Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

N O T I C E

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated **March 15, 2023** *which reads as follows:*

"OCA IPI No. 20-3133-MTJ ***(Sonny C. Quiroquiro and Abraham S. Pabo v. Presiding Judge Marlo Bermejo Campanilla, in his capacity as the Pairing Judge of Metropolitan Trial Court, Branch 84, Caloocan City; Presiding Judge Lucena DC. Dacuan, in her capacity as the former Acting Presiding Judge of Metropolitan Trial Court, Branch 84, Caloocan City; and Sheriff III Oneil P. Santos, Metropolitan Trial Court, Branch 83, Caloocan City).***—This resolves the Affidavit-Complaint[1] filed by Sonny C. Quiroquiro and Abraham S. Pabo (collectively, complainants) with the Judicial Integrity Board (JIB) against Hon. Judge Marlo B. Campanilla (Judge Campanilla) in his capacity as Pairing Judge of Branch 84 of the Metropolitan Trial Court of Caloocan City (MeTC Caloocan); Judge Lucena D. Dacuan (Judge Dacuan) as the former Acting Presiding Judge of Branch 84 of MeTC Caloocan; and Mr. Oneil P. Santos (Sheriff Santos) as Sheriff III of Branch 83 MeTC Caloocan (collectively, respondents) for Gross Misconduct, Gross Ignorance of the Law, Gross Incompetence and Gross Inefficiency.

The Antecedents

Complainants are among the plaintiffs-occupants who obtained a favorable ruling in Civil Case No. 15-31115, an action for forcible entry against defendant Sunnybelle Security Agency (Sunnybelle) over a property located in Novaliches, Barangay 170, Caloocan City.[2] Despite Sunnybelle's contention that it was merely the security agency contracted by the owners Earl Antonio, Sheryl Antonio, Ian Edric Remigio, and Iva Ellen Remigio (Antonios) to guard the property against illegal occupants, the MeTC ruled that Sunnybelle was properly impleaded as defendant and real party-in-interest because in an ejectment suit, it need only be determined who committed the acts amounting to forcible entry and remained in possession of

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[1] *Rollo*, pp. 6-14.
[2] Id. at 109-110.

- over – thirteen (13) pages ...

the property.[3] The MeTC, through Judge Dennis J. Rafa (Judge Rafa), ultimately found that Sunnybelle arbitrarily intruded into the property and ousted complainants of their prior peaceful possession.[4] The *fallo* of the December 28, 2016 Decision[5] reads:

> WHEREFORE, in view of the foregoing, judgment is hereby rendered in favor of the plaintiffs Mateo Agener, Sony Quiroquiro, and Abraham S. Pabo and directing the defendant Sunnybelle Security Agency and all under its employ:
>
> 1. To vacate the subject property located at Cefels Subdivision, Deparo, Barangay 170, Caloocan City (described in Exhibit "J") and to peacefully turn over the possession thereon to the plaintiff;
>
> 2. To pay a reasonable rental for the occupation and use of the subject property in the amount of Ten Thousand Pesos (P10,000.00) per month from the time of filing of this action until they have fully vacated the property and possession thereof is returned to the plaintiff; and
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> 3. To pay the costs of suit.
>
> The Complaint against Sol Rendon, Agripino Pili, Matias Lita is likewise dismissed for lack of cause of action.
>
> SO ORDERED.[6]

The Regional Trial Court (RTC) and the Court of Appeals (CA) affirmed said Decision, for which Entry of Judgment[7] was issued on February 28, 2019. Pursuant to this, a June 19, 2019 Writ of Execution (WoE)[8] and Notice to Vacate[9] were issued.

On October 23, 2019, WJD Prime Properties Inc. (WJD), filed a Very Urgent Motion to Quash (MTQ) the WoE and Notice to Vacate[10] on the ground of lack of jurisdiction and violation of due process. WJD contended that not only did the writ and notice fail to specify the metes and bounds of the property given that Cefels Subdivision was composed of several lots, but said property was also situated in Quezon City or outside the MeTC Caloocan's territorial jurisdiction.[11]

Judge Dacuan, who was designated as Acting Presiding Judge of Branch 84 of MeTC Caloocan in light of Judge Rafa's promotion, then issued an

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[3] Id. at 111-112.
[4] Id. at 116-117.
[5] Id. at 109-118. Penned by Presiding Judge Dennis J. Rafa.
[6] Id. at 118.
[7] Id. at 26.
[8] Id. at 144-145.
[9] Id. at 28.
[10] Id. at 34-36 and 123-125.
[11] Id.

