

FIRST DIVISION

[A.M. No. P-97-1252, October 16, 1997]

**ORESTES R. SANTOS, PETITIONER, VS. NORBERTO V. DOBLADA,
JR., DEPUTY SHERIFF, REGIONAL TRIAL COURT, BRANCH 155,
PASIG CITY, RESPONDENT.
R E S O L U T I O N**

VITUG, J.:

In a sworn letter-complaint, dated 12 March 1996, Mr. Orestes R. Santos, Project Manager of Greenridge Executive Village in Binangonan, Rizal, charged Deputy Sheriff Norberto V. Doblada, Jr., of the Regional Trial Court of Pasig City, Branch 155, with abuse of authority relative to Civil Case No. 34242 ("Republic of the Philippines vs. Antonina Guido, et al."), decided by the trial court in favor of the defendants. On 21 July 1994, Judge Fernando L. Gerona, Jr., issued an order; to wit:

"Defendants in their Motion for Reconsideration pray that the order of 21 June 1994 be reconsidered. During the hearing of said motion counsel for defendants manifested that their prayer for writ of possession is only insofar as the portion which are not occupied by bona fide occupants as well as those squatters who are already in possession of certain portions, are concerned. As stated in the order sought to be reconsidered, in the dispositive portion of its decision the Supreme Court 'affirmed the decision of the Court of Appeals subject to the declared superior rights of bona fide occupants with registered titles within the area covered by the questioned decree and bona fide occupants therein with lengths of possession which had ripened to ownership, the latter to be determined in appropriate proceedings.'

"In the order of 21 June 1994 this court also said that in the motion of defendants it is stated that several squatters are occupying the premises hence, the issue as to whether the occupation of the alleged squatters, who were not parties in this case, is lawful or not has likewise to be resolved in an appropriate proceeding. Considering, however, that defendant/movants are praying for the issuance of a writ of possession over the portions of the subject property which are not occupied either by the bona fide occupants with registered titles or bona fide occupants with lengths of possession which had ripened to ownership and the portions occupied by the squatters, this court reconsiders its order of 21 June 1994 and hereby orders the issuance of a writ of possession in favor of the defendant/movants only with respect to the portions of the subject property which are not occupied by the bona fide occupants with registered titles and bona fide occupants with lengths of possession which had ripened to ownership as well as the portions occupied by the squatters, to be enforced by the Deputy Sheriff assigned to this branch who is ordered to implement the writ of possession subject to the

conditions stated in this order.

"SO ORDERED."^[1]

On even date, that is, on 21 July 1994, a writ of possession, addressed to respondent Sheriff, was issued in this wise:

"WHEREAS, on 21 July 1994, an order was issued by this Honorable Court placing the defendants herein over the portions of the subject property which are not occupied either by the bona fide occupants with registered titles or bona fide occupants with lengths of possession which had ripened to ownership and the portions occupied by the squatters, and said order becomes final and executory.

"NOW, THEREFORE, you are hereby commanded to place the defendants, Antonina Guido, Claraminda A. Guido, et al., in possession of said property described above and to make your return of this writ within a period of sixty (60) days from receipt hereof with your proceedings duly indorsed thereon."^[2]

Complainant averred that on 29 February 1996, at dawn, respondent, together with several policemen, military personnel and private security guards of Rommel Realty Corporation (the transferee of the property in question), without legal authority and with grave abuse of power, had barged into the Greenridge Executive Village. Respondent Sheriff threatened the subdivision guards of Greenridge Executive Village and ordered the policemen and military personnel to forthwith have the private security guards of Rommel Realty Corporation occupy the front portion of the subdivision. The group placed several tents inside the area and posted an "announcement" declaring Greenridge Executive Village part of the property of Rommel Realty Corporation. The act was done without respondent Sheriff having first secured an alias writ of possession. The notice to vacate was served on Sta. Lucia Realty and Development, Inc., the owner of Greenridge Executive Village, despite the Court directive that the writ of possession would cover only "portions of the property which are not occupied either by bona fide occupants with registered titles or bona fide occupants with lengths of possession which had ripened to ownership and the portion occupied by the squatters."

In his comment of 06 August 1996, respondent Sheriff denied that he employed force and intimidation in implementing the writ of possession, but that, in fact, it was the security guards of Greenridge Executive Village who made threats on the security guards of Rommel Realty Corporation. What transpired in the afternoon, not dawn, of 29 February 1996 was merely a service of the notice to vacate within the five-day grace period, a standard operating procedure among court sheriffs. In addition, the presence of police officers and law enforcers was for the purpose of maintaining peace and order. The implementation of the writ of possession, issued on 21 July 1994, had not yet expired because of the continuing execution proceedings,^[3] and there was no need for him to make a return on it after the