Republic of the Philippines
Supreme Court
Manila

SPECIAL THIRD DIVISION

GABRIEL C. GARLAN, Complainant,	**A.M. No. P-19-3966 [Formerly OCA IPI No. 18-4802-P]**
	Present:
-versus-	PERALTA, *J., Chairperson* LEONEN, *Working Chairperson,* HERNANDO, INTING, and LOPEZ, J., *JJ.*
SHERIFF IV KEN P. SIGALES, JR., Respondent.	**Promulgated:** February 17, 2021 MisDCBatt

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RESOLUTION

LEONEN, *J.*:

It is not this Court's judicial policy and resolve to ignore biased, discriminatory, and bigoted statements into oblivion. Every pronouncement to this effect shall be denounced, if only to contribute to unlearning attitudes that have disproportionately endangered the religious minority. In this light, sheriffs are reminded to always act with propriety and decorum. Abuse of authority and violence premised on outdated and harmful stereotypes do not justify resort to use of force.

This Court resolves the Motion for Reconsideration[1] filed by respondent Ken P. Sigales, Jr., Sheriff IV of the Regional Trial Court of Pili, Camarines Sur, Branch 34.

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[1] *Rollo*, pp. 133–140.

In a Resolution,[2] this Court found respondent guilty of simple misconduct, and suspended him from office for one year. It concluded that respondent employed unnecessary and excessive force in implementing a writ when he deliberately destroyed the gate and car of complainant Gabriel C. Garlan. The dispositive portion of the Resolution reads:

> **WHEREFORE**, respondent Sheriff IV Ken P. Sigales, Jr. is found **GUILTY** of simple misconduct in the discharge of his duties, and is **SUSPENDED** from office for one (1) year, with a **STERN WARNING** that a repetition of the same or similar acts shall be dealt with more severely.
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> **SO ORDERED**.[3] (Emphasis in the original)

In his Motion for Reconsideration, respondent alleges that this Court misconstrued facts.[4] He narrates that he was already inside the house, but momentarily stepped out to check on his subordinates. He claims he did not ask the housekeepers to open the gate since they deliberately locked it and that he was "forced by the circumstances"[5] to act in that manner.

Respondent further avers that this Court's Resolution was mainly anchored on the findings of the Provincial Prosecutor who found probable cause to file an Information for malicious mischief against him. However, upon motion for reconsideration, the Provincial Prosecutor issued his January 25, 2019 Resolution reversing the previous order. Given this, he pleads that this Court reconsider its ruling.[6]

Finally, respondent contends that under the Revised Rules on Administrative Cases, the maximum penalty for simple misconduct is suspension of six months only and thus, it was error for this Court to penalize him with one year of suspension.[7]

This Court denies the Motion for Reconsideration with finality. The issues raised in the Motion were passed upon in this Court's July 8, 2019 Resolution.

Perusal of the January 25, 2019 Resolution of the Office of the Provincial Prosecutor reveals that the dismissal of the complaint for malicious mischief was due to the finding that there was no ill will on respondents' end, considering that they were implementing a writ. It stated:

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2 Id. at 125–132.
3 Id. at 132.
4 Id. at 134.
5 Id. at 135.
6 Id. at 136–137.
7 Id. at 138.

> Considering, then, that Respondent Sheriff Segales was just performing his official function as a Court Sheriff, and that Respondents Mendoza and Jacinto had accompanied Respondent Sheriff Segales to observe and protect the interests of Vast Agro Solutions, Inc., it is quite apparent that *they did not harbor any ill motive or malicious intent against Complainant* when they came to his place on the said morning of 24 August 2017. Thus, as argued by Respondent Mendoza, any damages that they might have caused to the property of Complainant in the course of the implementation of a Writ of Attachment issued against the Complainant by the Regional Trial Court – Branch 32 of Pili, Camarines Sur, shall only be the subject of a civil case for damages, and not for the felony of Malicious Mischief. Consequently, the finding of probable cause against them for conspiracy in the commission of the felony of Malicious Mischief appears to have been erroneous and this Office is duty bound to correct its previous findings and hereby declare that there is no legal basis for the existence of probable cause against all the Respondents for conspiracy in the commission of the felony of Malicious Mischief.[8]

The Prosecutor's reversal of its findings does not bind this Court. The finding that respondent harbored no malicious intent in forcibly opening the gate is irrelevant in this disciplinary proceeding. While this led the Prosecutor to conclude that there was no probable cause to charge respondent with malicious mischief, this does not exculpate him from administrative liability. Respondent's intricate tale of how he was the victim and how complainant "presented a truncated portion"[9] fails to persuade.

