by the Regional Trial Court (RTC).

Furthermore, complainants assert that the illegal demolition was directed by Sheriffs De Guzman and Robles against the properties of parties to a case that had been decided by a different court (the RTC-Balanga, Bataan, Branch I) and was currently pending with the Court of Appeals.

In separate Indorsements from the OCA dated May 19, 1999,^[3] respondents were required to comment on the Complaint.

Judge Silva states in his Comment^[4] that the Demolition Order he issued was directed only against the defendants therein. He further alleges that he did not authorize acting Clerk of Court Soriano to expand the Writ. When an expanded Order was in fact issued, it was subsequently set aside and superseded by an alias Writ directed only against the defendants and others claiming rights under them. He adds that it was this later Order, not the earlier expanded Writ, that was implemented by respondent sheriffs.

For his part, acting Clerk of Court Soriano, in his Comment,^[5] denies having deliberately caused the amendment of the assailed Writ to prejudice complainants. He relates that on November 12, 1998, he signed a Writ of Demolition issued in connection with Civil Case No. 5702. Before that Writ could be implemented, he discovered the inadvertent inclusion of third parties claiming rights belonging to the defendants therein. Immediately after, he reported the matter to Judge Silva, who instructed Sheriff De Guzman to hold the implementation of the Order. Thereafter, an alias Writ dated February 11, 1999 was accordingly issued, this time minus the words "third parties." He claims that it was this corrected Writ that was actually implemented by the sheriff, and not the alleged expanded Writ.

Sheriff De Guzman explains in his Comment^[6] that on March 11 and 12, 1999, he conducted the demolition only against the defendants named in the Writ. He maintains that he did not authorize or sanction the demolition conducted by the group of Aguinaldo from March 15 to 18, 1999. He also cites the affidavit of complainants, which made no mention of his presence during the alleged unlawful demolition. His final Return of Service^[7] also shows that he was able to execute the Writ of Demolition on March 11 and 12, 1999.

In his Comment,^[8] Sheriff Robles argues that he was requested by Sheriff De Guzman to accompany him in the implementation of the Writ of Demolition on March 11 and 12, but only against the defendants in Civil Case No. 5702. He further avers that the alleged illegal demolition conducted from March 15 to 18, 1999 was sanctioned neither by respondent sheriffs nor by the trial court. He likewise says that nowhere in the complainants' affidavit was it shown that he was ever present during the demolitions on March 15 to 18, 1999.