October 24, 2019 Order[12] (1) directing (a) Sheriff Santos, the plaintiffs, and Sunnybelle to submit comments on the MTQ, as well as (b) WJD and the Register of Deeds of Caloocan to submit proof of conveyance by the previous owner of the property; and (2) setting the MTQ for hearing.[13] Judge Dacuan nonetheless noted WJD's belated filing of the motion and its failure to comply with the three-day notice rule for motions.[14]

Meanwhile, Judge Dacuan's designation as Acting Presiding Judge was revoked and Judge Campanilla was appointed as Pairing Judge, by the Office of the Court Administrator.[15] In relation to the MTQ, Judge Campanilla then issued the following assailed orders:

1) A November 29, 2019 Order[16] stating that pursuant to the parties' agreement, they are given a chance to secure the services of a geodetic engineer of their own choice to identify the subject lot of the case;[17]

2) A January 27, 2020 Order[18] denying WJD's MTQ in view of the finality of the December 28, 2016 Decision and the impropriety of allowing any further presentation of evidence at such stage.[19] However, anent WJD's contention that the WoE may not be implemented against it as it was not made a party to the case, Judge Campanilla directed the parties to submit their memoranda justifying their positions pursuant to *Oro Cam Enterprises, Inc. v. Court of Appeals*[20] which enumerate the exceptional persons who are nonetheless bound by a judgment in an ejectment suit, even if not made defendants to the case.[21]

3) After the plaintiffs and WJD submitted their respective compliance, a March 4, 2020 Order[22] was issued affirming the denial of the MTQ upon recognition that a prevailing party is entitled to a writ of execution once a judgment becomes final and executory.[23] Where the judgment was assailed for lack of jurisdiction because the property was allegedly located in Quezon City, Judge Campanilla held that the proper remedy should have been a petition for annulment under Rule 47 of the Rules of Court, and not an MTQ of the WoE.[24]

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[12] Id. at 63 and 147.
[13] Id.
[14] Id.
[15] Id. at 148-149.
[16] Id. at 126.
[17] Id.
[18] Id. at 127-128.
[19] Id. at 127.
[20] 377 Phil. 469 (1999).
[21] Id. at 480-481.
[22] *Rollo*, pp. 129-133.
[23] Id. at 130.
[24] Id.

The foregoing notwithstanding, Judge Campanilla held that the WoE may not be implemented against WJD because it was a stranger to the case.[25] Where the writ was specifically released against "Sunnybelle and persons under its employ," WJD cannot be bound as it was neither a party properly impleaded,[26] nor one of the persons exceptionally recognized by jurisprudence to be bound by an ejectment judgment.[27] WJD was not found to be claiming rights under defendant Sunnybelle neither as the latter's agent nor transferee *pendente lite*.[28] The *fallo* of said Order states:

> WHEREFORE, foregoing considered, motion for reconsideration of the order denying the motion to quash Writ of Execution is denied. The prayer of the plaintiffs to implement the decision against WJD Prime Properties, Inc. is likewise denied.
>
> Accordingly, the sheriff is hereby directed to continue with the implementation of the Writ of Execution dated 19 June 2019 against Sunnybelle Security Agency and all persons under its employ, but not against WJD Prime Properties, Inc.
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> Likewise, the recognition of Mr. Ramil A. Corpuz is denied.
>
> SO ORDERED.[29]

