



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **December 9, 2020** which reads as follows:*

“A.M. No. P-21-008 [Formerly OCA IPI No. 15-4374-P] (CIPRIANO O. NAMOCATCAT, complainant v. SHERIFF IV ALEJO B. CLERIGO, Regional Trial Court, Branch 11, Manolo Fortich, Bukidnon, respondent). - The instant case arose from the letter complaint¹ filed by Cipriano O. Namocatcat (complainant) against Sheriff IV Alejo B. Clerigo (respondent) of Branch 11, Regional Trial Court (RTC) of Manolo Fortich, Bukidnon, charging him of grave abuse of authority, incompetence in the performance of duty, grave misconduct and dishonesty in relation to the civil case filed by complainant against Virginia Oriel Manial, (Manial) et. al. for reconveyance, quieting of title and cancellation of *Katibayan ng Orihinal na Titulo* Blg. P-43913.

Version of Complainant

A civil case was filed by herein complainant against Manial and the Register of Deeds (RD) of Malaybalay City for Reconveyance, Quieting of Title and Cancellation of *Katibayan ng Orihinal na Titulo* Blg. P-43913. The case involves three parcels of land namely: Lot 317, Lot 318, Lot 319-A and Lot 319-B, all located at Kitaro, Lingating, Baungon, Bukidnon.² Complainant and his family occupied Lots 317, 318 and 319-B as a concept of owners since time immemorial while Lot 319-A is titled and registered in the name of complainant’s wife, Enriquita Namocatcat (Enriquita), et. al. evidenced by the TCT No. AT-4329 duly issued by the RD of Bukidnon on July 18, 1996.³

- over – six (6) pages ...

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¹ *Rollo*, pp. 2-5.

² *Id.* at 2.

³ *Id.*

On March 23, 2006, in the Decision⁴ penned by Judge Jose U. Yamut, Sr. (Judge Yamut), the above complaint was dismissed, the dispositive portion of which reads as follows:

The evidence presented by the plaintiff in so far as Lot 317 is concerned does not convince this Court that Lot 317 has to be reconveyed to the plaintiff nor its title Quieted.

WHEREFORE, for lack of merit and in view of the above premises, the complaint dated September 12, 2005 is hereby dismissed. Plaintiff and counsel are hereby warned not to violate the Rule on Forum Shopping, otherwise both will suffer the sanctions imposed by laws or rules.

SO ORDERED.⁵

The above Decision was appealed and eventually reached this Court. Complainant was unsuccessful in his plight and thus, the Decision became final on September 30, 2013.⁶

However, on August 6, 2014, pending the hearing of the motion of execution and/or restitution before Branch 11 of the RTC of Manolo Fortich, Bukidnon, Manial, together with spouses Inday and Gerry Dahino and with several hired men and members of the police force of Baungon, Bukidnon, forcibly entered Lots 317, 318, and 319-B and tore down complainant's house and uprooted and destroyed the root crops and fruit-bearing trees and thereafter, fenced the aforementioned lots, and posted hired persons to guard and secure the property.⁷

On September 24, 2014, respondent conspired with Manial and her cohorts, and they forcibly entered Lot 319-A, which was said to be titled in the name of complainant's wife, Enriquita and his son, Erwin.⁸ Respondent showed the *writ* of execution to complainant and his counsel but he did not provide them with a copy. In the said writ, it was written that the subject lot of the execution is Lot 317, complainant confronted respondent about it. However, respondent arrogantly replied that "*tanang nga duta ninyo kuha-on, ihatag kay Virginia Manial bisag titulado pana ang Lot 319-A ug walay labot sa kaso kay sheriff ko*" (Because I am the sheriff, all your lots will be taken and to be given to Virginia Manial, even if Lot 319-A is titled and not subject of this case.)⁹

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⁴ Id. at 98-102.

⁵ Id. at 102.

⁶ *Namocatcat v. Manial*, G.R. No. 208604, September 30, 2013.

⁷ *Rollo*, p. 3.

⁸ Id. a 3.

⁹ Id.

On September 25, 2014, complainant went to trial court to secure a court order to restore his family's possession of the lots that were not included in the *writ* of execution. Complainant received a copy of the Order and the *writ* of execution issued by Judge Yamut of Branch 11 of RTC of Manolo Fortich, Bukidnon which shows that execution of the judgment pertains only to Lot 317.¹⁰

Version of Respondent

Respondent denies the allegations of complainant. In his comment,¹¹ he stated that complainant is disgruntled and merely motivated to file the present administrative complaint against him as complainant cannot win his case.

