



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated November 13, 2023, which reads as follows:

“OCA IPI No. 19-4964-P (*Edwardo T. Tingal, Sr. et al. v. Lanie N. Casimina, Sheriff III, Branch 2, Municipal Trial Court in Cities, General Santos City, South Cotabato*). — Before the Court is a Complaint¹ charging respondent Lanie N. Casimina (respondent), Sheriff III, Municipal Trial Court in Cities, General Santos City with Gross Ignorance of the Law, Abuse of Authority, Violation of Republic Act No. (RA) 3019,² violation of RA 6713,³ Grave Misconduct, Oppression, Coercion, and Harassment.

Antecedents

Complainants allege that they are long-time residents of Purok Opringville Riverside, Barangay Calumpang, General Santos City, a 350 hectare property owned by the Pendatun Clan and covered by CALT No. R12-GSC-0808-000183. The Pendatun Clan later sold the following portions of the property: (1) Lot No. 82 to Jun Albacite; Lot No. 83 to Dondon Abdul; Lot Nos. 88 and 89 to Spouses Latip and Sandra Bantu; Lot No. 92 to Spouses Rusty and Bayna Bantu; and Lot Nos. 96 and 97 to Suraina Tumbao.⁴

¹ *Rollo*, pp. 2-19.

² Entitled: “ANTI-GRAFT AND CORRUPT PRACTICES ACT.” Approved: 17 August 1960.

³ Entitled: “AN ACT ESTABLISHING A CODE OF CONDUCT AND ETHICAL STANDARDS FOR PUBLIC OFFICIALS AND EMPLOYEES, TO UPHOLD THE TIME-HONORED PRINCIPLE OF PUBLIC OFFICE BEING A PUBLIC TRUST, GRANTING INCENTIVES AND REWARDS FOR EXEMPLARY SERVICE, ENUMERATING PROHIBITED ACTS AND TRANSACTIONS AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF AND FOR OTHER PURPOSES.” Approved: 20 February 1989.

⁴ *Rollo*, pp. 7-8.

Subsequently, the new owners acquired titles to their respective properties in their name. They also filed a complaint for forcible entry against the occupants of their respective lots before the Municipal Trial Court in Cities (MTCC) of General Santos City.

In a Decision⁵ dated 14 August 2018, the MTCC found therein plaintiffs to have sufficiently established that they were the registered owners of the properties occupied by complainants. The latter were ordered to vacate subject properties. A writ of execution was issued on 24 September 2018.⁶ Accordingly, respondent issued a Notice to Vacate⁷ giving complainants, their heirs, transferees, sub-lessees, co-lessees, or agents 14 days from receipt of the notice to vacate the premises, remove their belongings, and dismantle the improvements they introduced on the property.⁸

On 14 January 2019, the MTCC granted therein plaintiffs' motion for a Special Order of Demolition.⁹ The court ordered herein respondent to cause the removal or demolition of the improvements constructed by complainants.

According to complainants, they received the Notice to Vacate despite not being parties to the forcible entry case. They also averred that respondent forced them to receive a notice of pre-demolition sometime in February 2019.¹⁰

In the morning of 12 April 2019, respondent and her team, together with police officers, demolished the houses on Lot Nos. 82, 83, 88, 92, 96, and 97. The occupants pleaded for respondent to allow them to demolish their houses themselves, but she ignored them. Further, respondent allegedly announced that even the structures in the surrounding areas would be demolished.¹¹

A few weeks after demolishing the structures on Lot Nos. 82, 83, 88, 92, 96, and 97, or on 20 May 2019, respondent supposedly returned with police officers and proceeded to take down complainants' houses without presenting them with any demolition order. During the demolition, there was massive looting of complainants' belongings by the police and respondent's

⁵ Id. at 26-29; Penned by Judge Annie May Braga-Leuterio.

⁶ Id. at 32.

⁷ Id.

⁸ Id.

⁹ Id. at 30-31.

¹⁰ Id. at 9.

