

JOSE P. UY AND RIZALINA C. UY, COMPLAINANTS, VS. HON. JUDGE TERESITA DIZON-CAPULONG, PRESIDING JUDGE OF THE REGIONAL TRIAL COURT, BRANCH 172, VALENZUELA, METRO MANILA, RESPONDENT.

A.M. No. RTJ-91-766. April 07, 1993

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PER CURIAM:

JUDGE TERESITA DIZON-CAPULONG, Presiding Judge of the Regional Trial Court of Valenzuela, Branch 172, Metro Manila, is charged^[1] with gross incompetence, gross ignorance of the law and grave misconduct in a complaint filed on 15 November 1991 with the Office of the Court Administrator by the spouses Jose P. Uy and Rizalina C. Uy, relative to Special Proceedings No. 335-V-88 for settlement of the estate of the late Ambrocio C. Pingco.

The records show that on 21 November 1988, a certain Herminia R. Alvos, claiming to be a niece of Paz Ramirez, surviving spouse of the late Ambrocio C. Pingco, filed with the Regional Trial Court of Valenzuela a petition for settlement of the estate of Ambrocio C. Pingco. Two (2) days after, or on 23 November 1988, respondent Judge appointed said Herminia R. Alvos special administratrix under Rule 80 of the Rules of Court.

On 27 March 1989, counsel for the special administratrix filed an urgent motion stating that sometime in February 1978 two (2) parcels of land belonging to the late Ambrocio C. Pingco and his wife covered by TCT Nos. 7537 and 75101 had been sold to complainants Jose P. Uy and Rizalina C. Uy who registered the sale with the Register of Deeds of Manila in February 1989. Consequently, counsel requested the court to direct the Register of Deeds of Valenzuela to “freeze any transaction without the signature of Herminia Alvos” involving the properties covered by TCT Nos. B-15345 to B-15352, B-15354 to B-15359, TCT Nos. T--39565, T-50276, T-52754, T-220168, TCT Nos. T-7537 and 75101. On 29 March 1989, respondent Judge granted the motion.

On 18 April 1989, upon order of respondent Judge, the Register of Deeds of Valenzuela reported on the status of the titles to the properties subject of the “freeze order,” informing the Court that on 3 February 1989, a deed of absolute sale executed by the spouses Ambrocio C. Pingco and Paz Ramirez dated 9 December 1978 was filed with the Register of Deeds, describing therein fifteen (15) parcels of land covered by TCT Nos. B-15345 to B-15352, B-15354 to B-15359, and B-163276; that, by virtue of the deed of sale, new transfer certificates of title were issued in the name of complainants Jose P. Uy and Rizalina C. Uy, except for TCT No. B-163276 which could not be located in the Registry of Deeds of Caloocan City; that TCT Nos. T-50276 and 52754 were still registered in the name of Ambrocio C. Pingco and Paz Ramirez; and, that the status of TCT Nos. T-39565 and T-220168, which were with the Registry of Deeds of Caloocan, could not yet be determined.

On 5 May 1989, counsel for the special administratrix filed with the court an urgent motion to cancel the titles issued in the name of Jose P. Uy stating that the latter was able to register the titles in his name in February 1989 through fraud, and the signatures of the vendors on the deed of sale were forged.

On 7 June 1989, respondent Judge ordered the cancellation of the titles in the name of complainant Jose P. Uy and

the reinstatement of the names of the spouses Ambrocio C. Pingco and Paz Ramirez or the issuance of new titles in their name.

On 3 July 1989, complainant Jose P. Uy filed with the Court of Appeals a petition to annul the Order of 7 June 1989 of respondent Judge, with prayer for a temporary restraining order enjoining the Register of Deeds of Valenzuela from implementing the Order of 7 June 1989, and that respondent Judge be restrained from further proceeding against him.

Meanwhile, acting on the questioned Order of respondent Judge, the Register of Deeds of Valenzuela cancelled the certificates of title of complainants Jose P. Uy and Rizalina C. Uy and reverted them to Ambrocio C. Pingco and Paz Ramirez.

