



Republic of the Philippines
Supreme Court
 Manila

FIRST DIVISION

ARGEL D. HERNANDEZ,
 Complainant,

A.M. No. RTJ-13-2356
 [Formerly OCA No. IPI-11-3701-RTJ]

-versus-

Present:

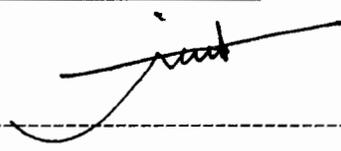
JUDGE VICTOR C. GELLA,
PRESIDING JUDGE,
CLARINCE B. JINTALAN,
LEGAL RESEARCHER,
and ROWENA B. JINTALAN,
SHERIFF IV, ALL FROM THE
REGIONAL TRIAL COURT,
BRANCH 52, SORSOGON
CITY,

SERENO, *C.J.*,
 LEONARDO-DE CASTRO,
 BERSAMIN,
 VILLARAMA, JR., and
 REYES, *JJ.*

Promulgated:

JUN 09 2014

Respondents.



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DECISION

BERSAMIN, J.:

We reiterate that an administrative complaint against a judge is not a substitute for a proper remedy taken in due course to review and undo his acts or omissions done in the performance of his judicial duties and functions. For any litigant to insist otherwise is censurable because the complaint adversely affects the administration of justice and harms the reputation of a judicial officer.

Antecedents

In his verified complaint dated July 8, 2011,¹ complainant Argel D. Hernandez charged Judge Victor C. Gella, as the Presiding Judge of Branch 52 of the Regional Trial Court in Sorsogon City (RTC), with gross ignorance of the law; and Sheriff IV Rowena B. Jintalan, also of Branch 52, and Legal Researcher Clarince B. Jintalan with abuse of authority in connection with the implementation of the writ of execution issued in Case

¹ Rollo, pp. 1-5.

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No. 2005-7473, a proceeding for consolidation of ownership entitled *Maria Purisima Borlasa v. Spouses Jesus Hernandez and Margarita De Vera*.

It appears that the property involved in Case No. 2005-7473 was sold at a public auction in which Maria Purisima Borlasa was declared the winning bidder; that a final bill of sale was issued to Borlasa on May 30, 2007; that in 2009, Borlasa's motion for the issuance of the writ of execution was granted; that in 2010, Sheriff Jintalan started implementing the writ but was unsuccessful in doing so because Hernandez consistently found ways to resist her implementation, including the filing of a petition for *certiorari* in the Court of Appeals.

Ultimately, on May 31, 2011, Sheriff Jintalan successfully implemented the writ of execution and entered the house of Hernandez.

According to Hernandez, the implementation of the writ of execution was tainted with abuse. He claimed that Sheriff Jintalan and Legal Researcher Jintalan, together with policemen and goons carrying bolos and mallets, had arrived at his house; that she ordered the goons to destroy his house despite being made aware of the pendency of the petition for *certiorari* in the CA; that the goons entered his house, and took his family's belongings and valuables outside the house and loaded them in a truck; that his family's belongings and valuables were brought to a warehouse of Vicente Bonaobra, who was the brother and attorney-in-fact of the plaintiff; that his children, who witnessed the proceedings, were traumatized; and that he had a verbal argument with Legal Researcher Jintalan, who had owed him some money.²

Hernandez added that such acts of Sheriff Jintalan and Legal Researcher Jintalan of destroying his house and taking his family's belongings and valuables were in excess of their authority; and that such excess of authority would not have happened had Judge Gella not authorized the execution of the writ of execution notwithstanding the pendency of the petition for *certiorari* in the CA.³

The respondents denied the charges.

Judge Gella narrated the background of Case No. 2005-7473 and set forth the events leading to the filing of the petition for *certiorari* by Hernandez in the CA and the enforcement of the writ of execution on May 31, 2011. He insisted that the RTC had afforded due process to Hernandez; that prior to the implementation of the writ of execution Sheriff Jintalan had already accommodated Hernandez by granting him concessions; and that

² Id. at 2-4.

³ Id. at 4.

Hernandez was only a disgruntled litigant who refused to accept and to bow to the lawful orders and processes of the RTC.⁴

Legal Researcher Jintalan explained that he had been tasked to assist in the implementation of the writ by Sheriff Jintalan, who was his wife; that police assistance became necessary because Hernandez and his uncle had been resisting the writ of execution, which was a lawful court order, by threatening Sheriff Jintalan with administrative and criminal cases, and even physical harm; that although admitting having instructed the hired men to destroy the chain of the fence and the door lock of the main door of Hernandez's house, he had done so only to gain entry into and to exit from the property; that Hernandez and the other occupants of the house had earlier padlocked the gate and parked a ten-wheeler truck behind the fence to block the entry of the sheriff; that Hernandez had also used his children as a shield by having them barricade the door to prevent entry of the sheriff's team; that Hernandez had taunted the implementing officers into firing at his children; that no jewelry and money were taken because the members of the sheriff's team did not go inside Hernandez's bedroom; and that he did not owe any money to Hernandez.⁵