¹¹ Id.

demolition team.¹² Afterwards, a sign saying “NO TRESPASSING TITLED PRIVATE PROPERTY PENDATUN CLAN” was erected on the area.¹³

In its 1st Indorsement¹⁴ dated 8 October 2019, the Office of the Court Administrator (OCA) directed respondent to submit her Comment to the complaint.¹⁵

Respondent, in her Comment¹⁶ dated 21 November 2019, averred that she was designated as Acting Sheriff of Branch 3, MTCC, General Santos by Judge Annie May Braga-Leuterio. The latter had tasked her with implementing the Special Order of Demolition. Branch 2, MTCC Presiding Judge Emilio O. Quianzon had issued a consent to allow respondent to perform functions other than her regular duties.¹⁷

Further, respondent explained that the certification by the Purok Chairman did not show what year complainants started occupying subject properties. Moreover, while complainants claimed that they were residents of Purok Opringville, Brgy. Calumpang, General Santos City, an examination of the vicinity map established that they are, in fact, occupying Purok Pendatun, Lanton, Brgy. Apopong, General Santos City.¹⁸

Respondent also denied serving a notice to vacate to complainants, nor did she force them to receive a Notice of Pre-Demolition Conference. She maintained that notice was only given to Flaviano Cenas (Cenas), whose house was in Lot No. 96. In fact, it was complainants who insisted on attending the Pre-Demolition Conference because they wanted to know the true owner of the property since they claimed to have bought their lots for ₱15,000.00 from Cenas.

On the other hand, respondent admits that she put up tarpaulins of the Final Notice to Vacate in two places within the properties to inform the occupants. Meanwhile, respondent points out that complainants were not the subject of the demolition of 12 April 2019. Their occupied portions were demolished by another group, not the sheriff's team, on 20 May 2019.¹⁹

As to the 12 April 2019 demolition, respondent denied that she had her team execute the same at 5:30 in the morning. Having been an

¹² Id.

¹³ Id. at 10.

¹⁴ Id. at 136.

¹⁵ Id.

¹⁶ Id. at 140-149.

¹⁷ Id. at 140-141.

¹⁸ Id. at 141.

¹⁹ Id.

implementing sheriff since 1994, she was aware that demolition can only be done from 8:00 a.m. to 3:00 p.m. There were only 50 people in the team, armed with hammers, *mazo*, and pieces of wood. Moreover, complainants resided about 600 meters from the area demolished.²⁰

Respondent further averred that she returned to the area on 20 May 2019 to clear Lot Nos. 92, 96, and 97 since the area comprised more than 12 hectares, with a big concrete building that the occupants refused to dismantle despite being told to do so. At that time, respondent also learned that the police were there to execute a search warrant over the properties of Retired Col. Pendatun. The police officers also arrested a son of Cenas, who was found in possession of a caliber .45 gun and grenade. Her Final Sheriff's Return, which she submitted to the MTCC, indicates that the demolition of complainants' occupied premises was done by a certain "Kumander Inday" and not by her team.²¹ Respondent attached affidavits from Jun Albacite, the police team's Ground Commander, the Purok Chairman,²² the Barangay Captain of Brgy. Tambler, and other witnesses to the operations to support her narration of the events.²³

Complainants filed a Reply²⁴ to respondent's Comment. They maintained that the demolition of their houses were not peaceful and orderly, as shown in the videos and pictures they attached to their Complaint. They further insist that they are residents of Purok Opringville. However, despite knowing that their houses were not included in the Demolition Order, respondent allowed these to be demolished. Complainants also asserted that there is no evidence that "Kumander Inday" actually exists.²⁵

For her part, respondent countered with a Response²⁶ and asserted that "Kumander Inday" indeed led the demolition in the area occupied by complainants, while respondent's team only demolished the structures on Lot Nos. 82, 83, 89, 92, 96, and 97. This is precisely because complainants occupy areas outside these lots subject of the court's Demolition Order. Respondent further claimed that "Kumander Inday" is actually one Ronilo Taculod (Taculod), whose son was hit by a bullet during an incident in the area on 11 April 2019. Taculod is also the cousin of Esterlita Amora, whom respondent evicted in another case. Thus, Taculod has had a grudge and was even hostile towards respondent. In any case, even if it was not "Kumander Inday" who demolished complainants' houses, respondent reiterated that it

²⁰ Id. at 141-142.

²¹ Id. at 142.

²² Id. at 171.

²³ Id.

²⁴ Id. at 209-2013.

²⁵ Id.

