



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

SUPREME COURT OF THE PHILIPPINES
PUBLIC INFORMATION OFFICE

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EMMA R. CHUA,

Complainant,

A.M. No. P-19-3960

Present:

PERLAS-BERNABE, J.,
Chairperson,

HERNANDO,
INTING,*

DELOS SANTOS, and
BALTAZAR-PADILLA,** JJ.

- versus -

RONALD C. CORDOVA,
SHERIFF IV, REGIONAL
TRIAL COURT, LAS PIÑAS
CITY, BRANCH 197,

Respondent.

Promulgated:

07 SEP 2020

X-----X

DECISION

DELOS SANTOS, J.:

For consideration of the Court is the Complaint-Affidavit¹ dated 4 July 2016 filed by Emma R. Chua (Chua) charging respondent Ronald C. Cordova (Sheriff Cordova), Sheriff IV, Regional Trial Court (RTC) of Las Piñas City, Branch 197, with grave abuse of discretion, grave abuse of authority, conduct unbecoming a public servant, conduct prejudicial to the best interest of the service, grave misconduct, and violation of Section 3, paragraph (e) of Republic Act No. (RA) 3019, otherwise known as the Anti-Graft and Corrupt Practices Act, relative to Civil Case No. 06-0114.² The Office of the Ombudsman forwarded the said complaint-affidavit to the

* On official leave.

** On leave.

¹ Rollo, pp. 3-8.

² Entitled *Spouses Gerd and Sarah Gerbig v. Odette R. Chua*, for Enforcement of Easement, Violation of the National Building Code, and Damages.

Supreme Court since Sheriff Cordova is a trial court employee under the exclusive administrative jurisdiction of the Court.³

The Facts

Chua alleged that a civil complaint was filed by spouses Gerd and Sarah Gerbig (Spouses Gerbig) against her daughter, Odette R. Chua (Odette), for the enforcement of easement, violation of the National Building Code, and damages with a prayer for a writ of preliminary injunction, docketed as Civil Case No. 06-0114, before the RTC of Las Piñas City, Branch 197. On 4 March 2008, a Writ of Preliminary Mandatory Injunction⁴ was issued by the trial court, ordering Odette or in her failure, the City Engineer's Office of Las Piñas City, to remove the additional two-storey building or extension constructed by Odette on her property. Thus, on 10 March 2008, Odette filed a Motion to Dissolve Writ of Preliminary Injunction.⁵ In an Order⁶ dated 14 April 2008, the trial court granted the motion and required Odette to file a counter-bond in the amount of ₱800,000.00, a copy of which was received by Chua on 18 April 2008, on behalf of Odette.⁷

Chua further alleged that on 25 April 2008, at around 4 o'clock in the afternoon, she was surprised when Sheriff Cordova, together with some men, entered their property and demolished their firewall and the back portion of their house. When she confronted Sheriff Cordova, he allegedly failed to provide a copy of any writ of execution issued by the trial court. She averred that during the demolition, Sheriff Cordova mocked, insulted, and humiliated her and her deceased husband, and told her "*una-unahan lang ito, bobo kasi kayo di nyo alam ang dapat nyo gawin. Malaki [ang] bayad sa akin kaya kahit gabi o Sabado o Linggo ako ang masusunod kung kelan ko gusto [magpademolish]. He he.*"⁸ Chua also claimed that the demolition lasted for four (4) days and resulted in the damage of their personal properties, such as air-conditioning unit, washing machine, water pump, and several plants. The alleged acts of Sheriff Cordova, according to Chua, constitute grave abuse of discretion, grave misconduct, conduct unbecoming a public servant, conduct prejudicial to the best interest of the service, and a violation of Section 3 (e) of RA 3019.⁹

On 5 April 2017, the Office of the Court Administrator (OCA) directed Sheriff Cordova to submit his comment on the charges against him.¹⁰

³ *Rollo*, p. 2.

⁴ *Id.* at 10-11.

⁵ *Id.* at 12-18.

⁶ *Id.* at 21-23.

⁷ *Id.* at 4.

⁸ *Id.* at 4-5.

⁹ *Id.* at 5-7.

¹⁰ *Id.* at 25.

