

BY: Henry  
TIME: 10:06 am



Republic of the Philippines  
Supreme Court  
Manila

EN BANC

**WILLY FRED U. BEGAY,**  
Complainant,

**A.M. No. P-17-3652**  
[Formerly OCA I.P.I. No. 15-4445-P]

**Present:**

PERALTA, C.J.,  
PERLAS-BERNABE,  
LEONEN,  
CAGUIOA,  
GESMUNDO,  
REYES, J., JR.,  
HERNANDO,  
CARANDANG,  
LAZARO-JAVIER,  
INTING,  
ZALAMEDA,  
LOPEZ,  
DELOS SANTOS, and  
GAERLAN,\* JJ.

- versus -

**ATTY. PAULINO I.  
SAGUYOD, CLERK OF  
COURT VI, REGIONAL  
TRIAL COURT, BRANCH 67,  
PANIQUI, TARLAC,**  
Respondent.

**Promulgated:**

June 23, 2020

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**RESOLUTION**

**PER CURIAM:**

For resolution is an Affidavit-Complaint<sup>1</sup> filed by Willy Fred U. Begay (*complainant*) against Atty. Paulino I. Saguyod, Clerk of Court VI and George P. Clemente, Sheriff IV, both of Branch 67, Regional Trial Court (*RTC*), Paniqui, Tarlac, for gross misconduct, discourteous acts, manifest partiality and grave abuse of authority.

\* On leave.

<sup>1</sup> *Rollo*, pp. 1-6.

The facts, as summarized by the Office of the Court Administrator (OCA), are as follows:

Complainant Begay states that he is the owner of Garden of Samantha Memorial Park located in Estacion, Paniqui, Tarlac. The memorial park, consisting of three (3) parcels of land, is under litigation in a case he filed against the Rural Bank of San Luis Pampanga, Inc., docketed as Civil Case No. 008-13, before the RTC, Paniqui, Tarlac. He prays for the nullification of the real estate mortgages, promissory notes, foreclosure proceedings, transfer certificates of title, award of damages, and the issuance of a Writ of Preliminary Injunction *pendente lite* which commanded the Rural Bank of San Luis to desist from obtaining possession of the memorial park.

Unknown to complainant Begay, on 2 December 2014, the Rural Bank of San Luis filed an *ex parte* motion for the issuance of a writ of possession, docketed as Land Case No. 041-14, claiming that it purchased a parcel of land covered by TCT No. 043-2014005232 (one of the parcels of land comprising the subject memorial park) through an extrajudicial foreclosure sale per Certificate of Sale dated 5 February 2013. The Rural Bank's prayer for issuance of a possessory writ was directed against Alejandro P. Bautista, former owner of the property and all other persons who might be in possession of the property.

Complainant Begay avers that the Rural Bank of San Luis failed to disclose in its *ex parte* motion that he was in possession of the subject lot in the concept of an owner; that neither Bautista nor any other individual ever acquired possession of the property; and that there is a case docketed as Civil Case No. 008-13 pending before the RTC of Paniqui, Tarlac, questioning the circumstances whereby the property was transferred to Bautista at the instance and direction of the Rural Bank of San Luis.

In the Order dated 17 April 2015, the trial court granted the *ex parte* motion and directed the Branch Clerk of Court to issue the writ of possession. On 20 April 2015, respondent Atty. Saguyod issued the Writ of Possession addressed to the court's Deputy Sheriff, respondent Clemente. Upon receipt thereof, respondent Sheriff Clemente issued the notice to vacate addressed to complainant Begay, who was not a party to the case nor was mentioned in Civil Case No. 041-14, but not to mortgagor Bautista.

Complainant Begay filed a Motion to Quash dated 21 April 2015 questioning the propriety of the writ of possession and requesting that he be allowed to speak during the hearing on 30 April 2015. However, respondent Atty. Saguyod failed to include him in the said hearing. He states that he filed a Motion to Quash the Writ of Possession on the grounds that he is the real owner who is in actual possession of the subject property. Since he was not made a party to the foreclosure proceedings and to the *ex parte* motion, his right to due process was violated. He adds that there is a pending controversy relative to the foreclosure commenced by the Rural Bank of San Luis, and the issue of ownership needs to be resolved in a full-blown trial.

On 19 May 2015, despite the pendency of the motion to quash, a group led by respondents Sheriff Clemente and Atty. Saguyod implemented the writ and forcibly and furiously took possession of a portion of the memorial park, particularly the lot covered by TCT No. 043-2014005232.