On 28 September 1989, the Court of Appeals granted the petition for certiorari and prohibition of complainants and set aside the Order of 7 June 1989 of respondent Judge, and enjoined her from proceeding against complainant Jose P. Uy in the intestate proceedings thus -

"x x x a probate court has no authority to decide questions of the ownership of property, real or personal. The only purpose of the examination x x x is to elicit information or to secure evidence from the persons suspected of having possession or knowledge of the property of the deceased, or of having concealed, embezzled, or conveyed away any of the property of the deceased. If after such examination there is good reason for believing that the person so examined has property in possession belonging to the estate, it is the duty of the administrator, by ordinary action, to recover the same (*Alafriz v. Mina*, 28 Phil. 137 [1914]; *Modesto v. Modesto*, 109 Phil. 1066 [1959]; *Chanco v. Madrilejo*, 12 Phil. 543 [1909])."

Special Administratrix Herminia R. Alvos sought a reconsideration of the ruling of the Court of Appeals but the same was denied on 15 November 1989.

On 28 December 1989, Alvos then filed with Us a petition for review on certiorari of the Decision of the Court of Appeals, docketed as G.R. No. 91092.

On 6 February 1990, respondent Judge approved a project of partition dated 18 August 1990 submitted by Special Administratrix Herminia R. Alvos, together with Paz Ramirez (surviving spouse of Ambrocio C. Pingco) and Alicia Alinsunurin. In the project of partition, TCT Nos. B-15345 to B-15352 and B-15354 to B-15359 covering the parcels of land in Bulacan (which were reverted in the name of Ambrocio C. Pingco pursuant to the Order of 7 June 1989) were adjudicated to the surviving spouse Paz Ramirez Pingco.

On 16 January 1991, on motion of counsel for the Special Administratrix, respondent Judge ordered the Registers of Deeds of Valenzuela and Manila to cancel the titles in the name of Ambrocio C. Pingco and Paz Ramirez and to issue new ones in favor the persons mentioned in the approved project of partition.

On 4 February 1991, respondent Judge granted the ex-parte petition of the Special Administratrix for approval of the deed of absolute sale of the parcels of land covered by TCT Nos. B-15350, B-15351, B-15348 and B-15349, and stating therein that as far as the intestate proceedings were concerned, complainant Jose P. Uy was not a participant either as heir or oppositor; that the property covered by TCT Nos. B-15350, B-15351 and B-15348 and B-15349 were part of the intestate estate of the late Ambrocio C. Pingco over which the trial court had jurisdiction and in whose name said titles were registered when the proceedings were instituted; that even as the Decision of the Court of Appeals annulled her Order of 7 June 1989, it did not prevent her from proceeding with her actions on the properties, neither did it direct the Register of Deeds of Valenzuela to revert the titles again from Ambrocio C. Pingco to complainant Jose P. Uy. As a result, instead of complying with the Decision of the Court of Appeals, respondent Judge directed the Register of Deeds of Valenzuela to comply with her own Order of 16 January 1991 cancelling the titles of the Pingcos and ordering the issuance of new titles in accordance with the project of

partition she obstinately approved.

On 8 March 1991, in G.R. No. 91092, We affirmed the Decision of the Court of Appeals which annulled and set aside the Order of 7 June 1989 of respondent Judge. Thus -

"We find no merit in the petition. Section 6, Rule 87 of the Rules of Court simply provides that a person who is suspected of having in his possession property belonging to an estate, may be cited and the court may examine him under oath on the matter. Said section nowhere gives the court the power to determine the question of ownership of such property. Furthermore, the declaration of nullity of the sale of a parcel of land under administration and the consequent cancellation of the certificate of title issued in favor of the vendee, cannot be obtained through a mere motion in the probate proceedings over the objection of said vendee over whom the probate court has no jurisdiction. To recover the property, an independent action against the vendee must be instituted in the proper court" (citing Tagle, et al. v. Manalo et al., 105 Phil 1124).

On 2 April 1991, respondent Judge, in utter disregard of Our Resolution of 8 March 1991, granted the ex-parte petition of the Special Administratrix for approval of the deed of absolute sale of properties covered by TCT Nos. B-15345 and B-15346 of the Register of Deeds of Valenzuela and reiterated the rationale of her questioned Order of 4 February 1991.

On 29 April 1991, undaunted by her reversal by the Court of Appeals and this Court, and in blatant disobedience to judicial authority, and established precedents and jurisprudence, respondent Judge again granted an ex-parte petition of the Special Administratrix for approval of another deed of absolute sale covering three (3) more parcels of land originally titled in the name of complainant Jose P. Uy, to wit: TCT Nos. B-15347, B-15355 and B-15356 of the Register of Deeds of Valenzuela, reiterating for the second time the reasons stated in her Orders of 4 February and 2 April 1991.