In his Comment¹¹ dated 15 May 2017, Sheriff Cordova admitted that on 4 March 2008, the RTC of Las Piñas City, Branch 197, simultaneously issued the Writ of Preliminary Injunction¹² and the Writ of Execution¹³ relative to Civil Case No. 06-0114. Thereafter on 14 April 2008, the same trial court issued the Order¹⁴ granting the motion to dissolve the writ of preliminary injunction and required Odette to secure a counter-bond in the amount of ₱800,000.00. On several occasions, Sheriff Cordova, together with the counsel of Spouses Gerbig, went to Chua to remind her of the impending demolition of the subject structure, unless, they can produce the required counter-bond. On 25 April 2008, acting on the alleged writ of execution, Sheriff Cordova proceeded with the demolition of the property's firewall. He alleged that Chua was hostile with them and even threatened to gun down one of the workers. Sheriff Cordova further alleged that he took all the necessary precautions in order to avoid any further damage to the property of Chua and the adjacent properties.¹⁵

In the same comment, Sheriff Cordova denied the allegations of Chua. *First*, as to the allegation of grave abuse of authority and grave abuse of discretion, he averred that it was his ministerial duty to proceed with the implementation of the writ of execution with reasonable celerity and promptness, otherwise, the other party will sue him for not executing the writ. *Second*, with respect to the allegation of conduct unbecoming a public servant, he denied that he mocked, insulted, and humiliated Chua, as he was too busy supervising the workers and talking to Chua's adjacent property owners. *Third*, as regards to violation of Section 3 (e) of RA 3019, he denied that he received any money or compensation from the execution of the writ. He explained that the expenses in the demolition was shouldered by Spouses Gerbig. *Lastly*, he denied any knowledge with regard to the allegation of damage caused to Chua's personal properties, as he took all the necessary precaution and safety during the demolition.¹⁶

In her Opposition to Comment¹⁷ dated 20 June 2017, Chua reiterated that Sheriff Cordova deliberately and criminally caused the demolition of the property's firewall on a weekend, which left her with no other recourse, and that Sheriff Cordova ordered his laborers to climb the fence to demolish the firewall, setting aside propriety and good manners.¹⁸ Chua likewise claimed that the Order dated 14 April 2008 did not expressly provide a period within which to post a counter-bond.¹⁹ She tried to explain to Sheriff Cordova that she only received the said Order on 18 April 2008, and that she was still raising funds for the required counter-bond, but it fell on deaf ears.²⁰ She

¹¹ Id. at 26-39.

¹² Id. at 10-11.

¹³ Id. at 47-48.

¹⁴ Id. at 21-23.

¹⁵ Id. at 28-29.

¹⁶ Id. at 30-39.

¹⁷ Id. at 113-122.

¹⁸ Id. at 114-115.

¹⁹ Id. at 114, 117.

²⁰ Id. at 118.

asserted that the acts of Sheriff Cordova were tainted with deceit, bad faith, and for the purpose of material gain.

The OCA's Report and Recommendation

In its Report²¹ dated 22 February 2019, the OCA recommended: (1) that the administrative complaint against Sheriff Cordova be re-docketed as a regular administrative matter; (2) that he be found liable for grave abuse of authority or oppression and for violation of Section 6, Canon IV of A.M. No. 03-06-13-SC,²² otherwise known as the Code of Conduct for Court Personnel; and (3) that he be fined in the amount of ₱30,000.00, to be paid within 30 days from notice, with a stern warning that a repetition of similar acts shall be dealt with more severely.²³

In its evaluation, the OCA held that Sheriff Cordova failed to live up to his mandate, as he deviated from his purely ministerial functions. The OCA elucidated that despite Sheriff Cordova's knowledge of the existence of the Order dated 14 April 2008, which granted the motion to dissolve the writ of preliminary injunction, he still proceeded to implement the previously issued writ of execution. Moreover, it held that the fact that he served the alleged writ on a weekend should raise suspicion that it was done to prevent any interference from the courts. He clearly overstepped his ministerial function, when he resolved the issue on whether the Order dated 14 April 2008, was conditioned on Odette's securing a counter-bond, which was within the discretion of the trial court. Accordingly, Sheriff Cordova acted beyond the scope of his authority, thus, not only he committed grave abuse of authority or oppression, he also violated Section 6, Canon IV of A.M. No. 03-06-13-SC.²⁴

In a Resolution²⁵ dated 17 June 2019, the Court resolved to re-docket the administrative matter as a regular administrative case against Sheriff Cordova.