Complainants filed the present administrative complaint on September 10, 2020, against respondents for acting in "malicious combination and collusion with one another" in entertaining the Urgent MTQ of the WoE and issuing subsequent unlawful orders to thwart the implementation of a final and immutable decision.[30] Complainants questioned the transfer of the case from Judge Dacuan to Judge Campanilla, as well as Sheriff Santos' refusal to implement the WoE against WJD as parts of a fraudulent maneuver.[31] Complainants alleged that the MTQ was a mere scrap of paper which should not have been accommodated given that (a) it was a prohibited pleading under the Rules of Summary Procedure; (b) it was non-compliant with the notice of hearing rule for motions under Rule 15 of the Rules of Court; and (c) it was filed by strangers who "conveniently entered this case through the backdoor" as they were neither plaintiffs nor defendants to the case.[32] In further characterizing WJD as successors-in-interest and subsequent transferees of the property in litigation, complainants argued that respondents' arbitrary refusal to implement an immutable and unalterable decision against WJD was in violation of the doctrine of *res judicata* or finality of judgment.[33]

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[25] Id. at 131.
[26] Id.
[27] Id. at 132-133.
[28] Id.
[29] Id. at 133. Penned by Pairing Judge Marlo Bermejo Campanilla.
[30] Id. at 6.
[31] Id. at 9-10.
[32] Id. at 10-11.
[33] Id. at 12-13.

Respondents filed separate pleadings in defense of their positions. In Judge Dacuan's Comment,[34] she recognized that a final and executory decision is immutable in ejectment cases.[35] However, applying Rule 15 of the Revised Rules of Court[36] which categorized a motion to quash on the ground of lack of jurisdiction as a litigious motion, Judge Dacuan set the motion for hearing, not for purposes of delaying litigation but in the interest of due process. According to her, she aimed to clarify the actual location of the property, precisely for the proper implementation of the WoE.[37]

Meanwhile, it was Judge Campanilla's honest submission in his Comment[38] that an ejectment decision cannot be implemented against a third party who was neither a defendant to the case nor a person claiming rights under said defendant.[39] He argued that since the assailed orders were issued based on law and jurisprudence and were rendered in good faith, then there is no basis to charge him with gross ignorance of the law.[40] He also raised complainants' failure to clearly spell out their allegations.[41]

Lastly, Sheriff Santos in his Comment[42] insisted that contrary to the allegations that he maliciously delayed or stopped the implementation of the WoE, he performed his ministerial duty to execute the same with celerity and dispatch.[43] As indicated in the Sheriff's Report,[44] he proceeded to the subject property but was informed by the security guards of Dura Lex Security Agency that they were hired by WJD to guard the premises, and that Sunnybelle Security Agency has actually vacated the premises since 2018. Sheriff Santos was likewise informed that the parties have already reached an extrajudicial settlement agreement as to the rental payments. Sheriff Santos was able to confirm these facts after receipt of copies of the Security Contract Agreement between WJD and Dura Lex Security Agency, and the Sworn Affidavit of complainants as to the settlement of the money claim.[45] Sheriff Santos argued that he merely followed Judge Campanilla's Order which clearly stated that the WoE should not be implemented against WJD; whether such judgment was correct was not for him to decide.[46]

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34 Id. at 134-139.
35 Id. at 136.
36 A.M. No. 19-10-20-SC 2019, "Proposed Amendments to the 1997 Rules of Civil Procedure," Rule 15, Sections 5, 6 and 12 (a)(1). Approved: October 15, 2019.
37 *Rollo*, p. 136.
38 Id. at 95-108.
39 Id. at 104.
40 Id. at 105.
41 Id.
42 Id. at 49-58.
43 Id. at 55.
44 Id. at 78-79
45 Id. at 78.
46 Id. at 55.

