

FERNANDO T. COLLANTES, COMPLAINANT, VS. ATTY. VICENTE C. RENOMERON, RESPONDENT.

A.C. No. 3056. August 16, 1991

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PER CURIAM:

This complaint for disbarment is related to the administrative case which complainant Attorney Fernando T. Collantes, house counsel for V & G Better Homes Subdivision, Inc. (V & G for short), filed against Attorney Vicente C. Renomeron, Register of Deeds of Tacloban City, for the latter's irregular actuations with regard to the application of V & G for registration of 163 pro forma Deeds of Absolute Sale with Assignment of lots in its subdivision. The present complaint charges the respondent with the following offenses:

“1. Neglecting or refusing inspite (sic) repeated requests and without sufficient justification, to act within reasonable time (sic) the registration of 163 Deeds of Absolute Sale with Assignment and the eventual issuance and transfer of the corresponding 163 transfer certificates of titles to the GSIS, for the purpose of obtaining some pecuniary or material benefit from the person or persons interested therein.

“2. Conduct unbecoming of public official.

“3. Dishonesty.

“4. Extortion.

“5. Directly receiving pecuniary or material benefit for himself in connection with pending official transaction before him.

“6. Causing undue injury to a party, the GSIS [or] Government through manifest partiality, evident bad faith or gross inexcusable negligence.

“7. Gross ignorance of the law and procedure.” (p. 10, Rollo.)

As early as January 15, 1987, V & G had requested the respondent Register of Deeds to register some 163 deeds of sale with assignment (in favor of the GSIS) of lots of the V & G mortgaged to GSIS by the lot buyers. There was no action from the respondent.

Another request was made on February 16, 1987 for him to approve or deny registration of the uniform deeds of absolute sale with assignment. Still no action, except to require V & G to submit proof of real estate tax payment and to clarify certain details about the transactions.

Although V & G complied with the desired requirements, respondent Renomeron suspended the registration of the documents pending compliance by V & G with a certain "special arrangement" between them, which was that V & G should provide him with a weekly round trip ticket from Tacloban to Manila plus P2,000.00 as pocket money per trip, or, in lieu thereof, the sale of respondent's Quezon City house and lot by V & G or GSIS representatives.

On May 19, 1987, respondent confided to the complainant that he would act favorably on the 163 registrable

documents of V & G if the latter would execute clarificatory affidavits and send money for a round trip plane ticket for him.

The plane fare amounting to P800 (without the pocket money of P2,000) was sent to respondent through his niece.

Because of V & G's failure to give him pocket money in addition to plane fare, respondent imposed additional registration requirements. Fed up with the respondent's extortionate tactics, the complainant wrote him a letter on May 20, 1987 challenging him to act on all pending applications for registration of V & G within twenty-four (24) hours.

On May 22, 1987, respondent formally denied registration of the transfer of 163 certificates of title to the GSIS on the uniform ground that the deeds of absolute sale with assignment were ambiguous as to parties and subject matter. On May 26, 1987, Attorney Collantes moved for a reconsideration of said denial, stressing that:

"x x x since the year 1973 continuously up to December 1986 for a period of nearly fifteen (15) years or for a sum total of more than 2,000 same set of documents which have been repeatedly and uniformly registered in the Office of the Register of Deeds of Tacloban City under Attys. Modesto Garcia and Pablo Amascual, Jr., it is only during the incumbency of Atty. Vicente C. Renomeron, that the very same documents of the same tenor have been refused or denied registration x x x." (p. 15, Rollo.)

On May 27, 1987, respondent elevated the matter en consulta to the Administrator, National Land Titles and Deeds Registration Administration (NLTDRA) (now the Land Registration Authority [LRA]). In a Resolution dated July 27, 1987 (Consulta No. 1579), the NLTDRA ruled that the questioned documents were registrable. Heedless of the NLTDRA's opinion, respondent continued to sit on V & G's 163 deeds of sale with assignment.

