

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 482

SUSPENDING MS. BIBIANA SARMIENTO FROM OFFICE AS ASSISTANT
PROVINCIAL FISCAL OF MISAMIS ORIENTAL.

This refers to the administrative complaint for bribery and violation of Presidential Decree No. 1045, filed by Clementino Raboy against Assistant Provincial Fiscal Bibiana Sarmiento of Misamis Oriental, in her capacity as former Acting Register of Deeds of Misamis Oriental.

Complainant Raboy claimed that he had been a janitor in the Registry of Deeds of Misamis Oriental, Cagayan de Oro City, since January 5, 1977. He further alleged that it was his friend, Genevic "Toto" Rivera, who brought the documents with fake documentary stamps to the then Acting Register of Deeds Sarmiento for registration. Subsequently, these documents were registered by Sarmiento, after receiving from Rivera on four different occasions the sums of ₱6,000.00, ₱5,000.00, ₱15,000.00 and ₱10,000.00. He also stated that, during all the four occasions when Rivera handed the money to respondent at the latter's house at the Dolores Compound, Carmen, Cagayan de Oro City, complainant was in the company of Rivera.

The complainant likewise volunteered the information that respondent always scolded him, prompting the latter to report to the National Bureau of Investigation (NBI) the existence of the registered documents with fake documentary stamps. Consequently, a portion of said documents was taken by agents of the NBI for examination, and findings of the Bureau indicated that all the documentary stamps affixed to the documents in question "(were) not genuine".

The respondent was further charged by complainant of having approved the registration of documents of the PN Roa Realty and PHIVIDEC with affixed documentary stamps worth about ₱1,000.00 and ₱3,000.00, even after the Office of the Register of Deeds had already received a copy of the circular containing the provisions of Presidential Decree No. 1045, withdrawing from circulation and declaring without value all existing documentary and science stamps in denominations of ten pesos and above, and requiring that:

"Sec. 2. Documentary or science stamps taxes of ten pesos or more shall be paid to any authorized personnel of the Bureau of Internal Revenue or to the tellers of any commercial bank, or to such other banks as may hereinafter be

authorized to accept payment of internal revenue taxes, who shall issue the corresponding Official Receipts therefor."

The respondent vehemently denied all the charges against her. She branded the complaint as a "fabricated imputation of a crime" designed to bring about her relief as Acting Register of Deeds so that the complainant and his cohorts could freely and easily pursue their illegal activity of selling fake documentary stamps to registrants. She likewise refuted the charge that in consideration of certain sums of money, she registered the subject documents. She declared categorically that she did not receive a single centavo from anyone and that she did not know that the stamps affixed on the documents which she approved for registration were fake.

Furthermore, she explained that, during her incumbency as Acting Register of Deeds, she introduced certain changes in the Office, and, in the process, she incurred the ire of some of the employees therein. As a result, she claimed that these employees planned to get rid of her by filing an administrative complaint against her in 1981, which complaint however, was dismissed by the Ministry of Justice.

A judicious scrutiny of the evidence on record yields no credible and sufficient evidence to prove the bribery charge against respondent fiscal.

We do not lend credence to the complainant's allegation that he saw respondent receive from Rivera the sums of ₱6,000.00, ₱5,000.00, ₱15,000.00 and ₱10,000.00 on four different occasions at her house at the Dolores Compound. It is the undisputed testimony of the respondent that she and her family were not residing at their house at the Dolores Compound during the period when she allegedly received the said amounts of money, that is, in 1980, since the said house had been rented by a Korean family from 1980 until the second quarter of 1981. Instead, she and her family resided in a rented apartment owned by a certain Esteban Sarmiento.

Moreover, respondent fiscal would not have been so foolhardy and reckless as to repeatedly and imprudently receive bribe money from Rivera, in the presence of complainant, who is an employee of the Registry. Likewise, it is hard to believe that Rivera would give a total amount of ₱36,000.00 in bribe money, in the absence of evidence to show that a considerable amount of profit was gained from

the unlawful business of buying and selling fake documentary stamps. Indeed, the oft-quoted aphorism that evidence, to be believed, must itself be credible and in conformity with the common experience and observation of mankind, is most relevant under the herein circumstances (People vs. Baquiran, 20 SCRA 451, 454; People vs. Alvarez, 55 SCRA 81, 89.)


There is convincing evidence to show, however, that respondent approved the registration of documents requiring documentary stamp taxes amounting to ₱10.00 or more, notwithstanding the provisions of Presidential Decree No. 1045, which were duly circularized to all Register of Deeds, through Land Registration Commission Circular No. 304, dated November 29, 1976. Her act of allowing the documentary stamps to be affixed to the documents, instead of requiring the registrants to pay the documentary stamp tax directly to the Bureau of Internal Revenue or to the authorized banks, constitutes a clear violation of Presidential Decree No. 1045. Needless to say, non-compliance with the mandate of this Presidential issuance resulted in heavy revenue losses to the government. Thus, the foregoing circumstances constrain this Office to hold respondent administratively liable.

Premises considered, and as recommended by the Minister of Justice, Assistant Provincial Fiscal Bibiana Sarmiento is hereby found guilty of violating Presidential Decree No. 1045 and is accordingly suspended without pay for one (1) month and further warned that a repetition of the same or similar offense will be dealt with more severely.

Done in the City of Manila this 28th day of May
in the year of Our Lord, nineteen hundred and eighty-four.


President of the Philippines

By the President:


MANUEL M. LAZARO

Presidential Assistant for Legal Affairs