

JESUS A. TAPALES, COMPLAINANT, VS. HON. MACARIO BALCON, RESPONDENT.*A.M. No. 2269-MJ. August 10, 1981*

Ponente: MELENCIO-HERRERA, J.

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Complainant Jesus A. Tapales, President of the Lubang Electric Service Cooperative, Inc., Lubang, Occidental Mindoro, as a "concerned citizen and taxpayer", presented a verified Complaint dated September 7, 1979 charging respondent Municipal Judge Macario M. Balcon of Lubang, Occidental Mindoro, with "Gross Ignorance of Law and Abuse of Authority," and prayed that he be immediately suspended from office "in the interest of justice and of the oppressed public in general." Prior thereto, or on September 1, 1979, complainant had filed a similar complaint with the Office of the President, which was referred to the Judicial Consultant on September 20, 1979.

The Complaint alleges that respondent Judge had rendered a Decision in Cadastral Case No. N-8, LRC Cad. Reg. No. N-256, entitled "The Director of Lands vs. Pedro Abejar, et als.," in complete disregard of existing laws by awarding Lot 2984, consisting of approximately 76 hectares, solely to claimant spouses Juan S. Valbuena (an Engineer) and Lourdes A. Valbuena, (hereinafter called the Valbuenas), when the area they had applied for was only 3.3 hectares, more or less, to the extreme prejudice of some 26 other claimants of portions of said lot, as well as of the Government, particularly, the Civil Aeronautics Administration, which had purchased 15.9 hectares for its landing airstrip, and the Lubang Vocational School which occupies about 6 hectares.

It is further alleged that respondent Judge had connived with his then Clerk-stenographer, Mrs. Salud Valbuena Tameta, a full sister of Juan S. Valbuena, with Fiscal Jose del Rosario, as well as with the Valbuenas said to be respondent's intimate friends, in issuing the decree of registration, and that they had concealed the anomalous situation for several years from the people concerned.

Required to comment, respondent Judge explained:

1. The lot in question, Lot 2984, Pls-41 (Philcusa-FOA), consisting of 76 hectares, more or less, known as the "Alambre property" formerly belonged to Mrs. Maria Malabanan, now deceased. During her lifetime, she sold portions thereof to different vendees, now actual possessors of said portions, including the Civil Aeronautics Administration (15 hectares), Lubang Vocational School (6 hectares), Abeleda brothers (6 1/2 hectares), the Zapatas (9 hectares), the Pagilagans (3 hectares), the Lims (3 hectares), the Tejadillas (2 hectares), Engineer Juan S. Valbuena (3.3 hectares), and others.

2. In September, 1975, the Valbuenas filed an answer in Cad. Case No. N-8 for the adjudication to them of several parcels of land in Lubang. One of these parcels, a portion of Lot 2984 consisting of approximately 3.3 hectares, was among those adjudicated. The other portions belonging to other claimants-possessors were not set for hearing so that no adjudication could be made in their respect. Only 3.3 hectares of Lot No. 2984 was adjudicated in his Decision dated December 17, 1975 in favor of the Valbuenas, who laid no claim to any other portion of Lot 2984.

3. Through fraud, deceit and misrepresentation, however, the Valbuenas obtained Decree of Registration No. 159968, Cad. Case No. N-8 LRC Cad. Record No. N-256, for the entire area of 76 hectares of Lot No. 2984 in their names; that Valbuena and his sister, Salud V. Tameta, clerk-stenographer of respondent Judge, allegedly falsified respondent's Decision, dated December 17, 1975, by omitting the word "portion" and by not stating the correct area of 3.3 hectares, thus misrepresenting that the whole area of 76 hectares of Lot 2984 was adjudicated in favor of the Valbuenas. Thereby, the latter obtained Original Certificate of Title No. D-156 in their names on March 25, 1976.

4. The Valbuenas and their counsel as well as the Land Registration Commission should have noticed the error and notified respondent Judge accordingly.

5. As proof of bad faith, Juan Valbuena executed an Affidavit on April 13, 1977[1] to the effect that he is the registered owner of Lot No. 2984, covered by Original Certificate of Title No. D-156; that it is not tenanted; and that it is used as pasture land.

6. To further establish bad faith, respondent alleged that the Valbuenas sent a letter on April 12, 1977 to the Register of Deeds of Occidental Mindoro, at Mamburao, requesting that OCT No. D-156 registered in their names be cancelled, and in lieu thereof, two separate titles be issued. Accordingly, TCT No. T-11892 was issued for Lot No. 2984-A, with an area of 33,594 sq. ms., and TCT No. T-11893 for Lot No. 2984-B, covering an area of 726,801 sq. ms., both titles in the names of the Valbuenas.

7. However, on September 18, 1979, or after the complaint herein was filed, the Valbuenas filed a "Petition to Admit Surrender of Certificate of Title for Adjudication to Proper Parties" with the Court of First Instance of Occidental Mindoro, thereby finally admitting that the portion they own is only 3.3 hectares, more or less.