It is irrelevant whether complainant had previously let them in his residence, or originally received him in his office. What is undisputed is respondent's excessive and unnecessary use of force—which he does not deny. We quote our relevant discussion on this point:

> We first underscore that there was no justifiable reason for why the group failed to ask anyone inside the house to open the gate, considering that complainant's driver and two (2) housekeepers had been there. Respondent did not claim of any resistance on their part.
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> . . . .
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> Moreover, respondent's unsubstantiated claim not just fails to persuade, but escapes logic. He averred that while one (1) of his assistants was in the house trying to start a vehicle, complainant's housekeeper locked the gate, which led him to order forcibly opening the gate lest his assistant be "trapped inside and left behind[.]"
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> This "assistant" was supposedly enforcing the writ under respondent's watch, but was incidentally not named, let alone able to corroborate this claim. He or she was allegedly bound to be trapped inside the residence, but there was no reason averred why the person could not have opened the gate him or herself. It defies common sense.

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8 Id. at 143.
9 Id. at 135.

Finally, this Court notes that complainant's driver, Paul Escorido Pastolero, stated in his Sworn Affidavit that the group had entered the residence without the presence of his employers, Garlan and his spouse. They allegedly "forced and manipulated in (*sic*) turning on the engines of the three vehicles because they had no keys[.]" There was no assertion that they had requested them.

Sheriffs are public officers with whom public trust is reposed. They are obliged to perform their duties while respecting the party litigants' rights, without needless violence and oppression. In *Spouses Stilgrove v. Sabas*:

> It is well to remind Sheriffs and Deputy Sheriffs that they are officers of the court, and considered agents of the law. They form an integral part of the administration of justice because they are called upon to serve court writs, execute all processes, and carry into effect the orders of the Court, as such, they should discharge their duties with due care and utmost diligence. The expeditious and efficient execution of court orders and writs should not be at the expense of due process and fair play.

In *Philippine Bank of Communications v. Torio*, this Court denounced the sheriffs' oppressive manner and use of unnecessary force in enforcing a writ of execution:

> Contrary to the claims of complainant, the enforcement of the writ of execution by Torio and Gumboc were not prematurely made. Nonetheless, the same were irregularly done in an oppressive manner. It is conceded that respondents took it upon themselves to force open and destroy the bank vault when the bank employees refused to open the vault and turn over the cash demanded from them in satisfaction of the judgment. The pictures submitted in evidence show that they went to the bank provided with an acetylene torch, a large acetylene tank, and a big sledgehammer.
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> It was imprudent of Torio and Gumboc to resort to such unwarranted force and unnecessary destruction of property merely because the officers of the PBCom Buendia Branch supposedly refused to cooperate with them and meet their demands. It is clear that what initially transpired was a mere misunderstanding as the bank officials were seeking clarification as to the validity of the writ and the finality of the decision presented to them.[10] (Citations omitted)

This Court reiterates that court officers and employees must avoid resorting to violence at all times. Respondent was remiss in his duties when he summarily destroyed complainant's gate. He claimed that he would naturally order that the gate be reopened.[11] However, no such order was made, and force was employed instead. Communicating properly was not

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[10] *Garlan v. Sigales, Jr.*, A.M. No. P-19-3966, July 8, 2019 (Resolution) [Third Division].
[11] *Rollo*, p. 137.

difficult since his assistant was inside the premises. His group of no less than 10 local police officers were not haplessly left with no choice, as respondent would like this Court to believe.

The case cited in the assailed resolution had this Court disciplining sheriffs who resorted to unnecessary destruction of property, only after bank employees refused to cooperate. Here however, there was no iota of proof that respondent attempted to seek the cooperation of complainant's housekeepers and driver.

Excessive and unwarranted use of force is intolerable. Yet respondent seeks to justify his violence as he explained:

> . . . Had I not forcibly [opened] the gate, I would have left my team inside. It was getting dark and the police escorts of ours instructed us to hurry up because all the Muslim neighbors were relatives of Garlan and there is a clear security risk for us and my [men] if it gets dark and we were still there.
> . . . .
> **I was in Surallah, South Cotabato in the neighborhood of Muslims who are all relatives of Garlan according to the police escorts with us.** I would naturally order the gates reopened to free my assistant because I could not leave him there to be butchered.[12] (Emphasis in the original)

This Court will not shirk its duty and condone respondent's actuations.

In the recent case of *People v. Sebilleno,*[13] this Court reprimanded the Solicitor General when it pleaded that the police deviated from the requirements of the Comprehensive Dangerous Drugs Act because the buy-bust operation transpired in a "*notorious Muslim community*":

> Just because a community outside of Mindanao is predominantly Muslim does not mean that it should be considered presumptively "notorious." It is this type of misguided, unfortunately uneducated cultural stereotype that has caused internal conflict and inhuman treatment of Filipinos of a different faith from the majority.
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> The Solicitor General averred that inventory was conducted in the police station, because "the apprehending team would be putting their lives in peril considering that the area where the buy-bust operation was conducted is a *notorious Muslim community."*
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> *The Office of the Solicitor General, which represents no less than*

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12 Id. at 136–137.