²⁶ Id. at 254-261.

was definitely not her. She stressed that she and her team followed the Demolition Order and limited their actions to Lot Nos. 82, 83, 89, 92, 96, and 97.²⁷

On 17 November 2020, the OCA issued its report recommending that the case be referred to the Executive Judge of the Regional Trial Court (RTC) of General Santos City for investigation, report, and recommendation.²⁸ The Court adopted the OCA's recommendation and reiterated said directive in a Resolution dated 19 January 2021.²⁹

Pursuant to A.M. No. 18-01-05-SC, the OCA transmitted the records of the case to the Judicial Integrity Board (JIB), which in turn, forwarded the records to the Executive Judge of the RTC of General Santos City to allow the latter to comply with the Court's Resolution 19 January 2021.³⁰

Investigation Report of the Executive Judge

Pursuant to the directive of the JIB, General Santos City MTCC Vice Executive Judge Marie Ellengrid SL Baliguat (Judge Baliguat) submitted her Report and Recommendation dated 08 June 2023.³¹

Upon evaluation of the evidence, Judge Baliguat found no evidence to hold respondent liable for all the charges filed against her.³²

Judge Baliguat noted that complainants' evidence, including the pictures and videos of the demolition, failed to show that respondent implemented the demolition in the area where their houses stood. In fact, the pictures of the police officers were taken during the demolition on Lot Nos. 82, 83, 88, 92, 96, and 97. This was confirmed by Kagawad Perfecto Lacea, Jr., who was with respondent during said demolition. According to him, respondent's team never took any action over complainants' area, and the same was done from 9:00 a.m. to 3:00 p.m. This information was likewise confirmed by the representative from the Commission on Human Rights and other barangay officials.³³

There was also no evidence that respondent asked for money in

²⁷ Id.

²⁸ Id. at 267.

²⁹ Id. at 269-270.

³⁰ Id.

³¹ Unpaginated.

³² Unpaginated.

³³ Unpaginated.

exchange for the demolition, nor of any of the other violations complained of. Judge Baliguat concluded that complainants' houses had been admittedly demolished, but the same was not caused by respondent. Judge Baliguat further noted that respondent has had an unblemished record in 30 years of service in the government.³⁴

Issue

The issue for the Court's resolution is whether respondent is guilty of the acts complained of.

Ruling of the Court

The Report and Recommendation of Judge Baliguat is well-taken.

Under the 2002 Revised Manual for Clerks of Court, one of the primary duties of a sheriff is to serve and/or execute all writs and processes of the Courts for the effective administration of justice.³⁵ The sheriff's duty in the execution of a writ is *purely ministerial*. Once the writ is placed in his or her hands, a sheriff is obligated to execute the order of the court strictly to the letter and with reasonable promptness, taking heed of the prescribed period required by the Rules.³⁶ Nonetheless, the Court has recognized the important role sheriffs play in the administration of justice. Sheriffs are ranking officers of the court entrusted with a fiduciary role. They are required to discharge their duties with integrity, reasonable dispatch, due care, and circumspection. In serving the court's writs and processes and in implementing the orders of the court, sheriffs cannot afford to err without affecting the efficiency of the process of the administration of justice.³⁷

In this case, respondent is charged with no less than eight (8) offenses in relation to the performance of her duty to serve a writ of execution and Order of Demolition. Complainants claim that respondent acted beyond the scope of the Order of Demolition by removing structures in their lots, which were not part of the litigation.

³⁴ Unpaginated.

³⁵ *Chua v. Cordova*, A.M. No. P-19-3960, 07 September 2020.

³⁶ *Olympia-Geronilla v. Montemayor*, 810 Phil. 1, 12 (2017).

³⁷ See *Serdoncillo v. Lanzaderas*, A.M. No. P-16-3424, 7 August 2017; citing *Spouses Villa v. Ayco*, 669 Phil. 148, 150 (2011).

In administrative proceedings, the quantum of proof necessary for a finding of guilt is substantial evidence or that amount of relevant evidence that a reasonable mind might accept as adequate to support a conclusion.” To stress, “the burden of substantiating the charges in an administrative proceeding falls on the complainant, who must be able to prove the allegations in the complaint with substantial evidence.”³⁸

Thus, the burden to establish each of these offenses by substantial evidence is on complainants. However, they failed to do discharge said burden.

Initially, We note that complainants charge respondent with violations of RA 3019 and RA 6713 but failed to cite the specific provision violated, or which of respondent’s alleged acts fall within said violations. Thus, these charges must be outrightly rejected for lack of legal basis to hold respondent liable.