Complainant Begay states that at the time of their takeover, respondent Sheriff Clemente ordered Security Guard Rolando M. Tabilisima to vacate his post and that he be immediately disarmed. He alleges that the security guards and the security agency, the Golden Fort Security Agency, posted by respondents Atty. Saguyod and Sheriff Clemente were not licensed as such within the ambit of Republic Act No. 5487 as amended. The certification issued by the Supervisory Office for Security and Investigation Agencies (SOSIA) of the National Police Commission shows that the Golden Fort Security Agency is not registered and has no record on file in their office.

Complainant Begay alleges that the dates when respondent Atty. Saguyod received the evidence of the Rural Bank of San Luis and when he conducted the *ex parte* hearing are questionable. In the Order dated 17 April 2015, it states that on 19 March 2015, after examining all the exhibits presented by petitioner Rural Bank of San Luis, the trial court admitted the same and the petition was submitted for resolution. Respondent Atty. Saguyod reported to the Presiding Judge that the *ex parte* hearing for reception of evidence was conducted prior to or not later than 19 March 2015. According to complainant Begay, it was not possible for respondent Atty. Saguyod to have conducted the *ex parte* hearing for the reception of the movant-bank's evidence prior to or not later than 19 March 2015. Rather, the records would show that the Rural Bank of San Luis submitted the judicial affidavit of its witness only on 6 April 2015 and the formal offer of exhibits was received by the trial court on 8 April 2015.

Complainant Begay claims that the participation of respondent Atty. Saguyod in the implementation of the writ is highly questionable considering that it is not within his functions as Clerk of Court of the RTC, Paniqui, Tarlac. He alleges that respondent Atty. Saguyod was not only a mere observer during the implementation of the writ, but was also an active participant as he was conferring with the officers and lawyers of the Rural Bank of San Luis. Respondent Atty. Saguyod was also shouting invectives at complainant Begay's employees and ordering them to leave the premises. He adds that respondents Atty. Saguyod and Sheriff Clemente carefully planned the implementation of the writ as they immediately posted a very large notice that the Rural Bank of San Luis was placed in possession of the subject property pursuant to the writ issued by the trial court.

In its Order dated 9 June 2015, the trial court granted the motion to quash filed by complainant Begay and allowed him to take possession of the subject property covered by TCT No. 043-2014005232 until after the case shall have been resolved with finality. The Order dated 17 April 2015, the Writ of Possession dated 20 April 2015, and the Notice to Vacate dated 20 April 2015 were all recalled and set aside.<sup>2</sup>

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<sup>2</sup>*Id.* at 78-80.

In its Memorandum<sup>3</sup> dated February 20, 2017, the OCA recommended that Atty. Saguyod be found guilty of simple misconduct and be ordered dismissed from the service, with forfeiture of his retirement benefits, except accrued leave credits, with prejudice to re-employment in any branch or instrumentality of the government including government-owned or controlled corporation, while the administrative complaint against Sheriff Clemente was dismissed for lack of merit.

*First*, the OCA found that there was nothing irregular when respondent issued the writ of possession. It opined that Atty. Saguyod and Sheriff Clemente cannot be held administratively liable for issuing and implementing the writ of possession since the issuance of the possessory writ against complainant was in accordance with the order of the trial court, the complainant having in possession of the property.

*Second*, the OCA observed that complainant's allegation that Atty. Saguyod and Sheriff Clemente replaced complainant's security guard with an unlicensed security agency is tenuous since complainant failed to substantiate his claims.

However, the OCA found merit in the allegation against Atty. Saguyod in actively participating in the implementation of the writ of possession. The OCA elucidated that there exists substantial evidence which show that Atty. Saguyod was at the scene during the implementation of the writ of possession, together with the representative and lawyers of the Rural Bank of San Luis. The OCA maintained that Atty. Saguyod's presence during the implementation of the writ, even without any specific act, clearly showed that he was personally involved in the case in one way or another.

Citing Section D(3)(3.2), Chapter 4 of the 2002 Revised Manual for Clerks of Court, the OCA concluded that Atty. Saguyod exceeded his mandate when he was at the subject property during the implementation of the writ of possession. The said provision lays down the functions of the Clerk of Court as an *ex officio* Sheriff, to wit:

3.2 Clerk of Court as *Ex Officio* Sheriff

3.2.1. Serves summonses and notices of raffle in initiatory pleadings with application for temporary restraining order and preliminary injunction;

3.2.2. Serves processes and implements writs coming from:

3.2.2.1. the branches of the Court in the absence of the branch sheriff;

3.2.2.2. the other courts of the country, including the Court of Appeals and the first level courts; and

<sup>3</sup>

*Id.* at 78-85.

