

EN BANC

[A.M. No. RTJ-09-2186 [Formerly A.M. OCA-IPI No. 03-1893-RTJ], July 14, 2009]

**ATTY. NELSON T. ANTOLIN AND ATTY. DIOSDADO E. TRILLANA,
COMPLAINANTS, VS. JUDGE ALEX L. QUIROZ, SHERIFF EDWIN V.
GARROBO, AND SHERIFF MARIO PANGILINAN, RESPONDENTS.**

**[A.M. NO. RTJ-09-2187 [FORMERLY A.M. OCA IPI NO. 04-1993-
RTJ]]**

**EDWIN V. GARROBO, COMPLAINANT, VS. JUDGE ALEX L.
QUIROZ, RTC, PASIG CITY, RESPONDENT.**

D E C I S I O N

CARPIO MORALES, J.:

These two administrative complaints, **A.M. OCA IPI No. 03-1893-RTJ** and **A.M. OCA IPI No. 04-1993-RTJ**, stemmed from the issuance, in Civil Case No. 59264, "*Fruehauf Electronics Philippines, Inc. v. Signetics Corp., U.S.A.*," by then Judge Alex L. Quiroz (Judge Quiroz)^[1] of Branch 156, Regional Trial Court (RTC) of Pasig City of a Writ of Execution, and its implementation.

By Decision of October 31, 1996, the RTC, in Civil Case No. 59264, found in favor of Fruehauf Electronics Philippines, Inc. (Fruehauf), which decision was affirmed on appeal by the Court of Appeals.

On May 21, 2001, Fruehauf filed a Motion for Execution of the decision. The motion was submitted for consideration of Judge Quiroz who had in the meantime assumed as Presiding Judge of Branch 156.

Fruehauf sought to enforce execution of the decision against Philips Semiconductors Philippines, Inc. (PSPI), a local subsidiary of Signetics Corp. U.S.A. (Signetics).

By Order of January 21, 2002, Judge Quiroz ruled that execution could not be directed against PSPI, which was not a party to the civil case. Fruehauf assailed this Order via Certiorari and Mandamus before the Court of Appeals.

By Decision of September 10, 2003, the appellate court set aside Judge Quiroz' Order and directed him "to issue a writ of execution against Philips Semiconductors, Philippines, Incorporated as the local subsidiary of the original defendant, Signetics, USA," in accordance with the decision of the trial court dated October 31, 1996."

Re: A.M. OCA IPI NO. 03-1893-RTJ
("Atty. Nelson T. Antolin, et al. v. Judge
Alex L. Quiroz, et al.")

In compliance with the appellate court's above-said Decision of September 10, 2003, Judge Quiroz ordered on **October 9, 2003** the issuance of a writ of execution specifically designating Deputy Sheriff Edwin V. Garrobo (Garrobo) of Branch 156 to implement it.

With the authority of the Branch Clerk of Court, Garrobo and another sheriff, Mario Pangilinan of the Office of the Clerk of Court (Pangilinan),^[2] proceeded to Cabuyao, Laguna to implement the writ. At that time, Judge Quiroz was on sick leave.

The sheriffs were told to wait for the counsels of PSPI, namely Atty. Nelson T. Antolin and Atty. Diosdado E. Trillana (complainants). Upon arrival, complainants informed respondent sheriffs that execution could not proceed as the appellate court's September 10, 2003 Decision was not yet final and executory pending resolution of their Motion for Reconsideration of said Decision. And complainants furnished respondent sheriffs a copy of their Motion to Set Aside the October 9, 2003 Order of Judge Quiroz. Respondent just the same proceeded with the implementation of the writ.

Hence, spawned complainants' letter-complaint of November 3, 2003 to the Chief Justice, they assailing the issuance of the Writ of Execution and respondent sheriffs' implementation thereof, viz:

[Judge Quiroz] issued the Order of Oct. 9, 2003 despite the following: (1) the CA Decision that permitted execution of the lower court's judgment had not yet become final and executory; (2) he issued it *motu proprio* (sic), without a motion having been filed by the party sustained in the CA Decision; and (3) he issued it without an entry of the judgment of the CA, as required by Rule 39, Sec. 1. x x x

Last Friday, Oct. 17, 2003, when the undersigned talked to the Sheriffs to explain the illegality of what they were doing, we saw the face of lawlessness. They would not listen to reason; they ignored the facts, insisting on the Writ as though they had duty to enforce even a Writ that was void on its face.

We saw two men gone mad with power. We saw two officers of the court - for such they are as Sheriffs - who acted in flagrant violation of the rules they were sworn to uphold, simply because they had no courage to say no to what Fruehauf's representatives wanted. x x x ^[3] (Italics and underscoring in the original)

By Resolution of November 25, 2003, the Court required Judge Quiroz and respondent sheriffs to comment thereon. The letter-complaint, which was referred to the Office of the Court Administrator (OCA) for investigation and evaluation, was docketed as OCA- IPI No. 03-1893-RTJ.^[4]

In his Comment of November 25, 2003, Judge Quiroz maintained that his challenged Order of October 9, 2003 was in compliance with the appellate court's directive in its Decision of September 10, 2003. He asserted that the Rules of Court only require a

certified copy of the judgment/decision to be attached to the writ and not an entry of judgment as contended by the complainants.