Report and Recommendation of the Office of the Executive Director (OED) of the JIB

In a February 17, 2022 Report and Recommendation, [47] the OED recommended to dismiss the complaint for being devoid of merit. The OED was convinced that the real issue in this case was not the Urgent MTQ but the eventual denial of complainants' prayer to implement the WoE against WJD.[48] The OED agreed with Judge Campanilla's finding that the decision and writ may not be implemented against such WJD because the WoE only specifically named Sunnybelle as the party to be evicted from the premises.[49]

Where gross ignorance of the law requires that the decision or actuation of the judge be not only erroneous but most importantly moved by bad faith or other like motive, the OED held that the complainants failed to discharge their burden of proving that Judge Dacuan and Judge Campanilla's orders were tainted by such bad faith or connivance to delay the implementation of the WoE.[50] The OED also held that the charge against Sheriff Santos must fail because the latter was able to satisfy the WoE.[51]

Report and Recommendation of the JIB

In a July 6, 2022 Report,[52] the JIB adopted the findings of the OED and likewise recommended the dismissal of the administrative case for being judicial in nature and lacking in merit.[53] The JIB found that the assailed orders were issued in the exercise of judicial discretion and pursuant to respondent judges' adjudicative functions. Thus, any perceived error should have been questioned through the exhaustion of available judicial remedies, instead of a resort to the filing of an administrative case.[54]

Furthermore and even assuming that the assailed orders were erroneous, the JIB held that complainants failed to overcome the presumption of good faith and consequently prove by substantial evidence that such errors and mistakes were gross or patent, and in bad faith.[55] Lastly, the charges against Sheriff Santos should likewise fail as he should not be faulted for merely obeying the orders of the court.[56]

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47 Id. at 150-156. Penned by Deputy Clerk of Court at-Large of the Office of the Court Administrator and Acting Executive Director James D. V. Navarrete.
48 Id. at 154.
49 Id. at 155.
50 Id.
51 Id.
52 Id. at 158-165. Penned by retired Justice Rodolfo A. Ponferrada and concurred in by retired Justices Romeo J. Callejo, Sr., Angelina Sandoval-Gutierrez and Sesinando E. Villon.
53 Id. at 165.
54 Id. at 163.
55 Id. at 164.
56 Id.

Issue

The issue is whether respondents should be held administratively liable for the charges against them.

Our Ruling

The Court adopts the findings and recommendations of the JIB and resolves to dismiss the administrative complaint for lack of merit.

In the first place, an outright dismissal of the administrative complaint is warranted for being the inappropriate remedy. In *Spouses Garcia v. Spouses Soriano*,[57] although it was mentioned how no appeal generally lies from a denial of a motion to quash a writ of execution, the Court nonetheless expressly recognized that there are exceptional instances when an error may be committed in the course of execution proceedings for which the party aggrieved has either the mode of appeal or *certiorari* to elevate the question to a higher court, thus:

> Certain it is x x x that execution of final and executory judgments may no longer be contested and prevented, and no appeal should [lie] therefrom: otherwise, cases would be interminable, and there would be negation of the overmastering need to end litigations.
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> **There may, to be sure, be instances when an error may be committed in the course of execution proceedings prejudicial to the rights of a party**. These instances, rare though they may be, do call for correction by a superior court, as where —
>
> 1) the writ of execution varies the judgment;
> 2) there has been a change in the situation of the parties making execution inequitable or unjust;
> 3) execution is sought to be enforced against property exempt from execution;
> 4) it appears that the controversy has never been submitted to the judgment of the court;
> 5) the terms of the judgment are not clear enough and there remains room for interpretation thereof; or,
> 6) it appears that the writ of execution has been improvidently issued, or that it is defective in substance, or is issued against the wrong party, or that the judgment debt has been paid or otherwise satisfied, or the writ was issued without authority.
>
> **In these exceptional circumstances, considerations of justice and equity dictate that there be some mode available to the party aggrieved of elevating the question to a higher court. That mode of elevation may be either by appeal (writ of error or *certiorari*) or by a special civil action**

[57] G.R. No. 219431, August 24, 2020.