8. Complainant Tapales has been harassing respondent by filing several complaints since 1974 and is merely desirous of ruining respondent's reputation and placing his family in disrepute, disgrace and dishonor; that both complainant and Engineer Valbuena are feuding over big government construction projects to the detriment of the people of Lubang.

Considering the evidence already on record, we have dispensed with a formal investigation. "Cumbersome, time-consuming procedure of investigation need not be resorted to if the allegations in the complaint, the comments thereon, and the documents presented pro-vide ample basis for a resolution of the complainant's charges".[2]

We find as established that Maria Malabanan, a widow, was the owner of a parcel of land of 760,396 square meters situated in Lubang, Occidental Mindoro. When the municipality was subjected to a cadastral survey on November 21, 1953 - May 21, 1954, her land was surveyed as Lot No. 2984 of the cadastre.

On December 9, 1958, Maria Malabanan sold a portion of her land of 159,086 square meters to the Government (the Civil Aeronautics Administration [CAA]), which later on was utilized as an airplane landing strip. In September, 1962, the CAA filed a petition in the cadastral case asking for authority to have Lot 2984 subdivided for the purpose of segregating therefrom the portion which it had purchased. The petition was granted on September 24, 1962 by then Judge Andres Sta. Maria, the order having been promulgated in the cadastral case.

On March 22, 1963, the Director of Lands approved the subdivision of the land into three lots, Lot 2984-A of 159,086 square meters to correspond to what the CAA had purchased. According to the subdivision plan approved by the Bureau of Lands, said Lot 2984-A would be Lot 5405 of the cadastral survey. It would appear, however, that the record of the subdivision plan was not actually recorded in the original cadastral survey so that Lot 2984 remained as outstanding in regard to the entirety of the land of Maria Malabanan.

On different occasions, Malabanan sold portions of her land to different private persons numbering about 26.[3]

In the meantime, several vendees of Malabanan, among them the Valbuena spouses, submitted answers in the cadastral case for the adjudication of portions of the Malabanan property respectively sold to them. The Valbuenas laid claim to a portion of about 3.3 hectares.

On December 17, 1975, respondent Judge promulgated a Decision in regard to non-contested lots and adjudicated cadastral Lot 2984 as follows:

"WHEREFORE, in view of the foregoing, the adjudication and registration of the lots enumerated herein below are hereby ordered registered and adjudicated in favor of the persons whose names are stated after the same, subject to the conditions specified in each case:

x x x x x x x x x x

"LOT NO. 2984, -With the improvements thereon, is hereby adjudicated in favor of Spouses Juan S. Valbuena and Lourdes Austria Valbuena, Filipinos, of legal age, and residents of Poblacion, Lubang, Occidental Mindoro. Mr. Juan S. Valbuena acquired this parcel of land from Mrs. Maria Malabanan by purchase, in a Deed of Absolute Sale on October 1, 1967, duly notarized by Judge Teodoro P. Malabanan.

Spouses' possession and that of Mrs. Malabanan over the land have been for more than 50 years. There is no impediment covering the land.

x x x x x"[4]

The "Order for the Issuance of the Decree of Registration" dated January 20, 1976, also simply stated:

"The decision rendered by this Court in the above entitled case under date December 17, 1975, having become final, the Commissioner of the Land Registration Commission is hereby directed to issue the corresponding decree of registration for the lots adjudicated in said decision, to wit:

"x x x x x x x x

"6. Lot No. 2984, Pls. 41; ---Spouses Juan A. Valbuena & Lourdes A. Valbuena"

It should be noted that both the aforestated Decision and Order did not specify the extent of the area of Lot No. 2984 that was being awarded to the Valbuenas. What simply appears to have been adjudicated is Lot No. 2984 itself.

Obviously, it is this incompleteness and ambiguity that led to the anomalous procurement of absolute title to the whole area of 76 hectares comprising Lot No. 2984 by the Valbuenas, although they owned and applied only for 3.3 hectares.

Respondent cannot exculpate himself by shifting the blame to his clerk-stenographer, to the Valbuenas, and to the Land Registration Commission. The irregularities that followed in the wake of respondent's vague Decision and Order are directly traceable to lack of thoroughness and care in the adjudication of Lot 2984. Respondent's explanation that Juan Valbuena and his sister Salud V. Tameta, respondent Judge's clerk-stenographer (now retired) "falsified the decision dated December 17, 1975 by omitting the word "portion" and by not stating the correct area of 3.3 hectares is completely unsatisfactory. It emphasizes the awkwardness of respondent's stand, for, as pointed out by Deputy Court Administrator Arturo B. Buena, concurred in by the Court Administrator, "if his clerk-stenographer is to blame for such omission, does it mean that she prepared or caused the preparation of the decision. If she deliberately omitted some parts of said decision in its preparation, was respondent not negligent, nevertheless, for not reading said decision before signing it". In either way, there is no way for

respondent to shift responsibility away from him."