Gross ignorance of the law is the disregard of basic rules and settled jurisprudence.³⁹ In addition, respondent may be held liable for this offense if it is shown that she was motivated by bad faith, fraud, dishonesty or corruption in ignoring, contradicting or failing to apply settled law and jurisprudence.⁴⁰

Complainants further charged respondent with oppression and grave abuse of authority. Under our jurisprudence, oppression and grave abuse of authority refer to the same offense, defined 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.”⁴¹ Oppression is an administrative offense penalized under Section 52 of the Uniform Rules on Administrative Cases in the Civil Service.⁴²

³⁸ *Galit-Inoy v. Inoy*, A.M. No. P-22-051, 20 July 2022; Citations omitted.

³⁹ *Perez v. Decilos*, A.M. No. P-22-066, 14 February 2023.

⁴⁰ See *Perez v. Decilos*, A.M. No. P-22-066, 14 February 2023.

⁴¹ *Chua v. Cordova*, A.M. No. P-19-3960, 07 September 2020.

⁴² Section 52. *Classification of Offenses*. — Administrative offenses with corresponding penalties are classified into grave, less grave or light, depending on their gravity or depravity and effects on the government service.

A. The following are grave offenses with their corresponding penalties:

X X X X

14. Oppression.

1st Offense — Suspension for six (6) months and one (1) day to one (1) year;

2nd Offense — Dismissal

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Grave Misconduct is defined as “a malevolent transgression of some established and definite rule of action – more particularly, unlawful behavior or gross negligence by the public officer or employee – which threatens the very existence of the system of administration of justice. It manifests itself in corruption, clear intent to violate the law, or flagrant disregard of established rules.”⁴³

Grave Misconduct, Gross Ignorance of the Law, and Grave Abuse of Authority are classified as serious offenses under Rule 140. A person found guilty of a serious charge, may be meted any of the following penalties:

- a. Dismissal from service, forfeiture of all or part of the benefits as the Supreme Court may determine, and disqualification from reinstatement or appointment to any public office, including government-owned or -controlled corporations. Provided, however, that the forfeiture of benefits shall in no case include accrued leave credits;
- b. Suspension from office without salary and other benefits for more than six (6) months but not exceeding one (1) year; or
- c. A fine of more than P100,000.00 but not exceeding P200,000.00.

Meanwhile, neither Rule 140 nor the Civil Service rules provide for the offenses of coercion and harassment. Nevertheless, based on complainants’ allegation, coercion in this case is akin to the offense of Grave Coercion under Art. 286 of the Revised Penal Law, which penalizes “any person who, without any authority of law, shall, by means of violence, threats or intimidation, prevent another from doing something not prohibited by law, or compel him to do something against his will, whether it be right or wrong.” On the other hand, harassment is defined as “repeated conduct that is not wanted and is known to all parties as offensive.”⁴⁴ Based on these definitions, coercion may fall under Grave Misconduct, while Harassment may fall under Oppression or Grave Abuse of Authority.

As found by the Investigating Judge, however, complainants failed to substantiate these allegations.

Records show that respondent was acting based on the authority granted by the MTCC and in accordance with the writ that the same court issued. Despite their allegations to the contrary, complainants were unable to prove that respondent exceeded her authority when she implemented the Order of Demolition. In fact, complainant’s own evidence showed that respondent was implementing the demolition in the correct area. There is

⁴³ *Office of the Court Administrator v. Fortaleza*, A.M. No. P-14-3248, 10 January 2023; Citations omitted.

⁴⁴ <https://thelawdictionary.org/harassment/#:~:text=HARASSMENT%20Definition%20%26%20Legal%20Meaning&text=Repeated%20conduct%20that%20is%20not,%2C%20e.g.%2C%20Is%20Cyberbullying%20illegal%3F>. Last accessed 03 October 2023.

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also no evidence that respondent caused “bodily harm, imprisonment or other injury” in the performance of her duty to implement the Order of Demolition. Beyond a general statement that the demolition was “not peaceful and orderly,” complainants were unable to show that violence attended the demolition, and that the same was perpetrated by respondent. Thus, the charges against respondent has no leg to stand on.