Exasperated by respondent's conduct, the complainant filed with the NLTDRA on June 4, 1987 administrative charges (docketed as Adm. Case No. 87-15), against respondent Register of Deeds.

Upon receipt of the charges, NLTDRA Administrator Teodoro G. Bonifacio directed respondent to explain in writing why no administrative disciplinary action should be taken against him. Respondent was further asked whether he would submit his case on the basis of his answer, or be heard in a formal investigation.

In his answer dated July 9, 1987, respondent denied the charges of extortion and of directly receiving pecuniary or material benefit for himself in connection with the official transactions awaiting his action.

Although an investigator was appointed by NLTDRA Administrator Bonifacio to hear Attorney Collantes' charges against him, Attorney Renomeron waived his right to a formal investigation. Both parties submitted the case for resolution based on the pleadings.

The investigator, Attorney Leonardo Da Jose, recommended dropping the charges of: (1) dishonesty; (2) causing undue injury to a party through manifest partiality, evident bad faith or gross inexcusable negligence; and (3) gross ignorance of the law and procedure. He opined that the charge of neglecting or refusing, in spite repeated requests and without sufficient justification, to act within a reasonable time on the registration of the documents involved, in order to extort some pecuniary or material benefit from the interested party, absorbed the charges of conduct unbecoming of a public official, extortion, and directly receiving some pecuniary or material benefit for himself in connection with pending official transactions before him.

Brushing aside the investigator's recommendation, NLTDRA Administrator Teodoro G. Bonifacio on February 22, 1988, recommended to Secretary of Justice Sedfrey A. Ordoñez that the respondent: (1) be found guilty of simple neglect of duty; (2) be reprimanded to act with dispatch on documents presented to him for registration; and (3) be warned that a repetition of similar infraction will be dealt with more severely.

After due investigation of the charges, Secretary Ordoñez found respondent guilty of grave misconduct.

"Our study and consideration of the records of the case indicate that ample evidence supports the Investigating Officer's findings that the respondent committed grave misconduct.

"The respondent unreasonably delayed action on the documents presented to him for registration and, notwithstanding representations by the parties interested for expeditious action on the said documents, he continued with his inaction.

"The records indicate that the respondent eventually formally denied the registration of the documents involved; that he himself elevated the question on the registrability of the said documents to Administrator Bonifacio after he formally denied the registration thereof; that the Administrator then resolved in favor of the registrability of the said documents in question; and that, such resolution of the Administrator notwithstanding, the respondent still refused the registration thereof but demanded from the parties interested the submission of additional requirements not adverted to in his previous denial.

"xxx xxx xxx.

"In relation to the alleged 'special arrangement,' although the respondent claims that he neither- touched nor received the money sent to him, on record remains uncontroverted the circumstance that his niece, Ms. de la Cruz, retrieved from him the amount of P800.00 earlier sent to him as plane fare, not in the original denomination of P100.00 bills but in P50.00 bills. The respondent had ample opportunity to clarify or to countervail this related incident in his letter dated 5 September 1987 to Administrator Bonifacio but he never did so.

"x x x We believe that, in this case, the respondent's being new in office cannot serve to mitigate his liability. His being so should have motivated him to be more aware of applicable laws, rules and regulations and should have prompted him to do his best in the discharge of his duties." (pp. 17-18, Rollo.)

Secretary Ordoñez recommended to President Corazon C. Aquino that Renomeron be dismissed from the service, with forfeiture of leave credits and retirement benefits, and with prejudice to re-employment in the government service, effective immediately.

As recommended by the Secretary of Justice, the President of the Philippines, by Adm. Order No. 165 dated May 3, 1990, dismissed the respondent from the government service (pp. 14-19, Rollo).

Less than two weeks after filing his complaint against Renomeron in the NLTDRA, Attorney Collantes also filed in this Court on June 16, 1987, a disbarment complaint against said respondent.