3.2.2.3.the offices and quasi-judicial agencies of the  
Government.

On March 21, 2017, the Court *en banc* issued a Resolution,<sup>4</sup> the fallo of which reads:

- (a) **DISMISS** the complaint against George P. Clemente, Sheriff IV, Regional Trial Court, Branch 67, Paniqui, Tarlac; and
- (b) **RE-DOCKET** the complaint against Atty. Paulino I. Saguyod, Clerk of Court VI, same court, as a regular administrative complaint, to wit: A.M. No. P-17-3652 (Willy Fred U. Begay vs. Atty. Paulino I. Saguyod, Clerk of Court VI, Regional Trial Court, Branch 67, Paniqui, Tarlac)

### *The Court's Ruling*

The Court is in accord with the findings and observations of the OCA which are duly supported by the facts on record and the applicable laws and jurisprudence on the matter.

Section D(3)(3.2)(3.2.2.1), Chapter 4 of the 2002 Revised Manual for Clerks of Court provides:

3.2 Clerk of Court as *Ex Officio* Sheriff

xxx

3.2.2. Serves processes and implements writs coming from:

3.2.2.1.the branches of the Court in the absence of the branch sheriff;

Clearly, the provision mandates the function of a clerk of court as an *ex officio* sheriff to implement writs coming from the branches of the Court only in the absence of the branch sheriff.

In the present case, it is worthy to note that the Order<sup>5</sup> dated April 17, 2015 issued by the trial court which granted the *ex parte* motion for a writ of possession, directed the Branch Clerk of Court to issue the writ of possession. On April 20, 2015, respondent Atty. Saguyod issued the Writ of Possession which was addressed to the court's Deputy Sheriff, Sheriff Clemente. Evidently, the circumstances of the case do not warrant the exercise of respondent's function as an *ex officio* sheriff. It bears emphasis that the writ of possession which respondent himself issued, was addressed to the court's Deputy Sheriff Clemente, who was already present at the time of the implementation of the writ.

<sup>4</sup> *Id.* at 86.

<sup>5</sup> *Id.* at 63-64.

Moreover, the OCA's report revealed that a photograph on record showed that respondent was at the subject property at the time of the implementation and was seen conferring with the officers and lawyers of the Rural Bank of San Luis. Another photograph on record showed respondent angrily pointing his finger at complainant Begay's staff and apparently shouting invectives at them.<sup>6</sup> Hence, Atty. Saguyod's act of overseeing the enforcement of the writ, in an intimidating manner nonetheless, showed that Atty. Saguyod overstepped the bounds of propriety required of him as an employee of the court.

In his Comment<sup>7</sup> dated August 18, 2015, respondent merely averred that he had no participation in the actual implementation of the said writ and that he merely reminded Deputy Sheriff George P. Clemente to delineate the subject property which is a portion of the memorial garden.

His contention deserves scant consideration.

Time and again, the Court has held that "bare denial of respondent that he did not commit the acts complained of cannot overcome the clear and categorical assertion of the complainant."<sup>8</sup> An assiduous scrutiny of the records of the case would reveal substantial evidence showing that Atty. Saguyod was at the subject property and actively participated in the implementation of the writ of possession. It must be noted however that no countervailing evidence was offered by Atty. Saguyod. As aptly found by the OCA, respondent's mere presence at the implementation of the writ alone is highly questionable, especially considering that Sheriff Clemente was already present at the time of the implementation of the writ.

The Court cannot simply turn a blind eye to what is clearly a conduct which tends to derogate the trust reposed in government officials, who are expected to uphold the highest degree of standards of efficiency in the exercise of their functions. As a court employee, respondent is bound to know that the conduct required of court personnel must be beyond reproach and must always be free from suspicion that may taint the Judiciary.<sup>9</sup>

Respondent's actuation of being present during the implementation of the writ of possession in an intimidating manner and hurling invectives on the complainants is clearly an act of simple misconduct. Misconduct has been defined as an unacceptable behavior that transgresses the established rules of

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<sup>6</sup> *Id.* at 82.