The Issue Before the Court

The issue for the Court's resolution is whether or not Sheriff Cordova should be held administratively liable as recommended by the OCA.

²¹ Id. at 123-128.

²² Section 6. Court personnel shall expeditiously enforce rules and implement orders of the court within the limits of their authority.

²³ *Rollo*, p. 128.

²⁴ Id. at 125-127.

²⁵ See id. at 130.

The Court's Ruling

We adopt the findings of the OCA, except as to the recommended penalty.

Sheriffs play an important role in the administration of justice and as agents of the law, high standards are expected of them. They are duty-bound to know and to comply with the very basic rules relative to the implementation of writs. They are required to live up to the strict standards of honesty and integrity in public service.²⁶

In *Olympia-Geronilla v. Montemayor, Jr.*,²⁷ the Court held that “as agents of the law, sheriffs are called upon to discharge their duties with due care and utmost diligence because in serving the court’s writs and processes and implementing its order, they cannot afford to err without affecting the integrity of their office and the efficient administration of justice.”²⁸ The 2002 Revised Manual for Clerks of Court provides:

D. *General Functions and Duties of Clerks of Court and Other Court Personnel*

2. Other Court Personnel

2.1.5. Deputy Sheriff IV/Deputy Sheriff V /Deputy Sheriff VI

2.1.5.1. serves and/or executes all writs and processes of the Courts and other agencies, both local and foreign;

Thus, the primary duty of a sheriff is to serve and/or execute all writs and processes of the Courts for the effective administration of justice.

The OCA found that Sheriff Cordova was guilty of oppression. Oppression is an administrative offense classified and penalized under Section 46 (B) (2), Rule 10 of the Revised Rules on Administrative Cases in the Civil Service (RRACCS), which provides:

Section 46. *Classification of Offenses* –

x x x x

B. The following grave offenses shall be punishable by suspension of six (6) months and one (1) day to one (1) year for the first offense and dismissal from the service for the second offense:

x x x x

²⁶ *Serdoncillo v. Sheriff Lanzaderas*, 815 Phil. 468, 477 (2017).

²⁷ 810 Phil. 1 (2017).

²⁸ *Id.* at 11, citing *Lucas v. Dizon*, 787 Phil. 88 (2014).

2. Oppression;

The Court in *Office of the Ombudsman v. Caberoy*,²⁹ defined oppression or grave abuse of authority as “a misdemeanor committed by a public officer, who under color of his office, wrongfully inflict upon any person any bodily harm, imprisonment or other injury. It is an act of cruelty, severity, or excessive use of authority.”³⁰

In the instant case, it is undisputed that on 4 March 2008, the trial court issued a writ of preliminary injunction and a writ of execution relative to Civil Case No. 06-0114. On 10 March 2008, a motion to dissolve the writ of preliminary mandatory injunction was then filed by Odette. Thereafter, the trial court in an Order dated 14 April 2008, granted the motion to dissolve the writ of preliminary mandatory injunction conditioned upon Odette’s posting of a counter-bond. However, from 25-29 April 2008, Sheriff Cordova proceeded to implement the previously issued writ of execution, despite having knowledge of the Order dissolving the writ of preliminary injunction. In justifying his acts, Sheriff Cordova insisted that it was his ministerial duty to enforce the writ issued by the courts. He further argued that he was not remiss in his duty as a sheriff, as he made several follow-ups and reminders to Chua and the City Engineer’s Office of Las Piñas City, of the impending demolition, unless Chua can come up with the required counter-bond. There being no answer from Chua, Sheriff Cordova proceeded with the demolition.

The argument of Sheriff Cordova is misplaced. It must be reiterated that an order granting to dissolve the writ of preliminary mandatory injunction was issued by the trial court, conditioned with the posting of a counter-bond. In proceeding with the enforcement of the dissolved writ of execution, Sheriff Cordova acted beyond his ministerial function. It must be stressed that the determination of the sufficiency of the counter-bond or compliance thereof,³¹ is within the discretion of the court, and not of the sheriff. Thus, such act of Sheriff Cordova constitutes oppression or grave abuse of authority. The OCA was correct when it held that Sheriff Cordova violated Section 6, Canon IV of A.M. No. 03-06-13-SC and that “[g]ood faith on the part of respondent [s]heriff, or lack of it, in proceeding to properly execute his mandate is of no moment, for he is chargeable with the

²⁹ 746 Phil. 111 (2014).

