

SECOND DIVISION

[A.M. No. P-07-2305 [Formerly OCA-I.P.I. No. 07-2487-P], April 04, 2007]

**MARLITO R. ROBLES, COMPLAINANT, VS. SHERWIN M. BALOLOY
AND LORNA M. RAMORES, RESPONDENTS.**

RESOLUTION

TINGA, J.:

For resolution is an administrative complaint^[1] filed by Marlito R. Robles against Sherwin M. Baloloy, Process Server, Regional Trial Court (RTC), Branch 130, Caloocan City, for Usurpation of Authority and Trespass to Dwelling, and against Lorna M. Ramores, Utility Worker, Office of the Clerk of Court (OCC), RTC, Caloocan City for Perjury and Falsification of Public Document amounting to Misconduct in Office.

According to complainant, respondent Baloloy, together with Norvel J. Flores and a group of men, arrived at their residence on 5 July 2006 at around eight o'clock in the morning to conduct a demolition operation. Another group also arrived in a white SWAT vehicle and was armed with a demolition permit which was not shown to complainant. When complainant asked if the group had a court order authorizing the demolition, Baloloy allegedly replied in the affirmative showing complainant a piece of paper without allowing the latter to examine the same. When asked of his identity, Baloloy allegedly introduced himself as a sheriff from the RTC of Caloocan City. Despite their agreement to discuss the matter at the barangay hall, Baloloy proceeded to complainant's house and demanded that the occupants vacate the premises immediately as the demolition would soon be started. Respondent Baloloy allegedly did the same to the occupants of other houses nearby. It was only when complainant threatened to call the media that the demolition crew left the premises.

As regards respondent Ramores, complainant alleges that he saw her with another woman at the demolition site, clad in office uniform and talking to some members of the demolition crew.

Upon inquiry with the RTC of Caloocan City, complainant learned that Baloloy is not a sheriff but a process server detailed at the OCC, RTC and that Ramores is a utility worker in the same office. He further discovered from Atty. Avelinda Dabalos of the OCC, that respondents had no right to even be present at complainant's residence as there was no pending case filed against complainant or his family. Ramores even made it appear in her daily time record (DTR) that she was in the office from 7:19 a.m. to 4:46 p.m. on the day of the attempted demolition.^[2]

In her Comment^[3] dated 30 August 2006, respondent Ramores denies the charges against her and claims that complainant, not being an injured party, has no personality to file the instant complaint against her. According to her, she was the

one who punched her DTR on the day in question so it cannot be said that she falsified it. While she admits to being present at the site, she avers that she was there only to bring money to her son, Baloloy. She was there only for a brief moment and with the permission of the officer-in-charge of the OCC who even asked her to buy index cards for the court. She alleges that her leaving the office was properly documented on the daily attendance sheet, which practice is allowed under Civil Service rules, specifically Book V of Executive Order No. 292, as amended.

In his Reply^[4] to Ramores's Comment, complainant counters that he has personality to file the instant complaint as a taxpayer and as an injured party because respondents sought to demolish his house. He accuses Ramores of lying as to the reason why she was at the demolition site. He allegedly saw her there from 9:00 a.m. to 10:30 a.m. which cannot be considered a brief stay. If indeed she properly documented her attendance, she failed to present copies of these documents as proof. Complainant adds that when he talked to Atty. Darwin Cañete, respondents' immediate superior, he cannot remember the latter telling him that Ramores's leaving the office premises was in fact with permission. Instead, Atty. Cañete asked complainant to settle the matter with respondents, giving complainant the impression that Atty. Cañete would like to cover up the behavior for his subordinates.

For his part, Baloloy filed a Counter-Affidavit^[5] previously submitted to Assistant City Prosecutor Ethel Kathleen Tugade in relation to the criminal complaints filed by complainant against him for Trespass to Dwelling and Usurpation of Authority. He prayed that the same be adopted as his Comment to the instant administrative complaint.^[6]

Baloloy vehemently denies the charges against him. He avers that Norvel Flores is the attorney-in-fact of Ms. Andrea Demeza, the owner of the property being illegally occupied by complainant and his family. Said property had been previously inspected by the Office of the Building Official and reported to be a threat to the safety of the occupants and other residents in the area due to its dilapidated condition. Upon application of Flores, a demolition permit^[7] was issued by the Building Official pursuant to the National Building Code of the Philippines. The illegal occupants were allegedly given notice and demand letters to vacate the premises. Flores, being his friend and former neighbor, sought Baloloy's help in taking care of the needs of the demolition crew during the demolition. When Baloloy arrived at the demolition site, complainant and Flores were already engaged in a heated argument, leaving the demolition crew idle. In the hope of settling the matter amicably as complainant's behavior was already rude and threatening, Baloloy allegedly suggested that they discuss the matter in the barangay hall. Complainant agreed to this suggestion. However, Baloloy noticed complainant head home and began to put up barricades. This angered Flores who then ordered his men to start the demolition. At this juncture, Baloloy claims he felt the need to make a final plea to the occupants to vacate the premises and to bring with them their belongings so that no one will get hurt during the impending demolition. He, however, denies physically entering complainant's house. Complainant then allegedly rushed inside his house and demanded to be shown a court order. Baloloy alleges that he explained to complainant that there is no court order but only a demolition permit and the building will be demolished as a dangerous structure. He further explained