In their complaint, the spouses Jose P. Uy and Rizalina C. Uy claim that despite the Decision of the Court of Appeals of 28 September 1989 and the pendency of the petition for review by way of certiorari before this Court, respondent Judge continued issuing various orders resulting in the issuance of new titles to the properties in the name of persons stated in the project of partition, to the damage and prejudice of complainants.

Complainants further contend that even after this Court had affirmed the ruling of the Court of Appeals that respondent Judge had no jurisdiction to entertain further proceedings concerning the ownership of the properties, respondent Judge still, in an attempt to defeat the proscription imposed by higher judicial authority, issued orders approving the sale of the properties to the further prejudice of complainants.

In her comment, respondent Judge alleges that the filing of the complaint against her is merely to harass her. While she admits that her Order of 7 June 1989 was annulled and set aside by the Court of Appeals, which annulment was affirmed by this Court, she argues that no temporary restraining order was issued and that before the Decision of the Court of Appeals was promulgated her Order of 7 June 1989 was already complied with by the Register of Deeds of Valenzuela. She further contends that even as she was prohibited from proceeding against complainants herein, the Court of Appeals did not order the reversion of the titles to them.

We are far from persuaded by respondent Judge. The charges against her are clearly meritorious and supported by the records. Hence, there is no need in fact for Us to conduct a formal investigation if only to determine her culpability^[2] as it is well documented. Her orders and those of the appellate courts display her open defiance of higher judicial authority.

In Special Proceedings No. 335-V-88 pending before her sala, respondent Judge committed the following highly irregular and questionable acts indicative of gross ignorance of the law and grave misconduct prejudicial to the public interest, to wit: (a) respondent Judge cancelled on mere motion of a party the titles of complainants Jose P.

Uy and Rizalina Cortes, who were not parties to the case, to the great prejudice of the latter; (b) respondent Judge issued two (2) orders which disregarded the Decision of the Court of Appeals annulling her disputed Order of 7 June 1989;[3] (c) respondent Judge issued another order authorizing the sale of the other properties previously titled in the name of complainants despite the directive of the Court of Appeals for her to desist from proceeding against complainant Jose P. Uy;[4] (d) respondent Judge issued still two (2) more orders approving deeds of sale even after this Court had already affirmed the Decision of the Court of Appeals annulling her Order of 7 June 1989.[5]

These actuations of respondent Judge clearly stress her blatant disobedience to the lawful orders of superior courts and belie any claim that she rendered the erroneous orders in good faith as would excuse her from administrative liability.

Time and again We emphasize that the judge is the visible representation of law and justice from whom the people draw their will and awareness to obey the law. For the judge to return that regard, the latter must be the first to abide by the law and weave an example for the others to follow. The judge should be studiously careful to avoid even the slightest infraction of the law.[6] To fulfill this mission, the judge should keep abreast of the law, the rulings and doctrines of this Court.[7] If the judge is already aware of them, the latter should not deliberately refrain from applying them; otherwise such omission can never be excused.[8]

Every judge should be cognizant of the basic principle that when questions arise as to ownership of property alleged to be part of the estate of a deceased person, but claimed by some other person to be his property, not by virtue of any right of inheritance from the deceased but by title adverse to that of the deceased and his estate, such questions cannot be determined in the courts of administration proceedings. The trial court, acting as probate court, has no jurisdiction to adjudicate such contentions, which must be submitted to the trial court in the exercise of its general jurisdiction.[9] The failure of respondent judge to apply this basic principle indicates a manifest disregard of well-known legal rules.

Elementary in our statutory law is the doctrine that when title to land has already been registered and the certificate of title thereto issued, such Torrens title cannot be collaterally attacked because the issue on the validity of the title can only be raised in an action instituted expressly for the purpose. Corollary to this is the constitutional mandate that no person shall be deprived of his property without due process of law. In cancelling the titles of complainants over their properties on mere motion of a party and without affording them due process, respondent Judge violated her sworn obligation to uphold the law and promote the administration of justice. It has been held that if the law is so elementary, not to know it or to act as if one does not know it, constitutes gross ignorance of the law.[10]