³⁰ Id. at 119, citing *Romero v. Villarosa, Jr.*, 663 Phil. 196 (2011).

³¹ Section 7, Rule 58 of the 1997 Revised Rules of Court.

Section 7. *Service of copies of bonds; effect of disapproval of same.* - The party filing a bond in accordance with the provisions of this Rule shall forthwith serve a copy of such bond on the other party, who may except to the sufficiency of the bond, or of the surety or sureties thereon. If the applicant’s bond is found to be insufficient in amount, or if the surety or sureties thereon fail to justify, and a bond sufficient in amount with sufficient sureties approved after justification is not filed forthwith, the injunction shall be dissolved. If the bond of the adverse party is found to be insufficient in amount, or the surety or sureties thereon fail to justify a bond sufficient in amount with sufficient sureties approved after justification is not filed forthwith, the injunction shall be granted or restored, as the case may be.

knowledge that being an officer of the court tasked therewith, it behooves him to make due compliance.”³²


We find that the charges of conduct unbecoming a public servant, conduct prejudicial to the best interest of the service, and violation of Section 3 (e) of RA 3019, should be dismissed for lack of evidence.

Anent the penalty to be imposed, in arriving at the recommended penalty, the OCA applied Section 50 of the RRACCS,³³ and held that oppression is the most serious offense, and that the violation of A.M. No. 03-06-13-SC is an aggravating circumstance. Thus, considering Sheriff Cordova’s previous administrative case,³⁴ the penalty of suspension for six (6) months is proper. However, to prevent any undue adverse effect on the public service, the OCA deemed it wise to recommend that the penalty of suspension be converted to the payment of fine in the amount of ₱30,000.00.

Here, Sheriff Cordova is guilty of both oppression and violation of A.M. No. 03-06-13-SC, thus, the proper penalty is suspension for six (6) months and one (1) day to one (1) year for the first offense. The recommended penalty of the OCA of payment of fine in the amount of ₱30,000.00 as penalty is insufficient. Considering that Sheriff Cordova has a previous administrative case, the proper penalty to be imposed should be suspension for one (1) year.

WHEREFORE, respondent Ronald C. Cordova, Sheriff IV of Regional Trial Court, Las Piñas City, Branch 197 is found guilty of Oppression or Grave Abuse of Authority, and violation of A.M. No. 03-06-13-SC, otherwise known as the Code of Conduct for Court Personnel, and is hereby **SUSPENDED** from service for one (1) year.

SO ORDERED.

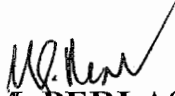

EDGARDO L. DELOS SANTOS
Associate Justice

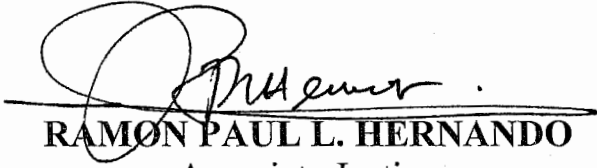
³² *Rollo*, p. 126.

³³ Section 50. *Penalty for the Most Serious Offense*. – If the respondent is found guilty of two (2) or more charges or counts, the penalty to be imposed should be that corresponding to the most serious charge and the rest shall be considered as aggravating circumstances.

³⁴ In the Decision dated 23 February 2005, the Court’s Second Division, in A.M. No. P-04-1832 (formerly OCA IPI No. 03-1572-P), 492 Phil. 276, entitled *Emelita F. Gadil v. Ronald C. Cordova, x x x*, found Cordova guilty of simple misconduct and was ordered to pay a fine of ₱10,000.00, with a warning that commission of the same or similar act in the future will be dealt with more severely.

WE CONCUR:


ESTELA M. PERLAS-BERNABE
Senior Associate Justice
Chairperson


RAMON PAUL L. HERNANDO
Associate Justice

(On Official Leave)
HENRI JEAN PAUL B. INTING
Associate Justice

(On Leave)
PRISCILLA J. BALTAZAR-PADILLA
Associate Justice