The issue in this disbarment proceeding is whether the respondent register of deeds, as a lawyer, may also be disciplined by this Court for his malfeasances as a public official. The answer is yes, for his misconduct as a public official also constituted a violation of his oath as a lawyer.

The lawyer's oath (Rule 138, Section 17, Rules of Court: *People vs. De Luna*, 102 Phil. 968), imposes upon every lawyer the duty to delay no man for money or malice. The lawyer's oath is a source of his obligations and its violation is a ground for his suspension, disbarment or other disciplinary action (*Legal Ethics*, Ruben E. Agpalo, 1983 Edition, pp. 66-67).

As the late Chief Justice Fred Ruiz Castro said:

"A person takes an oath when he is admitted to the Bar which is designed to impress upon him his responsibilities. He thereby becomes an 'officer of the court' on whose shoulders rests the grave responsibility of assisting the courts in the proper, fair, speedy and efficient administration of justice. As an officer of the court he is subject to a rigid discipline that demands that in his every exertion the only criterion be that truth

and justice triumph. This discipline is what has given the law profession its nobility, its prestige, its exalted place. From a lawyer, to paraphrase Justice Felix Frankfurter, are expected those qualities of truth-speaking, a high sense of honor, full candor, intellectual honesty, and the strictest observance of fiduciary responsibility - all of which, throughout the centuries, have been compendiously described as 'moral character.'

"Membership in the Bar is in the category of a mandate to public service of the highest order. A lawyer is an oath-bound servant of society whose conduct is clearly circumscribed by inflexible norms of law and ethics, and whose primary duty is the advancement of the quest of truth and justice, for which he has sworn to be a fearless crusader." (Apostacy in the Legal Profession, 64 SCRA 784, 789-790; underscoring supplied.)

The Code of Professional Responsibility applies to lawyers in government service in the discharge of their official tasks (Canon 6). Just as the Code of Conduct and Ethical Standards for Public Officials requires public officials and employees to process documents and papers expeditiously (Sec. 5, subpars. [c] and [d]) and prohibits them from directly or indirectly having a financial or material interest in any transaction requiring the approval of their office, and likewise bars them from soliciting gifts or anything of monetary value in the course of any transaction which may be affected by the functions of their office (Sec. 7, subpars. [a] and [d]), the Code of Professional Responsibility forbids a lawyer to engage in unlawful, dishonest, immoral or deceitful conduct (Rule 1.01, Code of Professional Responsibility), or delay any man's cause "for any corrupt motive or interest" (Rule 1.03).

"A lawyer shall not engage in conduct that adversely reflects on his fitness to practice law, nor shall he, whether in public or private life, behave in a scandalous manner to the discredit of the legal profession." (Rule 7.03, Code of Professional Responsibility.)

This Court has ordered that only those who are "competent, honorable, and reliable" may practice the profession of law (Noriega vs. Sison, 125 SCRA 293) for every lawyer must pursue "only the highest standards in the practice of his calling" (Court Administrator vs. Hermoso, 150 SCRA 269, 278).

The acts of dishonesty and oppression which Attorney Renomeron committed as a public official have demonstrated his unfitness to practice the high and noble calling of the law (Bautista vs. Judge Guevarra, 142 SCRA 632; Court Administrator vs. Rodolfo G. Hermoso, 150 SCRA 269). He should therefore be disbarred.

WHEREFORE, it is hereby ordered that Attorney Vicente C. Renomeron be disbarred from the practice of law in the Philippines, and that his name be stricken off the Roll of Attorneys.

SO ORDERED.

Fernan, C.J., Narvasa, Melencio-Herrera, Gutierrez, Jr., Cruz, Paras, Feliciano, Gancayco, Padilla, Bidin, Sarmiento, Griño-Aquino, Medialdea, Regalado, and Davide, Jr., JJ., concur.

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