On her part, Sheriff Jintalan asserted that she had only performed her ministerial duty to implement the writ of execution; that cutting the chain of the fence and breaking the door knob had been necessary to gain entry into the house; that her team could pull out only a few pieces of furniture and several sacks of *palay* because Hernandez had used his children to barricade the entrance and had dared them to shoot at him and the children; that at one point Hernandez had poked a gun at her; that they had loaded the inventoried items in the truck owned by Vicente Bonaobra to be brought to the latter's warehouse only for safekeeping; and that only the assisting policemen had carried guns during the execution proceedings.⁶

In its Report dated March 28, 2012,⁷ the Office of the Court Administrator (OCA) recommended that:

1. The administrative complaint against Judge Victor C. Gella, Presiding Judge, Regional Trial Court, Branch 52, Sorsogon City be **DISMISSED** for being premature and judicial in nature;
2. The administrative complaint against Rowena B. Jintalan, Sheriff IV, Regional Trial Court, Branch 52, Sorsogon City be **RE-DOCKETED** as a regular administrative matter;

⁴ Id. at 166-175.

⁵ Id. at 115-118.

⁶ Id. at 140-146.

⁷ Id. at 239.

3. Respondent Rowena B. Jintalan be found Guilty of Simple Neglect of Duty and be **SUSPENDED** from office for one (1) month and one (1) day without pay; and
4. The administrative complaint against Clarince B. Jintalan, Legal Researcher, Regional Trial Court Branch 52, Sorsogon City be **DISMISSED** for being unsubstantiated.⁸

Ruling

We **ACCEPT** the findings of the OCA because they were supported by the records, and, accordingly, **ADOPT** its aforequoted recommendations.

Re: Judge Gella

Hernandez's complaint against Judge Gella, being rooted in the denial of Hernandez's motion for reconsideration (vis-à-vis the denial of Hernandez's motion to quash the writ of execution), unquestionably related to Judge Gella's performance of his judicial office, and is for that reason outrightly dismissible. We reiterate that an administrative remedy is neither alternative nor cumulative to any proper judicial review. A litigant like Hernandez who is aggrieved by an order or judgment of the judge must pursue his proper available judicial remedies because only a higher court exercising appellate authority can review and correct any error of judgment committed in the discharge of the judicial office. As to an order or judgment tainted by grave abuse of discretion or a jurisdictional defect, only a higher court invested with supervisory authority can revise the order or judgment. It is always worth stressing that an administrative remedy cannot be a proper means to undo or rectify the order or judgment.

The filing of administrative complaints or just the threats of the filing of such complaints do subvert and undermine the independence of the Judiciary and its Judges. Thus, the Court does not tolerate unwarranted administrative charges brought against sitting magistrates in respect of their judicial actions. Moreover, as the Court pointedly observed in *Re: Verified Complaint of Engr. Oscar L. Ongjoco, Chairman of the Board/CEO of FH-GYMN Multi-Purpose and Transport Service Cooperative, against Hon. Juan Q. Enriquez, Jr., Hon. Ramon M. Bato, Jr. and Hon. Florito S. Macalino, Associate Justices, Court of Appeals*,⁹ to wit:

It is evident to us that Ongjoco's objective in filing the administrative complaint was to take respondent Justices to task for the regular performance of their sworn duty of upholding the rule of law. **He would thereby lay the groundwork for getting back at them for not**

⁸ Id.

⁹ A.M. OCA IPI No. 11-184-CA-J, January 31, 2012, 664 SCRA 465.

favoring his unworthy cause. Such actuations cannot be tolerated at all, for even a mere threat of administrative investigation and prosecution made against a judge to influence or intimidate him in his regular performance of the judicial office always subverts and undermines the independence of the Judiciary.

We seize this occasion, therefore, to stress once again that disciplinary proceedings and criminal actions brought against any judge in relation to the performance of his official functions are neither complementary to nor suppletory of appropriate judicial remedies, nor a substitute for such remedies. Any party who may feel aggrieved should resort to these remedies, and exhaust them, instead of resorting to disciplinary proceedings and criminal actions.¹⁰ (Bold emphasis supplied)

The nature of adjudication by a judicial magistrate as a function of sovereignty invests the magistrate with a great degree of immunity from administrative and other liabilities. This the Court explained in *Re: Verified Complaint For Disbarment of AMA LAND, INC. (Represented By Joseph B. Usita) Against Court of Appeals Associate Justices Hon. Danton Q. Bueser, Hon. Sesinando E. Villon and Hon. Ricardo G. Rosario*:¹¹

Indeed, no judicial officer should have to fear or apprehend being held to account or to answer for performing his judicial functions and office because such performance is a matter of public duty and responsibility. The office and duty to render and administer justice are function of sovereignty, and should not be simply taken for granted. As a recognized commentator on public offices and public officers has written:

It is a general principle, abundantly sustained by authority and reason, that no civil action can be sustained against a judicial officer for the recovery of damages by one claiming to have been injured by the officer's judicial action within his jurisdiction. **From the very nature of the case, the officer is called upon by law to exercise his judgment in the matter, and the law holds his duty to the individual to be performed when he has exercised it, however erroneous or disastrous in its consequences it may appear either to the party or to others.**

A number of reasons, any one of them sufficient, have been advanced in support of this rule. Thus it is said of the judge: "His doing justice as between particular individuals, when they have a controversy before him, is not the end and object which were in view when his court was created, and he was selected to preside over or sit in it. Courts are created on public grounds; they are to do justice as between suitors, to the end that peace and order may prevail in the political society, and that rights may be protected and preserved. The duty is public, and the end to be accomplished is public; the individual advantage or loss results from the proper and thorough or improper and imperfect performance of a duty

¹⁰ Id. at 474-475.