<sup>7</sup> *Id.* at 70-77.

<sup>8</sup> *Re: Complaint Against Mr. Ramdel Rey M. De Leon, Executive Assistant III, Office of Associate Justice Jose P. Perez, on the Alleged Dishonesty and Deceit in Soliciting Money for Investments*, A.M. No. 2014-16-SC, January 15, 2019.

<sup>9</sup> *Abanil v. Ramos, Jr.*, 399 Phil. 572, 577 (2000).

conduct for public officers. A misconduct is grave where the elements of corruption, a clear intent to violate the law, or a flagrant disregard of established rules are present. Otherwise, a misconduct is only simple.<sup>10</sup> Since there is no showing that the elements of corruption, a clear intent to violate the law, or a flagrant disregard of established rules are present in this case, the respondent's act is considered as a simple misconduct.

Clerks of court, whose functions are vital to the prompt and sound administration of justice, cannot be allowed to overstep their powers and responsibilities.<sup>11</sup> Thus, for his improper behavior, the Court finds Atty. Saguyod liable for simple misconduct.

Anent the proper penalty to be imposed, the Court was instructive in *Boston Finance and Investment Corp. v. Gonzalez*,<sup>12</sup> on what rule shall govern court personnel, to wit:

Fundamentally, the setting of parameters pertaining to the discipline of all court personnel, including judges and justices, clearly fall within the sole prerogative of the Court. The Supreme Court's exclusive authority to set these parameters is based on no other than the 1987 Constitution, which provides:

#### ARTICLE VIII

Section 6. The Supreme Court shall have **administrative supervision over all courts and the personnel** thereof. (Emphases supplied)

x x x x

Anchored on these constitutional mandates, the Court issued two (2) separate body of rules to govern judicial discipline cases, to wit: (a) **Rule 140 of the Rules of Court to apply to judges and justices of lower courts;** and (b) **the Code of Conduct for Court Personnel (CCCP),** which incorporates the RRACCS, **to apply to all judiciary personnel "who are not justices or judges.**

Since respondent is a clerk of court, the Code of Conduct for Court Personnel, which incorporates the RRACCS, shall apply in this case. Hence, for being liable for simple misconduct, We shall refer to the pertinent provisions of the RRACS as regards the proper penalty to be imposed upon respondent.

Section 46(D), Rule 10 of the RRACS classify simple misconduct as a less grave offense with a corresponding penalty of suspension for one (1)

<sup>10</sup> *Imperial, Jr. v. Government Service Insurance System*, 674 Phil. 286, 296 (2011).

<sup>11</sup> *Nieva v. Alvarez-Edad*, 490 Phil. 460, 471 (2005).

<sup>12</sup> A.M. No. RTJ-18-2520 (formerly OCA I.P.I. No. 14-4296-RTJ), October 9, 2018.

month and one (1) day to six (6) months for the first offense, and the penalty of dismissal for the second offense.

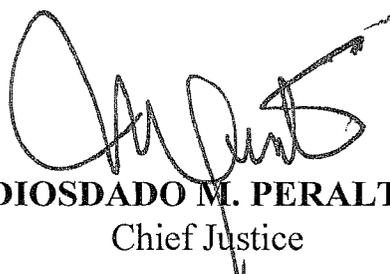
In the present case, the OCA's Report revealed that this is not the first time that Atty. Saguyod was found guilty of simple misconduct. In A.M. No. P-12-13102 (*Formerly OCA IPI No. 07-2562-P*) (*Jose S. Villanueva vs. Atty. Paulino L. Saguyod, Clerk of Court VI, Branch 67, Regional Trial Court, Paniqui, Tarlac*), Atty. Saguyod was suspended from the service for a period of three (3) months, and admonished for violating the Code of Conduct for Court Personnel and Section 4(e), Republic Act No. 6713.

Considering that Atty. Saguyod is being charged for his second offense of simple misconduct, the penalty of dismissal is deemed proper.

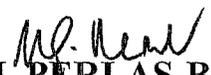
The Court has repeatedly stressed that it will not hesitate to rid its ranks of undesirables who undermine its efforts towards an effective and efficient administration of justice, thus, tainting its image in the eyes of the public.<sup>13</sup> The Court cannot countenance any act or omission which diminishes or tends to diminish the faith of the people in the Judiciary.<sup>14</sup>

**WHEREFORE**, the recommendation of the Office of the Court Administrator, being in accord with the facts, law and jurisprudence, is hereby **APPROVED**. Atty. Paulino I. Saguyod, Clerk of Court VI of Branch 67, Regional Trial Court, Paniqui, Tarlac, is found **GUILTY** of simple misconduct and is **DISMISSED** from the service, with forfeiture of his retirement benefits, except accrued leave credits, with prejudice to re-employment in any branch or instrumentality of the government, including government-owned or controlled corporation, considering that this is the second time that he has been found guilty of simple misconduct.