In the alleged incident of demolition on August 6, 2014, respondent denies any participation. He claims that it is highly improbable that the house of the son of complainant on Lot 319-A be demolished on September 24, 2014 as there was no such house in existence on such date. He further alleged that he has no jurisdiction over Lot 319-A and the other lots, thus he has no authority to restrain Manial and others in entering the said properties.¹²

To even bolster his defense, respondent also questioned the personality of herein complainant since the real party in interest was his son, Erwin, whose house was demolished and whose name appears in the title of Lot 319-A. Yet Erwin did not execute an affidavit to present the same. Respondent also denies the arrogant utterances being imputed against him.¹³

Report and Recommendation

After the investigation conducted by Judge Ma. Theresa Aban Camanong (Judge Camanong), it was established that respondent exceeded his authority when he implemented the *writ* without ascertaining the metes and bounds of the lot subject of the *writ*. Respondent merely relied on the words of Manial, the defendant who won the civil case, and did not take diligent efforts to survey the lots even over the objection of complainant and his counsel. Thus, Judge Camanong concluded that respondent is guilty of grave abuse of authority and recommended for respondent's six months suspension.¹⁴

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¹⁰ Id. at 4.

¹¹ Id. at 38-40.

¹² Id. at 39.

¹³ Id. at 39-40.

¹⁴ Id. at 447-454.

The Office of the Court Administrator adopted the findings of Judge Camanong as the same were supported by evidence and in accordance with the applicable legal principles. However, with regard to the penalty, instead of a six-month suspension, a fine of ₱5,000.00 would suffice.

Discussion

It is a settled rule that the sheriff's duty in the execution of a *writ* issued by a court is purely ministerial. When a writ is placed in the hands of a sheriff it is his duty, in the absence of any instructions to the contrary, to proceed with reasonable celerity and promptness to execute it according to its mandate. He is to execute the order of the court strictly to the letter.¹⁵

It was clearly established in the case at bar and admitted by respondent that the writ pertains only to Lot 317. Respondent should neither have relied on the words of Manial nor assumed as the said fact was clearly written in the *writ* of execution issued by the court. By assuming that the property being taken by Manial was included, respondent already exceeded on his authority. Respondent's duty being ministerial in nature it is incumbent upon him to ensure that only that portion of a decision ordained or decreed in the dispositive part should be the subject of execution. No more no less.

Based on the records of the case, complainant already objected to the action of Manial in taking over Lot 319-A. Complainant and his counsel already brought their objection to respondent. Respondent should have acted diligently and assured that the writ was being properly executed yet he deliberately ignored complainant's objection. Respondent, as the implementing officer in the execution of *writs*, should have enforced his authority and stopped Manial from taking over Lot 319-A. Respondent could not later on make it as his defense that he could not prevent Manial and company from taking over the property as the writ limits only his authority to Lot 317.

Sheriffs should be reminded that *writs* of execution should always be served and enforced with prudence and caution, taking into consideration all relevant circumstances. As public officers, they are recipient of public trust and thus they are under the obligation to perform their duties honestly, faithfully and to the best of their ability. A sheriff is a front-line representative of the justice system in this country. Once he

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¹⁵ *Wenceslao, v. Madrazo*, 317 Phil. 812, 821 (1995).

loses the people's trust, he diminishes the people's faith in the judiciary. High standards of conduct are expected of sheriffs who play an important role in the administration of justice. They are tasked with the primary duty to execute final judgments and orders of the courts.¹⁶ In sum, he is bound *virtute officii*, to bring to the discharge of his duties that prudence, caution and attention which careful men usually exercise in the management of their own affairs.¹⁷

In view of the foregoing, this Court hereby adopts and accepts the recommendation of the Court Administrator.

WHEREFORE, premises considered:

1. the instant administrative complaint against respondent Alejo B. Clerigo, Sheriff IV, Branch 11, RTC, Manolo Fortich, Bukidnon, is **RE-DOCKETED** as a regular administrative matter; and
2. respondent Sheriff IV Alejo B. Clerigo is found **GUILTY** of grave abuse of authority and is hereby **FINED** ₱5,000.00 with **STERN WARNING** that the commission of the same or similar acts in the future will be dealt with more severely. Let a copy of this resolution be entered in respondent's personal record.

SO ORDERED."

By authority of the Court:

LIBRADA C. BUENA
Division Clerk of Court

by:


MARIA TERESA B. SIBULO
Deputy Division Clerk of Court ^{LSW}

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¹⁶ *Mahusay, v. Gareza*, 782 Phil. 1, 11 (2016).

¹⁷ *Peñalosa, v. Viscaya, Jr.*, 173 Phil. 487, 489 (1978).

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The Branch Clerk of Court
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Manolo Fortich, 8703 Bukidnon

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Court Administrator
Hon. Raul B. Villanueva (x)
Hon. Jenny Lind R. Aldecoa
-Delorino (x)
Hon. Leo Tolentino Madrazo (x)
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