Further, based on the narration of those present during the demolition, respondent and her team kept the same within the area subject of the case, and the implementation was relatively peaceful. Respondent presented the affidavit of the following:

Ronnie Naval (Naval) was hired to transport the demolition team in the early morning of 11 April 2019. At around 7:30 a.m., while the demolition team was waiting for respondent, they heard gunshots from the area. However, respondent was not there yet. She arrived at around 10:25 a.m. Because of the incident, the demolition was postponed to the next day. The demolition proceeded on 12 April 2019 and 20-21 May 2019. Naval maintains that there were no commotions and no one was hurt during these demolitions.⁴⁵

Matutum Bajarin, Jr. (Bajarin)⁴⁶ was the demolition team leader. He reiterated Naval’s narration. He also narrated that when they proceeded with the demolition on 12 April 2019, many of the residents had already voluntarily removed their houses. Some of them even asked for the demolition team’s help to dismantle or carry personal belongings. The demolition on 20-21 May 2019 took longer because of some structures that were difficult to remove, like a two-story concrete house and a cage for cow. Bajarin characterized the demolitions as peaceful.⁴⁷

Allan Niño D. Mojadoa is the geodetic engineer that conducted a relocation survey of the subject properties. He attested that respondent demolished the structures on Lot Nos. 82, 83, 89, 92, 96, and 97.⁴⁸ Meanwhile, Jun Albacite,⁴⁹ owner of Lot No. 82, stated that respondent conducted the demolition only in the areas stated in the Special Order of Demolition.

Ananias P. Vasquez,⁵⁰ ground commander of the demolition, narrated that on the demolition scheduled on 11 April 2019 did not occur because of a

⁴⁵ *Rollo*, pp. 154-155.

⁴⁶ Also referred to as Matutum Baharin, Jr. in parts of the records.

⁴⁷ *Rollo*, pp. 156-158.

⁴⁸ *Id.* at 159-160.

⁴⁹ *Id.* at 166-167.

⁵⁰ *Id.* at 168-169.

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shooting incident on the diversion road going to Doña Soledad, General Santos City. The next day, the affected families had voluntarily dismantled their houses. Nonetheless, the team did not finish the demolition because there was not enough time, but the occupants of the remaining portions also volunteered to dismantle their houses.

Federico G. Palabrica,⁵¹ Purok Chairman, Purok Gawan, Lanton, Apopong, General Santos City, was with the demolition team on 11 April 2019 waiting for respondent when they heard a gunshot in the area to be demolished. On 12 April 2019, at 8:35 a.m. the the team and police officers assembled. When they arrived, the occupants of Lot Nos. 82, 83, 89, and 92 had already dismantled their houses, while others requested for help to take down their homes and carry personal belongings. The demolition was confined to proper areas.

Finally, Abdulwahid B. Bualan,⁵² Barangay Captain of Tamber, General Santos City, under whose jurisdiction the area fell attested that respondent requested for his help to assemble a team to carry out the demolition. Thus, the team that conducted the demolition, led by Bajarin, were his constituents in the barangay.

In sum, it is clear that there is no basis to hold respondent liable for the charges against her. In the absence of evidence to support complainants' allegations, what prevails is the presumption that the respondent has regularly performed her duties.⁵³

This Court will not shirk from its responsibility of imposing discipline upon employees of the judiciary, but neither will it hesitate to shield them from unfounded suits that only serve to disrupt rather than promote the orderly administration of justice.⁵⁴

WHEREFORE, the foregoing premises considered, the complaint against respondent Lanie N. Casimina, Sheriff III, Branch 2, Municipal Trial Court in Cities, General Santos City is **DISMISSED**.

⁵¹ Id. at 171-172.

⁵² Id. at 262.

⁵³ *Abapo v. Gato*, A.M. No. P-03-1741, 23 March 2004; citing *Tan Tiac Chiong v. Cosico*, A.M. No. CA-02-33, 31 July 2022.

⁵⁴ *Ebero v. Camposano*, A.M. No. P-04-1792, 12 March 2004; Citations omitted.

SO ORDERED.” (*Marquez, J., no part; Dimaampao, J., designated additional Member per Raffle dated August 2, 2023.*)

By authority of the Court:



MARIA TERESA B. SIBULO
Division Clerk of Court

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DEC 19 2023

Edwardo T. Tingal, Sr. et al.
Complainants
Purok Opring Village, Riverside
Brgy. Calumpang, General Santos City
9500 South Cotabato

Ms. Lanie N. Casimina
Respondent – Sheriff III
The Hon. Presiding Judge
Municipal Trial Court in Cities, Branch 2
General Santos City, 9500 South Cotabato

Hon. Angelina Sandoval-Gutierrez (x)
Hon. Rodolfo A. Ponferrada (x)
Office of the Executive Director (x)
Office of the General Counsel (x)
Judicial Integrity Board
Supreme Court

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)
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