13 G.R. No. 221457, February 12, 2020 <https://sc.judiciary.gov.ph/11451/> [Per J. Leonen, Third Division].

> *the Government of the Philippines in a number of legal matters, ought to be circumspect in its language. This averment from the Solicitor General exhibits biased, discriminatory, and bigoted views; unbecoming of a public official mandated to act with justice and sincerity, and who swore to respect the rights of persons. This is the kind of language that diminishes the public's trust in our state agents. These are the words that when left unguarded, permeate in the public's consciousness, encourage further divide and prejudices against the religious minority, and send this country backward. We cannot condone this. As stressed, the prosecution must not only plead, but also prove an excusable ground. This Court fails to see how a Muslim community can be threatening or dangerous, that would put our law enforcers' lives to peril. The Solicitor General's colorful choice of word, "notorious, " does not inspire confidence either.*
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> *We cannot condone this.*[14] (Emphasis in the original)

This was reiterated in *People v. Abdulah,*[15] where this Court also denounced discriminatory remarks which sought to justify noncompliance with the Comprehensive Dangerous Drugs Act. The law enforcers testified that the place of arrest was *unsafe* for being "*a Muslim area*":

> Cursory and shallow averments of unsafe conditions premised on the profile of a given locality's population reveals indolence, if not bigotry. Such trite references fall woefully short of the law's lofty standards and cast doubt on the conduct of buy-bust operations. They justify the acquittal of those whose prosecutions are anchored on noncompliant police operations.
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> . . . .
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> We stressed that such invocation constitutes a bigoted view that only stirs conflict among Filipinos of different religious affiliations.
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> To sustain the police officers' equating of a so-called "Muslim area" with dangerous places does not only approve of a hollow justification for deviating from statutory requirements, but reinforces outdated stereotypes and blatant prejudices.
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> Islamophobia, the hatred against the Islamic community, can never be a valid reason to justify an officer's failure to comply with Section 21 of Republic Act No. 9165. Courts must be wary of readily sanctioning lackadaisical justifications and perpetuating outmoded biases. No form of religious discrimination can be countenanced to justify the prosecution's failure to comply with the law.[16]

Respondent postulates that because complainant's house is in a "neighborhood of Muslims[,]"[17] there was "a clear security risk."[18] He goes

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14 Id. at 1 and 11–12.
15 G.R. No. 243941, March 11, 2020 <https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/66117> [Per J. Leonen, Third Division].
16 Id.
17 *Rollo*, p. 137.
18 Id. at 136.

on to specifically name the place, in the hopes that this Court will grant his appeal that had he not resorted to force, his assistant will be left to be "butchered."[19]

These may not have been the exact same words in *Sebilleno* and *Abdulah*, but it's the same language of discrimination, bigotry, and bias that must be denounced. This "othering" that casts the religious minority into the margins serves no real purpose, save for creating barriers among our people. We acknowledge that this is systemic and prevalent to this day, and a single individual cannot dislodge this practice by himself or herself. However, this Court cannot turn a blind eye that it exists, and simply hope that this worn-out prejudice will naturally retire itself. We will condemn every pronouncement to this effect, if only to contribute to unlearning attitudes that have disproportionately endangered our fellow Filipinos.

Respondent is reminded that bigoted views cannot justify his resort to force. Ironically, it is his unfounded fear, premised on outdated harmful stereotypes, that propelled him into using force. We reiterate that "[t]his Court has cautioned every person involved in dispensing justice to always act with propriety and decorum. Respondent's abuse of his authority and failure to satisfactorily explain the violence he employed does not meet the exacting standard we impose on our officers."[20]

Finally, this Court is not bound by the Revised Rules on Administrative Cases in the Civil Service. In imposing the penalty, this Court exercised its constitutional mandate of administrative supervision over all courts and its personnel.[21] As We do not tolerate the propensity to use unnecessary force and abuse of authority, We deem that a one (1) year suspension from office is commensurate with respondent's acts.

WHEREFORE, the Motion for Reconsideration is **DENIED with FINALITY**. The July 8, 2019 Resolution is **AFFIRMED**.

SO ORDERED.

MARVIC M.V.F. LEONEN
Associate Justice

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19 Id. at 137.
20 *Garlan v. Sigales, Jr.*, A.M. No. P-19-3966, July 8, 2019 (Resolution) [Third Division].
21 CONST., art. VIII, sec. 6.

WE CONCUR:

DIOSDADO M. PERALTA
Chief Justice

RAMON PAUL L. HERNANDO
Associate Justice

HENRI JEAN PAUL B. INTING
Associate Justice

JHOSEP Y. LOPEZ
Associate Justice

ATTESTATION

I attest that the conclusions in the above Resolution had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

MARVIC M.V.F. LEONEN
Associate Justice
Chairperson

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Resolution had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

DIOSDADO M. PERALTA
Chief Justice