



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated August 9, 2023, which reads as follows:

“JIB FPI No. 21-064-P (*Joselito G. Abordo v. Ma. Hazel P. Sebial, Sheriff III, Branch 1, Municipal Trial Court in Cities (MTCC), General Santos City, South Cotabato*). – This administrative case stems from the Letter Complaint¹ filed by Joselito G. Abordo (complainant) against Ma. Hazel P. Sebial (respondent), Sheriff III, Branch 1, Municipal Trial Court in Cities (MTCC), General Santos City, South Cotabato, for Gross Misconduct, relative to Civil Case No. 6697-3.

Antecedents

Complainant alleged that he was the President of Mindanao Unified Farmers Association, Inc. (MUFAI). In Civil Case No. 6697-3, a case for forcible entry, MUFAI was not impleaded as a party defendant although it was in possession of the subject premises.² After issuing a Writ of Execution, the court issued a Writ of Demolition and a Notice to Vacate, which were served upon the defendants by Keth Yrec Espiritu (Sheriff Espiritu), assigned to MTCC Branch 3, to which the case was first raffled.³

After Civil Case No. 6697-3 was raffled to Branch 1, it was respondent who served anew the Writ of Demolition and the Final Notice to Vacate.⁴ Complainant alleged that respondent, in implementing the Writ of Demolition and the Final Notice to Vacate, acted oppressively and

¹ *Rollo*, pp. 3-4.

² *Id.* at 86.

³ *Id.*

⁴ *Id.* at 87.

25

arbitrarily.⁵

In her Comment, respondent averred that she served the copies of the Writ of Demolition and the Final Notice to Vacate on three separate days. On these occasions, the MUFAl officers and members ganged up on her, shouting insulting words, such as, “*Sheriff ka lang! Maliit ka pa! Payatot! Kaya maraming nagrebelde dahil mahina ang hustisya ng Pilipinas!*” They also threatened to sue her.⁶

In addition, respondent narrated that MUFAl’s counsel, Atty. V. Emmanuel C. Fontanilla (Atty. Fontanilla) shouted at her over the phone saying: “*Malaki ba ang binayad sayo para magserve ka ng notice to vacate dyan sa area ng walang court order? Bakit hindi ako nanotify na ikaw na ang new sheriff na maghandle ng kaso? Careful ka Hazel sa mga ginagawa mo! Magkano ang binayad sayo ni Conchita Omega?*”⁷

Respondent informed her Presiding Judge about the incident, and the latter advised her to report the same to the police, who entered the complaint in their blotter. Respondent also claimed that the *barangay* personnel and the police who accompanied her during the service of the court orders could attest that she acted in accordance with the mandate of the law and procedure.⁸

Respondent stressed that it is her duty to implement all court issuances assigned to her. She did not preempt the authority of the court in doing so as she did it pursuant to the court’s order.⁹

Report and Recommendation of the Judicial Integrity Board (JIB)

On 01 August 2022, Acting Executive Director James D.V. Navarrete of the Judicial Integrity Board (JIB) recommended the dismissal of the administrative complaint against respondent for lack of merit.¹⁰ The JIB, on 15 February 2023, adopted said recommendation.¹¹

⁵ Id.

⁶ Id.

⁷ Id.

⁸ Id. at 87-88.

⁹ Id. at 88.

¹⁰ Id. at 80-85.

¹¹ Id. at 86-92; 15 February 2023, penned by Third Regular Member Justice Cielito N. Mindaro-Grulla

The JIB found, based on the records of the case, that the alleged oppressive acts pertain to Sheriff Espiritu,* and not to herein respondent.¹² It held that Atty. Fontanilla's allegations are unsupported by documentary or testimonial evidence. The JIB reiterated that while the Court will not shirk from its responsibility of imposing discipline upon employees of the judiciary, neither will it hesitate to shield them from unfounded suits that only serve to disrupt rather than promote the orderly administration of justice.¹³

Issue

The sole issue to be resolved is whether respondent can be held administratively liable for Gross Misconduct.

Ruling of the Court

The Court adopts the findings and recommendation of the JIB.

Complainant filed this administrative complaint against respondent for Gross Misconduct. Specifically, complainant claims that respondent is guilty of oppressive and arbitrary acts in implementing the Writ of Demolition and the Final Notice to Vacate.

The JIB found complainant's two-page complaint indisputably unverified and bereft of any supporting affidavits or documents that would support the charges made against respondent.¹⁴ Meanwhile, respondent presented the affidavit of *Barangay Kagawad* Perfecto M. Lacea, Jr. of Apopong, General Santos City to support her defense that she remained professional and calm while the members of MUFAl berated her. Respondent also attached a copy of the Certification issued by Police Station No. 2, Makar Labangal, General Santos, attesting that the incident was reported to them.¹⁵

(Ret.) and concurred in by Chairperson Justice Romeo J. Callejo, Sr. (Ret.), Vice Chairperson Justice Angelita Sandoval-Gutierrez (Ret.), First Regular Member Justice Sesinando E. Villon (Ret.) and Second Regular Member Justice Rodolfo A. Ponferrada (Ret.)

* No first name was mentioned.

¹² Id. at 88.

¹³ Id. at 90, citing *Manalabe v. Cabie*, A.M. No. P-05-1984, 06 July 2007; *De la Cruz v. Bato*, A.M. No. P-05-1959, 15 February 2005; *Sarmiento v. Salamat*, 416 Phil. 684, 695 (2001).

¹⁴ Id. at 89.


¹⁵ Id. at 90.

Jurisprudence dictates that in administrative proceedings, complainants bear the burden of proving the allegations in their complaints by substantial evidence. If they fail to show in a satisfactory manner the facts upon which their claims are based, respondents are not obliged to prove their exception or defense. The evidence against respondent should be competent and should be derived from direct knowledge.¹⁶

WHEREFORE, the instant administrative complaint against Ma. Hazel P. Sebial (respondent), Sheriff III, Branch 1, Municipal Trial Court in Cities (MTCC), General Santos City, South Cotabato is **DISMISSED** for lack of merit.

SO ORDERED.”

By authority of the Court:



MARIA TERESA B. SIBULO

Deputy Division Clerk of Court and
Acting Division Clerk of Court^{per rule 19}

763

OCT 10 2023

Mr. Joselito G. Abordo
Complainant
c/o FONTANILLA & FONTANILLA-MAMADRA
LAW OFFICE
Block 7, Lot 15, VS Homes Subdivision
Purok Malakas, San Isidro, General Santos City
9500 South Cotabato

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

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

Ms. Ma. Hazel P. Sebial
Respondent – Sheriff III
The Hon. Presiding Judge
Municipal Trial Court in Cities, Branch 1
General Santos City, 9500 South Cotabato

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

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

Philippine Judicial Academy (x)
Supreme Court

UR



¹⁶ Re: Letter of Lucena Ofendoreyes Alleging Illicit Activities of a Certain Atty. Cajayon, 810 Phil. 369, 374 (2017).