> **of *certiorari*, prohibition, or *mandamus*.**[58] (Emphasis supplied. Citations omitted in the original)

Therefore, this Court affirms the JIB's pronouncement that complainants' dissatisfaction towards the unfavorable orders of the respondent judges in relation to the Urgent MTQ, and the consequent implementation of the WoE, should not have been ventilated through this administrative case where judicial remedies (*i.e.*, appeal or *certiorari*) were still available and subject to exhaustion. The Court in *Re: Norberto B. Villamin,*[59] has explained the proper recourse against supposed irregular or erroneous decisions issued by judges, *viz.*:

> Complainants should also bear in mind that an administrative complaint is not the appropriate remedy for every irregular or erroneous order or decision issued by a judge where a judicial remedy is available, such as a motion for reconsideration, an appeal, or a petition for *certiorari*. **Disciplinary proceedings against a judge are not complementary or suppletory to, nor a substitute for these judicial remedies whether ordinary or extraordinary.** For, obviously, if subsequent developments prove the judge's challenged act to be correct, there would be no occasion to proceed against her at all. Besides, to hold a judge administratively accountable for every erroneous ruling or decision rendered, assuming she has erred, would be nothing short of harassment and would make her position doubly unbearable.[60] (Emphasis in the original)

At any rate, even if the Court were to disregard this procedural infirmity, the administrative complaint shall nonetheless fail for failure to substantively establish the charges against respondents.

Gross Misconduct and Gross Ignorance of the Law are serious charges under Section 14, Rule 140 of the Rules of Court as further amended by A.M. No. 21-08-09-SC.[61] Gross Misconduct has been defined by the Court as as a serious transgression of some established and definite rule of action, such as unlawful behavior or gross negligence that tends to threaten the very existence of the system of administration of justice, an official or employee serves. It may manifest itself in **corruption, or in other similar acts, done with the clear intent to violate the law or in flagrant disregard of established rules.**[62] Meanwhile, Gross Ignorance of the Law constitutes a disregard of basic rules and settled jurisprudence. A judge may be administratively liable for such, if he or she is shown to have been **motivated**

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[58] Id., citing *Limpin, Jr. v. Intermediate Appellate Court*, 231 Phil. 466, 472-474 (1987).
[59] IPI No. 17-256-CA-J, February 18, 2020.
[60] Id., citing *Martinez v. Judge De Vera*, 661 Phil. 11, 23-24 (2011).
[61] Entitled "FURTHER AMENDMENTS TO RULE 140 OF THE RULES OF COURT." Approved: February 22, 2022.
[62] *Anonymous Complaint Against Judge Edmundo P. Pintac,* A.M. Nos. RTJ-20-2597, P-20-4091, RTJ-20-2598, RTJ-20-2599, September 22, 2020, citing *Ramos v. Limeta,* 650 Phil. 243, 248-249 (2010).

by bad faith, fraud, dishonesty or corruption in ignoring, contradicting, or failing to apply settled law and jurisprudence.[63]

Moreover, the Court in *Andrada v. Hon. Judge Banzon*[64] has definitively pronounced that "unless the acts were committed with fraud, dishonesty, corruption, malice or ill-will, bad faith, or deliberate intent to do an injustice, respondent judge may not be held administratively liable for gross misconduct, ignorance of the law or incompetence of official acts in the exercise of judicial functions and duties, particularly in the adjudication of cases."[65] In this regard, good faith and the absence of malice, corrupt motives or improper considerations, are recognized as sufficient defenses for which a respondent judge can find refuge.[66]

Anent the order of Judge Dacuan which set WJD's Urgent MTQ for hearing, this Court finds complainants' assertions in relation thereto as unmeritorious. A motion to quash a writ of execution is not among the prohibited pleadings specifically and expressly enumerated in Section 19 of the Rules of Summary Procedure.[67] Complainants are also mistaken in likening the MTQ to the remedies of motion for new trial, reconsideration, or petition for relief from judgment, where jurisprudence has allowed the use of a motion to quash writ of execution, precisely to raise errors in the course of execution proceedings, even in an ejectment case.[68] This is sanctioned upon proper invocation of exceptional grounds, such as when the terms of the judgment are "not very clear, and there is room for interpretation."[69] Since WJD's MTQ contained allegations that the WoE "did not specify the metes

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[63] *Re: Norberto B. Villamin*, supra, citing *Peralta v. Judge Omelio*, 720 Phil. 60, 86 (2013), further citing *Medina v. Canoy*, 682 Phil. 397, 410 (2012); *Chief Prosecutor Zuño v. Judge Cabredo*, 450 Phil. 89, 97 (2003); and *Judge Cabatingan, Sr. (Ret.) v. Judge Arcueno*, 436 Phil. 341, 350 (2002).