Respondent Garrobo, upon the other hand, countered that sheriffs do not possess the discretion to defer the implementation of a writ of execution, it being a ministerial duty. Respondent Pangilinan, for his part, stressed that as a mere assisting sheriff, he did not have any participation prior to the implementation of the writ.

The OCA came up with the following Evaluation:

After studiously considering the complaint, including the annexes appended thereto and the comments of respondent Judge Quiroz, we hold that the instant administrative complaint is not the appropriate action for the correction of the alleged erroneous order of the respondent Judge, for a judicial remedy exists and is available. If a party is prejudiced by the orders of a judge, his remedy lies with the proper court for the proper judicial action and not with the Office of the Court Administrator by means of an administrative complaint. x x x

As to the charges against respondent sheriffs, we note that respondent Sheriff Garrobo submitted a three-page comment while the other respondent Sheriff Pangilinan, filed a two and a half page comment, both of which submissions contain general averments. In addition, the complainant lawyers filed a Reply dated 23 December 2003 wherein they further assail the actuations of the respondent sheriffs for being in contravention of provisions of the Rules of Court. The veracity of the allegations and statements of the parties (complainant lawyers and respondent sheriffs) regarding the circumstances attendant to the enforcement of the writ cannot be determined solely on the basis of the pleadings on record. There is a need for a venue where the divergent versions of the contending parties relative to such circumstances can be reconciled or clarified and where they can further substantiate their respective positions. Hence, a formal investigation is deemed essential.

IN VIEW OF THE FOREGOING, it is respectfully recommended that:

1. The complaint against respondent Judge Alex Quiroz, RTC, Branch 156, Pasig City, be **DISMISSED** for lack of merit; and
2. The complaint against respondent sheriffs, Edwin V. Garrobo and Mario S. Pangilinan be **REFERRED** to Executive Judge of the Regional Trial Court at Pasig City for investigation, report and recommendation within sixty (60) days from receipt of the records. (Emphasis in the original; underscoring supplied)

By Resolution of July 6, 2004, the Court *En Banc*, acting upon the recommendation of the OCA, dismissed the complaint against Judge Quiroz for lack of merit but referred the charges against respondent sheriffs to the Executive Judge of the RTC

of Pasig City for investigation, report and recommendation. Per manifestation of then Executive Judge Edwin A. Villasor that one of the complainants was his former classmate at the University of the Philippines, the complaint was referred to 1st Vice Executive Judge Florito S. Macalino.

Re: A.M. OCA IPI NO. 04-1993-RTJ

(Edwin V. Garrobo v. Judge Alex L. Quiroz)

Upon Judge Quiroz' return to office from his sick leave on November 27, 2003, he called on the members of his staff for their monthly meeting. By the claim of Garrobo, for the duration of the meeting, Judge Quiroz berated and lambasted him for serving the writ on PSPI, hence, his filing of the administrative complaint against the judge for gross misconduct, docketed as OCA-IPI No. 04-1993-RTJ. Garrobo gave the following details of his complaint:

On November 21, 2003, Four (4) days after Judge Quiroz reported back to the office after weeks of being on leave, Right away, he called a Staff meeting and conducted his usual loyalty check. Four (4) of the Staff said they still believe in my capacity and worthiness as Branch Sheriff, Still, Judge Quiroz lambasted me again in front of my fellow employees! He was so angry he refused to listen to the explanation of Atty. Lavandero who ventured that he was the one to blame. Judge Quiroz, using all his filthy words he can come up with insulted and threatened me (sic) once more. I should resign, he said or he will make me resign. Even then, he promised, even if I did resign, he swore he will come after me. Better that I go on leave while I look for some other employment, he said. I had tainted his name, he alleged, at a time when his application with the Court of Appeals as an Associate Justice, is pending. And for that, he had shouted that I will be sorry."^[5] (Underscoring supplied)

Judge Quiroz, denying the accusation, gave the following version:

Time and again, before the undersigned took his leave of absence, Garrobo was advised to implement the writ in accordance with the Rules. While the subject of the writ was in Laguna, he was advised not to accept anything from the plaintiff and might prejudice the implementation of the writ. But on October 17, 2003, Garrobo, due to his lack of knowledge of his job, had to have two more sheriffs and Mr. Roman, just to serve the letter to comply against PSPI together with Plaintiff Mr. Litonjua who gave him money and accepted it before proceeding to Laguna. x x x

Since Garrobo accepted money from Mr. Litonjua, as expected, the implementation of the Writ was prejudiced for he failed to exercise the proper protocol/conduct to implement the same resulting to an administrative case filed by lawyer of PSPI against Garrobo and his two sheriffs and the undersigned was included.

During the meeting, each and everyone was asked to speak anent the