

MALACAÑANG

Manila

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 78

IMPOSING A FINE ON FORMER REGISTER OF DEEDS RAMON G. GARCIA OF ORIENTAL MINDORO.

This is an administrative case for negligence against Ramon G. Garcia, former Register of Deeds of Oriental Mindoro.

The records show that, upon investigation of a complaint filed on June 6, 1984, by one Jose Agutaya with the National Bureau of Investigation (NBI), Calapan Branch Office, Oriental Mindoro, regarding alleged falsification of official documents which resulted in the irregular transfer of ownership of certain parcels of land owned by Felisa Pangilinan to Nelia M. Bunda, the NBI came up with the following findings:

- 1) Felisa Pangilinan, executed a deed of sale of two (2) parcels of land covered by TCT RT-87 (T-1312) and TCT RT-86 (T-1228) in favor of Nelia Bunda on December 1, 1982. The deed of sale was made to appear to have been executed on December 1, 1980, which was noted in the Primary Entry Book to justify the issuance of TCT No. T-14283 and T-14284 both dated July 15, 1981;
- 2) Menandro Abac, Clerk II of said Registry of Deeds may have caused the falsification as he is the one charged with the preparation and safekeeping of the document;
- 3) Nelia Bunda is liable under Art. 171 of the Revised Penal Code for selling the falsified title to one Leon Yap;
- 4) Ramon G. Garcia, then Acting Register of Deeds of Calapan, Oriental Mindoro is "liable for Falsification of Public Documents through Reckless Imprudence" for causing the registration of the transfer of ownership of parcels of land despite the fact that:

- a) there was no certification of the BIR that such transfer has been reported and the capital gains tax therefor had been paid, as required by LRC Circular No. 356, dated September 12, 1979, implementing Sec. 34(h) of the National Internal Revenue Code as amended;
- b) the Title No. T-14283 was entered on July 15, 1981 when the Deed of Sale effecting the transfer was dated December 1, 1982.

On the basis thereof, the then Land Registration Commissioner filed formal charges against herein respondent Ramon G. Garcia and Registry of Deeds Clerk Menandro Abac for negligence and grave misconduct/dishonesty, respectively.

After formal hearing, the LRC investigator recommended that respondent be found guilty of the charges and suspended for two months without pay. Meanwhile, or on April 3, 1987, Garcia retired from the government service.

In his letter to the Secretary of Justice, dated November 9, 1987, the Administrator, National Land Titles and Deeds Registration Administration (NLTDRA, formerly LRC), agreed with the findings of the LRC investigator. However, considering that respondent had been compulsory retired from the service, the NLTDRA Administrator recommended that a penalty of fine equivalent to his two (2) months salary be instead imposed on respondent.

After review, the Secretary of Justice found respondent guilty of gross neglect of duty, instead of simple negligence, and recommended that he be fined in an amount equivalent to his six (6) months' salary. According to the Justice Secretary:

"It is clear that respondent signed the Bunda titles without first examining their dates. Had he done so he would have noticed that he would be signing titles based on a deed of sale which is dated 17 months later. It is also clear that respondent violated LRC Circular No. 356, series of 1979. By his own admission, he did not see the certificate evidencing payment of the capital gains tax on the properties being transferred to Bunda.

"As Registry head, respondent is charged with the enforcement of office rules and regulations that would ensure the correctness and integrity of his official acts. He cannot shed said responsibility and expect to be absolved if a breach occurs. By relying blindly on the examination performed by Clerk Abac and on the naked assurance of said subordinate that the capital gains tax on the Bunda properties will be paid, respondent must be deemed to have abandoned his supervisory duties and perforce, held responsible for all its dire consequences."

I concur in the Justice Secretary's findings and recommendation. As an officer entrusted with responsibility decidedly impressed with public interest, respondent Garcia should have been more circumspect in the performance of his official duties. His dismal failure to observe utmost care in the preparation and issuance of land titles is, to say the least, unpardonable, affecting as it does the integrity of said official documents. For such gross neglect of duty, respondent deserves to be meted out the condign penalty.

While it is true that respondent had already retired from the government service, this circumstance does not render the instant case moot and academic as to preclude the imposition upon him of the penalty of fine. As held in the case of *People vs. Valenzuela* (L-63950-60, April 19, 1985, 135 SCRA 712), citing *Perez vs. Abiera* (Adm. Case No. 223-4, June 11, 1975, 64 SCRA 302):

". . . /It was not the intent of the court in the case of *Quintillan* to set down a hard and fast rule that the resignation or retirement of a respondent judge as the case may be renders moot and academic the administrative case pending against him; nor did the Court mean to divest itself of jurisdiction to impose certain penalties short of dismissal from the government service should there be a finding of guilt on the basis of the evidence. In other words, the jurisdiction that was Ours at the time of the filing of the administrative complaint was not lost by the mere fact that the respondent

public official had ceased to be in the office during the pendency of his case. The Court retains its jurisdiction either to pronounce the respondent official innocent of the charges or declare him guilty thereof. A contrary rule would be fraught with injustices and pregnant with dreadful and dangerous implications. For what remedy would the people have against a judge or any other public official who resorts to wrongful and illegal conduct during his last days in office? What would prevent some corrupt and unscrupulous magistrate from committing abuses and other condemnable acts knowing fully well that he would soon be beyond the pale of the law and immune to all administrative penalties? If only for reasons of public policy, this Court must assert and maintain its jurisdiction over members of the judiciary and other officials under its supervision and control for acts performed in office which are inimical to the service and prejudicial to the interests of litigants and the general public. If innocent, respondent official merits vindication of his name and integrity as he leaves the government which he served well and faithfully; if guilty, he deserves to receive the corresponding censure and penalty proper and imposable under the situation." (Emphasis added).

WHEREFORE, and as recommended by the Secretary of Justice, former Register of Deeds Ramon G. Garcia of Oriental Mindoro is hereby FINED in an amount equivalent to his six (6) months' salary.

Done in the City of Manila, this 11th day of July, in the year of Our Lord, nineteen hundred and eighty-eight.

Prayon B. Aquino

By the President:

Catalino Macaraig, Jr.
CATALINO MACARAIG, JR.
Executive Secretary

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