[64] 592 Phil. 229 (2008).

[65] Id. at 233-234.

[66] *Martinez v. Judge De Vera*, citing *Lumbos v. Baliguat*, 528 Phil. 953, 969 (2006).

[67] Revised Rule on Summary Procedure, Section 19.
Section 19. *Prohibited Pleadings and Motions.* — The following pleadings, motions, or petitions shall not be allowed in the cases covered by this Rule:
(a) Motion to dismiss the complaint or to quash the complaint or information except on the ground of lack of jurisdiction over the subject matter, or failure to comply with the preceding section;
(b) Motion for a bill of particulars;
(c) Motion for new trial, or for reconsideration of a judgment, or for reopening of trial;
(d) Petition for relief from judgment;
(e) Motion for extension of time to file pleadings, affidavits or any other paper;
(f) Memoranda;
(g) Petition for *certiorari, mandamus,* or prohibition against any interlocutory order issued by the court;
(h) Motion to declare the defendant in default;
(i) Dilatory motions for postponement;
(j) Reply;
(k) Third party complaints;
(l) Interventions.

[68] *Limpin, Jr. v. Intermediate Appellate Court,* supra; see *Spouses Garcia v. Spouses Soriano*, supra note 57; *Reburiano v. Court of Appeals*, 361 Phil. 294, 302 (1999); see also *WT Construction, Inc. v. Hon. Cañete*, 568 Phil. 420, 425 (2008).

[69] *Imperial Insurance Inc. v. De los Angeles*, 197 Phil. 23, 35 (1982); *Heirs of Juan D. Francisco v. Muñoz-Palma*, 147 Phil. 721, 730 (1971).

and bounds of the real property, merely relied on the supposed sketch plan," and that the subdivision described was actually composed of several lots, then Judge Dacuan should not be faulted for allowing this contention to, at the very least, be fleshed out through a hearing on the motion.

True, Judge Dacuan subsequently but incorrectly justified the assailed order based on the rule on litigious motions under the Revised Rules of Court. Although the revised rules were already approved on October 19, 2022 or by the time the motion was filed, these were only effective beginning May 1, 2020.[70] Be that as it may, complainants' persistent invocation of the mandatory notice of hearing rule under the old rules,[71] is rendered nugatory by their successive active participation in the proceedings. They were able to do so precisely because Judge Dacuan, having recognized the motion's defect, nonetheless gave all the parties time to file a comment and set the motion for hearing on *another* date. This is supported by the Court's pronouncements underscoring the requirement of a hearing where the court's jurisdiction is sought to quash a writ of execution.[72] At the very least, this bolsters the presumed good faith of Judge Dacuan.

Meanwhile, complainants' contentions against the assailed orders of Judge Campanilla similarly deserve scant consideration. Complainants' argument that Judge Campanilla disregarded the rules on *res judicata* and had a hand in preventing the implementation of a final and executory judgment is completely belied by Judge Campanilla's January 27 and March 4, 2020 Orders which *precisely* denied WJD's MTQ, upon a recognition of the December 28, 2016 Decision's finality and a determination that none of the exceptional grounds for an MTQ of a WoE were applicable. Judge Campanilla even went as far as to advise that the proper remedy for the ground of lack of jurisdiction should be a petition for annulment of judgment instead of an MTQ.

Furthermore, Judge Campanilla's finding that the judgment in the ejectment suit may not be implemented against WJD, is consistent with jurisprudence. Apart from the cases relied upon by Judge Campanilla, the Court has indeed affirmed that an ejectment suit is an action *in personam* for

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[70] See A.M. No. 19-10-20-SC, Rule 144.

[71] RULES OF COURT, Rule 15, Sections 4, 5, and 6.

Section 4. *Hearing of motion.* — Except for motions which the court may act upon without prejudicing the rights of the adverse party, every written motion shall be set for hearing by the applicant.