¹¹ OCA IPI No. 12-204-CA-J, March 11, 2014.

for which his controversy is only the occasion. The judge performs his duty to the public by doing justice between individuals, or, if he fails to do justice as between individuals, he may be called to account by the State in such form and before such tribunal as the law may have provided. But as the duty neglected is not a duty to the individual, civil redress, as for an individual injury, is not admissible.” (Bold underscoring is part of the original text)

Re: Legal Researcher Jintalan

The complaint against Legal Researcher Jintalan was similarly bereft of factual and legal merit. There is no question that Legal Researcher Jintalan’s participation in the implementation of the writ of execution was upon the prior authorization of Judge Gella in order to assist Sheriff Jintalan in her proceedings to implement the writ of execution. To hold Legal Researcher Jintalan administratively liable is to unreasonably disregard his having acted in the execution proceedings upon official authority of the court itself, and would be a travesty of justice.

Re: Sheriff Jintalan

The OCA’s recommendation to hold Sheriff Jintalan administratively liable for simple neglect of duty is well-taken.

With the implementation of the writ of execution being her purely ministerial duty, Sheriff Jintalan must perform her duty strictly to the letter. She thus knew that the levied personal properties of Hernandez must be kept safely in and under her direct custody, not in and under the custody of any of the parties.¹² Her bringing of such personal properties to the warehouse of Vicente Bonaobra despite being aware that the latter was the plaintiff’s brother and her attorney-in- fact for purposes of the case signified that she let herself serve as the “special deputy” of the winning litigant.¹³ Therein lay the irregularity. Verily, she did not live up to the standards prescribed by her office. Her conduct as a court personnel must be beyond reproach and free from any suspicion that could taint the Judiciary. She should avoid any impression of impropriety, misdeed or negligence in the performance of official duties.¹⁴

Sheriff Jintalan was thereby guilty of simple neglect of duty – the failure to give proper attention to a task expected of an employee, thus signifying a disregard of a duty resulting from carelessness or indifference. Simple neglect of duty is punishable by suspension of one month and one

¹² *Villanueva-Fabella v. Lee*, A.M. No. MTJ-04-1518. January 15, 2004, 419 SCRA 440, 452.

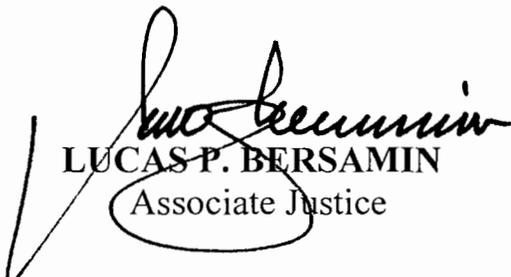
¹³ *Caja v. Nanquil*, A.M. No. P-04-1885, September 13, 2004, 438 SCRA 174, 195.

¹⁴ *Supra* note 12, at 454.

day to six months.¹⁵ Under the established circumstances, the penalty for Sheriff Jintalan is suspension without pay for one month and one day.

WHEREFORE, the Court **DISMISSES** the administrative complaints against Judge Victor C. Gella and Legal Researcher Clarince B. Jintalan of the Regional Trial Court, Branch 52, in Sorsogon City; and **PRONOUNCES** Sheriff Rowena B. Jintalan **GUILTY** of **SIMPLE NEGLIGENCE OF DUTY** and, accordingly, **SUSPENDS** her from office for one month and one day without pay, with a stern warning that a repetition of the same or similar act shall be dealt with more severely.

SO ORDERED.



LUCAS P. BERSAMIN
Associate Justice

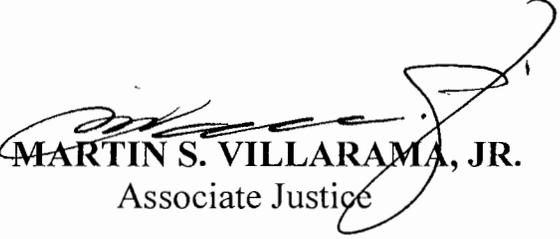
WE CONCUR:



MARIA LOURDES P. A. SERENO
Chief Justice



TERESITA J. LEONARDO-DE CASTRO
Associate Justice



MARTIN S. VILLARAMA, JR.
Associate Justice



BIENVENIDO L. REYES
Associate Justice

¹⁵ Id. at 455.