The foregoing transgressions of respondent Judge are further aggravated by her refusal to abide by the Decision of the Court of Appeals annulling her Order of 7 June 1989, which directed the cancellation of the titles of complainants. She was in fact specifically enjoined from proceeding against them, yet, despite this Decision, respondent Judge still authorized the subsequent transfer or alienation to other persons of properties titled in the name of complainants to the detriment of the latter. This utter disrespect for the judgment of a higher court constitutes grave misconduct prejudicial to the interest of the public, the bench and the bar. The absence of a temporary restraining order or an order from the Court of Appeals to revert the titles to complainants is not sufficient justification for respondent Judge to issue subsequent orders contrary to the appellate court's proscription. Certainly, respondent Judge is fully aware that the necessary consequence of the appellate court's decision is to put back the complainants to their former status prior to the issuance of the annulled order. Consequently, the Order of 7 June 1989 being void and of no effect, the ownership of the properties subject of the settlement proceedings remains vested in complainants and will continue to be so until declared void in an

appropriate proceeding, not in the intestate proceedings before respondent Judge. Thus, an order from the appellate court that will revert the titles to complainants is not necessary as it is already implied from its decision annulling the questioned cancellation.

Moreover, the total disregard by respondent Judge of Our Resolution of 8 March 1991 cannot be condoned. Therein, We affirmed the Decision of the Court of Appeals declaring her to have exceeded her jurisdiction in cancelling the titles of complainants. Nonetheless, respondent Judge chose not to heed our pronouncement. She issued two (2) more orders approving the sale to other persons of the remaining properties which were titled in the name of complainants.

We consider this willful disobedience and continued disregard of Our Resolution as grave and serious misconduct.[11] Indeed, respondent Judge displayed open defiance to Our authority and utterly failed to show proper respect for, and due and needed cooperativeness with resolutions of this Court.[12]

By her acts and omissions, respondent Judge has failed to observe in the performance of her duties that prudence and circumspection which the law requires for public service. She has made a mockery of the judicial system of which she is a part and which she is sworn to uphold. This Court cannot countenance any act or omission which would diminish the faith of the people in the administration of justice.[13] As Chief Justice Jose Abad Santos articulated, "the power of the judiciary rests upon the faith of the people and the integrity of the courts. Take this faith away and the moral influence of the court is gone and popular respect impaired."

WHEREFORE, this Court finds respondent JUDGE TERESITA DIZON-CAPULONG guilty of gross ignorance of the law and grave misconduct prejudicial to the interest of the judicial service; consequently, she is hereby DISMISSED from the service with forfeiture of all retirement benefits, with prejudice to reinstatement or reemployment in any branch of the government or any of its agencies or instrumentalities, including government owned or controlled corporations.

SO ORDERED.

Narvasa, C.J., Cruz, Feliciano, Padilla, Bidin, Griño-Aquino, Regalado, Davide, Jr., Romero, Nocon, Bellosillo, Melo, Campos, Jr., and Quiason, JJ., concur.

[1] Respondent Judge is charged together with Atty. Magtanggol C. Gunigundo, a practicing lawyer, and Atty. Federico M. Cas, Register of Deeds of Valenzuela, Metro Manila. However, on 5 May 1992, We referred the complaint against Atty. Magtanggol C. Gunigundo to the Bar Confidant for evaluation, and the complaint against Atty. Federico M. Cas to the Land Registration Authority for appropriate action. Consequently, We are here concerned only with the case of respondent Judge.

[2] *Montemayor v. Judge Collado*, A.M. 2519-MJ, 10 September 1981, 107 SCRA 258, where We held that no formal investigation is required if the records of the case sufficiently provide a basis for the determination of respondent's administrative liability.

[3] Rollo, p. 49.

[4] Rollo, p. 54.

[5] Rollo, pp. 76-78.

[6] *Fonacier v. Judge Ancheta*, Adm. Matter No. 1938-CFI, 11 September 1981, 107 SCRA 538; *De la Paz v. Inutan*, Adm. Matter No. 201-MJ, 30 June 1975, 65 SCRA 540.

- [7] Supreme Court Circular No. 13, 1 July 1987.
- [8] Lantaco, Sr. v. Judge Llamas, Adm. Matter No. 1037-CJ, 28 October 1981, 108 SCRA 502.
- [9] Baybayan v. Aquino, G.R. No. L-42678, 9 April 1987, 149 SCRA 186.
- [10] Cruz v. Judge Nicolas, A.M. MTJ-89-286, 5 March 1991, 194 SCRA 639.
- [11] Longbuan v. Polig, Adm. Matter No. R-704-RTJ, 14 June 1990, 186 SCRA 557.
- [12] Hernandez v. Hon. Colayco, G.R. No. L-39800, 27 June 1975, 64 SCRA 480.
- [13] Garcia v. Eullaran, Adm. Matter No. P-89-327, 19 April 1991.

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