Every written motion required to be heard and the notice of the hearing thereof shall be served in such a manner as to ensure its receipt by the other party at least three (3) days before the date of hearing, unless the court for good cause sets the hearing on shorter notice. (4a)

Section 5. *Notice of hearing.* — The notice of hearing shall be addressed to all parties concerned, and shall specify the time and date of the hearing which must not be later than ten (10) days after the filing of the motion. (5a)

Section 6. *Proof of service necessary.* — No written motion set for hearing shall be acted upon by the court without proof of service thereof. (6a)

[72] See *Bajet v. Areola*, 411 Phil. 243, 245, 249 (2001); *De los Santos v. Yatco*, 106 Phil. 745, 749 (1959).

which judgment is binding only upon parties properly impleaded and given an opportunity to be heard. Nonetheless, a non-party may be exceptionally bound by the ejectment judgment, if it is shown to be: (a) a trespasser, squatter or agent of the *defendant* fraudulently occupying the property to frustrate the judgment; (b) guest or occupant of the premises with the permission of the *defendant*; (c) transferee *pendente lite*[73]; (d) sublessee; (e) co-lessee; or (f) member of the family, relative or privy of the defendant.[74] Furthermore, the Court in *Apostolic Vicar of Tabuk, Inc. v. Spouses Sison*,[75] held that a hearing is required to determine if the character of possession falls within the above enumeration, such that if the executing court finds that petitioner is a mere successor-in-interest, guest, or agent of the defendants, then the order of execution shall be enforced against it.[76]

Judge Campanilla arrived at the conclusion that WJD was a stranger to the case, *after* conducting hearings on the MTQ and considering the pleadings and compliances filed by the parties, consistent with the above procedural requirement.[77] It is undisputed that the character of WJD's possession stems from being the transferee of the ownership of the Antonios as buyers of the subject property. Where the latter were not impleaded as defendants in the ejectment case after it was discussed there that only the material dispossession over the property was in question, then Judge Campanilla's determination — that WJD did not fall under the enumeration of excepted persons because it was not claiming rights under the named defendant Sunnybelle — is in accordance with law. At this juncture, complainants' conflicting claims regarding the true nature of WJD's possession, further defeat their case. They cannot be permitted to posit that WJD is "a complete stranger" who should not have been allowed "to enter the picture" when arguing for the MTQ's dismissal, only to later on characterize them as a transferee *pendente lite* for which the judgment and WoE may be enforced against.[78]

Lastly, "settled is the rule that 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. Unless restrained by a court order, they should see to it that the execution of judgments is not unduly delayed. Accordingly, they must

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[73] See *Heirs of Medrano v. De Vera*, 641 Phil. 228, 241 (2010) where the Court characterized a *transferee pendente lite* as a person to whom the subject property is transferred by the named defendant during the pendency of the litigation. It is in this situation that the transferee cannot be considered as having an interest independent of his transferor. In the present case, the defendant Sunnybelle did not transfer and was in no position to transfer ownership or any interest over the subject property to WJD.

[74] *Apostolic Vicar of Tabuk, Inc. v. Spouses Sison*, 779 Phil. 462, 471-472 (2016), citing *Floyd v. Gonzales*, 591 Phil. 420, 426 (2008), further citing *Biscocho v. Marero*, 431 Phil. 147, 150 (2002) and *Equitable PCI Bank v. Ku*, 407 Phil. 609, 618 (2001); see *Pasion v. Melegrito*, 548 Phil. 302, 313 (2007), citing *Biscocho v. Marero*, supra, further citing *Republic v. Court of Appeals*, 374 Phil. 209, 220 (1999) and *Oro Cam Enterprises Inc. v. Court of Appeals*, supra note 20; see also *Spouses Stilgrove v. Sabas*, 538 Phil. 232, 245 (2006); *Sunflower Neighborhood v. Court of Appeals*, 457 Phil. 404, 409-410 (2003).

[75] Supra.

[76] Id. at 472.

[77] *Rollo*, p. 76.