**SO ORDERED.**



**DIOSDADO M. PERALTA**  
Chief Justice



**ESTELA M. PERLAS-BERNABE**  
Associate Justice



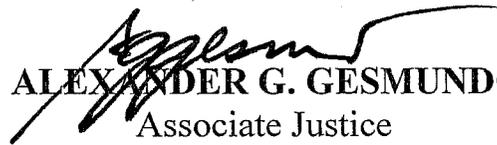
**MARVIC M.V.F. LEONEN**  
Associate Justice

<sup>13</sup> *Judaya, et al. v. Balbona*, 810 Phil. 375, 383 (2017).

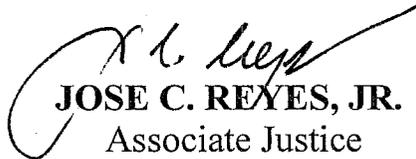
<sup>14</sup> *Seliger v. Licay*, 673 Phil. 96, 101 (2011).



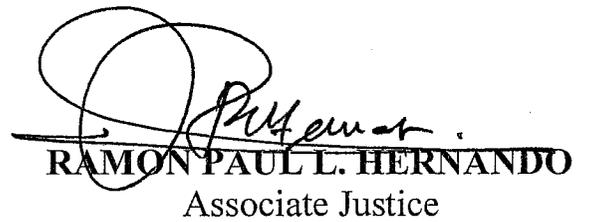
**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice



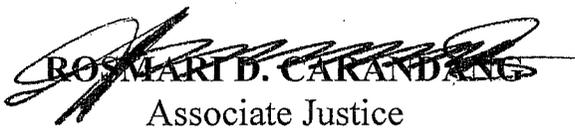
**ALEXANDER G. GESMUNDO**  
Associate Justice



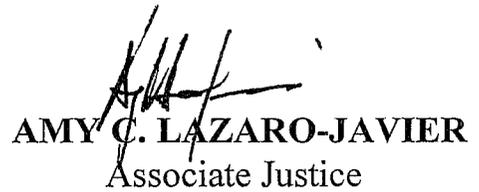
**JOSE C. REYES, JR.**  
Associate Justice



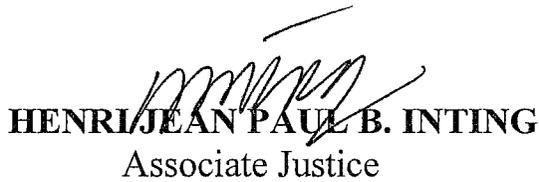
**RAMON PAUL L. HERNANDO**  
Associate Justice



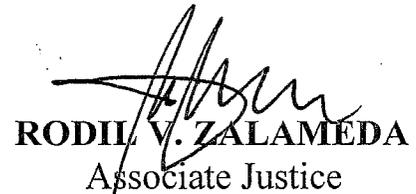
**ROSMARIE D. CARANDANG**  
Associate Justice



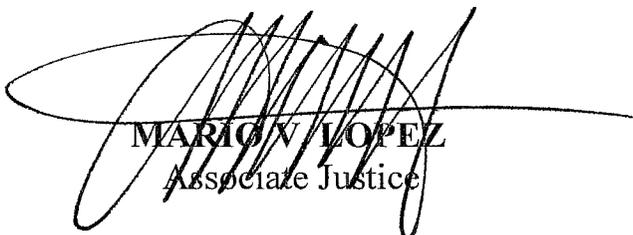
**AMY C. LAZARO-JAVIER**  
Associate Justice



**HENRIJEAN PAUL B. INTING**  
Associate Justice



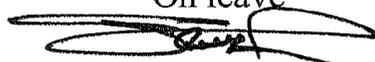
**RODIL V. ZALAMEDA**  
Associate Justice



**MARICEL N. LOPEZ**  
Associate Justice



**EDGARDO L. DELOS SANTOS**  
Associate Justice

On leave  
  
**SAMUEL H. GAERLAN**  
Associate Justice