While there is no evidence of connivance between respondent Judge and the Valbuenas, the negligence of the former and his failure to observe the requisite care and circumspection in the promulgation of his Decision and Order is apparent.

We come now to the Valbuenas, with addresses at Poblacion, Lubang, Occidental Mindoro, and 18 Twin Hills St., New Manila, Quezon City. Lot 2984 was adjudicated in their favor in the Decision dated December 17, 1975. The Order for the issuance of the decree of registration was handed down on January 20, 1976. Original Certificate of Title No. D-156 was issued in their favor on March 25, 1976 for the entirety of Lot 2984 or for 760,385 square meters. Approximately a year later, or, on April 13, 1977, Juan S. Valbuena executed an Affidavit to the effect that he was the registered owner of a parcel of agricultural Land situated in Lubang, Occidental Mindoro, designated as Lot No. 2984 and covered by OCT No. D-156; that it was not tenanted nor worked by any tenant or lessee; and that said land is used as pasture land. On April 12, 1977, Juan S. Valbuena requested the Register of Deeds of Mamburao, Occidental Mindoro, for the cancellation of OCT No. D-156 and the issuance in lieu thereof of two separate titles for Lots 2984-A and 2984-B according to an approved subdivision plan, to be registered under the same original owner. Accordingly, on July 22, 1977, TCT No. T-11892 for Lot 2984-A consisting of 33,594 square meters, and TCT No. T-11893 for Lot 2984-B, with an area of 726,801 square meters were issued, both in the name of the Valbuenas.

With the foregoing actuations by the Valbuenas, we find it difficult to believe that they merely committed an error in holding on to the entirety of Lot 2984. They knew from the very beginning of the extent of their ownership of approximately 3.3 hectares only. And yet, for a little over two years from December, 1975 to April, 1977, they did nothing to rectify the clear error in the adjudication to them of the entirety of Lot 2984. On the contrary, on April 12, 1977, Juan Valbuena asked for the subdivision of Lot 2984 into two lots of 33,594 square meters and 726,801 square meters, totalling the entire area of 760,385 square meters of Lot 2984 and the issuance of two titles in their names. And on April 13, 1977, he also executed an Affidavit claiming that Lot 2984 was a pasture land when he could not but have known of the airstrip of the CAA and of the Vocational High School, both belonging to the Government, in addition to portions owned by other private persons which were planted to rice, peanuts, garlic, etc.

It is true that on September 18, 1979, the Valbuenas filed a Petition before the Court of First Instance of Occidental Mindoro, surrendering TCT No. T-11893 for "determination of the true ownership thereof" but claiming that it still included about 1,406 square meters belonging to them. The Petition was filed, however, only after the initiation of this Complaint and the publication of the news item entitled "Gov't land grabbed?" in the Bulletin Today issue of September 7, 1979. It will not, therefore, obliterate the clear attempt to take advantage of a glaring error in order to own the entirety of Lot 2984. The Valbuenas could probably have "gotten away with murder" had it not been for the filing of this Complaint. For exposing this anomalous situation, complainant, Jesus A. Tapales, should be commended.

In his Reply to respondent's Comment, complainant also prays that respondent Judge be declared in contempt for using harsh words tending to cast aspersion of complainant's character and reputation. While, indeed, respondent cannot deny using "strong, hurting and harmful epigrams", he prefaced his comments by asking that he be excused for doing so because he was merely defending his own reputation and character. Under the circumstances, we deny the contempt citation.

Deputy Court Administrator Buena has recommended the imposition of a fine instead of suspension because of the lack of Judges in the area who would have to be designated in the 2nd Municipal Circuit Court of

Lubang-Looc, Occidental Mindoro, during such suspension.

WHEREFORE, the Court imposes upon respondent Municipal Judge Macario Balcon a fine equivalent to three months' salary, payable within thirty (30) days from the finality of the Decision, with a stern warning that a severer penalty would be meted out in case of repetition of the same or similar negligent acts.

Let the record of this case be transmitted to the Provincial Fiscal of Occidental Mindoro, through the Prosecution Division of the Ministry of Justice, for investigation of the possible criminal liability of Juan S. Valbuena and such other officials and individuals as may be responsible for his anomalous acquisition of title over the entire 76 hectares of Lot 2984.

Copy of this Decision shall be attached to the personal record of respondent Judge.

SO ORDERED.

Teehankee, (Acting Chief Justice), Makasiar, Fernandez, and Guerrero, JJ., concur.

[1] p. 91, Rollo.

[2] Sta. Maria vs. Ubay, Adm. Matter No. 595-CFI, 87 SCRA 179, 184 (1978).

[3] p. 17, Rollo.

[4] p. 129, Ibid.

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