[78] Id. at 8 and13.

comply with their mandated ministerial duty as speedily as possible."[79] This Court agrees with the JIB that Sheriff Santos cannot be held administratively liable for merely following the plain directive regarding the enforcement of the WoE. There is likewise no basis in the imputation that Sheriff Santos was delaying the enforcement of a judgment, when he proceeded to satisfy the same (a) as soon as it was permitted by the circumstances surrounding COVID-19; and (b) to the extent possible, after verifying the facts of change in occupancy and prior settlement.

All told, complainants utterly failed to demonstrate that the assailed orders were erroneous for being in clear disregard of established rules, let alone that respondents' actuations were attended with bad faith or similar corrupt motive. Therefore, complainants' allegations of a "fraudulent maneuver" and connivance in preventing them from enjoying the fruits of a favorable decision, remain unsubstantiated and have no leg to stand on. Perforce, the administrative complaint must be dismissed.[80] As reminded by the Court in *Ong v. Judge Rosete*:[81]

> The Court will not shirk from its responsibility of imposing discipline upon erring members of the bench. At the same time, however, the Court should not hesitate to shield them from unfounded suits that only serve to disrupt rather than promote the orderly administration of justice. This Court could not be the instrument that would destroy the reputation of any member of the bench, by pronouncing guilt on mere speculation.[82]

WHEREFORE, the administrative charges against respondents Judge Marlo B. Campanilla, Judge Lucena D. Dacuan, and Sheriff Oneil P. Santos, are **DISMISSED** for lack of merit.

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[79] *Punzalan v. Macalisang*, 538 Phil. 21, 27 (2006), citing *Jason v. Ygaña*, 392 Phil. 24, 36 (2000), *Philippine Airlines, Inc. v. Balubar, Jr.*, 479 Phil. 819, 832 (2004), and *Aquino v. Lavadia*, 417 Phil. 770, 776 (2001).

[80] *Ong v. Rosete*, 484 Phil. 102, 114 (2004), citing *Cea v. Paguio*, 445 Phil. 533, 540 (2003).

[81] Id.

[82] Id. at 114-115. Citation omitted.

SO ORDERED." ***Dimaampao, J.,*** *designated additional Member per September 20, 2022, Raffle vice* ***Marquez, J.,*** *who recused due to prior action as Court Administrator.*

By authority of the Court:

LIBRADA C. BUENA
Division Clerk of Court

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court

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Sonny C. Quiroquiro & Abraham S. Pabo
Complainants
33 Emma Street, Cefel's Subdivision, Deparo
Brgy. 170, 1400 Caloocan City

Hon. Marlo B. Campanilla
Respondent - Presiding Judge
Metropolitan Trial Court, Branch 83
1400 Caloocan City

Hon. Lucena DC. Dacuan
Respondent – Former Acting Presiding Judge
Metropolitan Trial Court, Branch 84
1400 Caloocan City
- and/or –
Municipal Circuit Trial Court
Araceli-Dumaran, 5310 Palawan

Mr. Oneil P. Santos
Respondent – Sheriff III
Metropolitan Trial Court, Branch 83
1400 Caloocan City

Hon. Raul B. Villanueva (x)
Court Administrator
Hon. Jenny Lind R. Aldecoa-Delorino (x)
Hon. Leo Tolentino Madrazo (x)
Deputy Court Administrators
Hon. Lilian Barribal-Co (x)
Hon. Maria Regina A. F. M. Ignacio (x)
Assistant Court Administrators
OCA, Supreme Court

Hon. Romeo J. Callejo, Sr. (x)
Hon. Angelina Sandoval-Gutierrez (x)
Hon. Sesinando E. Villon (x)
Hon. Rodolfo A. Ponferrada (x)
Hon. Cielito N. Mindaro-Grulla (x)
Office of the Executive Director (x)
Office of the General Counsel (x)
Atty. James D.V. Navarrete (x)
Deputy Clerk of Court-at-Large
Judicial Integrity Board
Supreme Court

Office of Administrative Services (x)
Legal Office (x)
Court Management Office (x)
Financial Management Office (x)
Docket & Clearance Division (x)
OCA, Supreme Court

Public Information Office (x)
Library Services (x)
Supreme Court
(For uploading pursuant to A.M.
No. 12-7-1-SC)

Philippine Judicial Academy (x)
Supreme Court

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