

**OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS.
JUDGE JESUS V. MATAS, RTC, BRANCH 2, TAGUM, DAVAO DEL
NORTE (ACTING PRESIDING JUDGE, RTC, BRANCH 18, DIGOS, DAVAO
DEL SUR), A...**

A.M. No. RTJ-92-836. August 02, 1995

Ponente: DAVIDE, JR., J.

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DAVIDE, JR., J.:

In his Memorandum dated 26 February 1992, then Deputy Court Administrator, now Court Administrator, Ernani Cruz Paño informed the Court of a letter he received from Atty. Ma. Dolores L. Balajadia, Deputy Clerk of Court, Third Division of the Sandiganbayan, notifying his office that Judge Jesus V. Matas and Eduardo C. Torres, Jr. were accused in Criminal Case No. 17378 of violation of Section 3(e) of R.A. No. 3019, as amended. He then recommended that the Office of the Court Administrator (OCA) be authorized to file the proper administrative charges against Judge Matas and Torres, provided that, pending the outcome of Criminal Case No. 17378, proceedings in the administrative case be suspended after the filing by the respondents of their comment.

The said recommendation having been approved, the OCA filed with this Court an administrative complaint charging the herein respondents with the violation of Section 3(e) of the Anti-graft and Corrupt Practices Act committed as follows:

- That on or about the month of March, 1987 respondents Judge Jesus V. Matas, Eduardo Torres, Jr., OIC Clerk of Court and in connivance with private citizen George Mercado concealed from J.K. Mercado and Sons Agricultural Enterprises his (George Mercado's) knowledge of the petition for the issuance of new owner's duplicate copies OCT Nos. P-12658, 12659, P-12661 and T-9857, and filed Misc. Case No. 1626 before the sala of respondent Judge and took cognizance of the same notwithstanding the fact that his Court has no jurisdiction over Kapalong and Sto. Tomas, Davao where subject properties covered by the aforesaid titles were located.
- That notwithstanding the fact that the properties are owned by J.K. Mercado and Sons Agricultural Enterprises, respondent Judge issued an Order directing the posting of said Order and petition for at least ten days prior to the scheduled hearing on April 20, 1987 at the Office of the Clerk of Court, the Municipal Hall, Barangay Hall or Barangay School where the properties are located;
- That thereafter on April 6, 1987 respondent Judge likewise issued an Order directing only the Station Commander of Sto. Tomas, Davao to comply with the posting despite the fact that some of the properties involved in Misc. Case No. 1626 are situated in Kapalong, Davao; and
- That a day after the hearing where J.K. Mercado and Sons Agricultural Enterprises was not present, respondent Judge forthwith issued an Order for the issuance by the Register of Deeds of Davao of new owner's duplicate of aforesaid titles to George Mercado thus, causing injury to J.K. Mercado and Sons Agricultural Enterprises whose owner's duplicate copies in its possession were cancelled without due process.

Attached thereto is the original copy of the information in Criminal Case No. 17378 entitled "People of the Philippines vs. Judge Jesus V. Matas, RTC, Branch 2, Tagum, Davao del Norte (Acting Presiding Judge, RTC, Branch 18, Digos, Davao del Sur) and Eduardo Torres, Jr., OIC Clerk of Court, RTC, Tagum, Davao, et al."

After the filing by the respondents of their separate verified answers, this Court referred the case to Associate Justice Jorge S. Imperial of the Court of Appeals for investigation, report, and recommendation.

On 17 December 1992, the OCA received respondent Torres's motion to dismiss the complaint as against him on the ground of mootness because he had ceased to be employed in the judiciary and had been cleared of all his accountability with the Supreme Court as of 13 April 1992. The Court referred this motion on 26 January 1993 to Justice Imperial for inclusion in his investigation, report, and recommendation. It turned out, however, that the said motion had been filed with the Court of Appeals as early as 14 November 1992 and had already been denied by Justice Imperial in his resolution of 6 January 1993 in the light of this Court's ruling in Administrative Case No. 223-J (Perez vs. Abiera, 11 June 1975).

The hearing of the case commenced on 11 January 1993. However, after having presented two witnesses, the counsel for the private complainant and the OCA representative moved for a suspension of the proceedings because they intended to amend the complaint. Justice Imperial granted the motion and gave the complainants ten days within which to file with this Court the amended complaint.

The complainants then submitted to this Court an amended complaint adding the following grounds for administrative discipline, viz.:

(a) gross inexcusable negligence, and

(b) gross ignorance of law.

and modifying portions of the specification of the charges by:

(a) Deleting from paragraph 1 of the original complaint the word *Kapalong*;

(b) Deleting the original paragraph 3 and making as the new paragraph 3 the original paragraph 4 which was modified to read as follows:

- That a day after the hearing where J.K. Mercado and Sons Agricultural Enterprises was not present, respondent Judge, acting with evident bad faith and manifest partiality, with undue haste and/or gross inexcusable negligence, to favor George Mercado, and grossly ignorant of the laws involved, and knowingly fully well that his Order dated 24, 1987 [sic] was not complied with, forthwith issued an Order dated April 21, 1987 for the issuance of the Register of Deeds of Davao of new owner's duplicate of aforesaid titles, which George Mercado caused to be cancelled later when he registered the deeds of sale over the said properties in his favor, thus, causing injury to J.K. Mercado and Sons Agricultural Enterprises whose owner's duplicate copies in its possession were cancelled because of fraudulent acts of respondents and without due process.

Attached thereto is the amended information in Criminal Case No. 17378 before the Sandiganbayan.

This Court admitted the amended complaint, forwarded it to Justice Imperial, and required the respondents to file their respective comments thereon.

Respondent Torres filed his comment (denominated as Answer). Respondent Judge Matas, on the other hand, filed a motion to dismiss, which this Court referred to Justice Imperial for inclusion in his investigation, report, and recommendation. The investigating Justice deferred the resolution thereof until the termination of the investigation. Later, respondent Judge Matas filed his comment on the amended complaint.

Thereafter, the hearing was continued with the parties submitting, per their agreement, their evidence in the form of affidavits to which were attached all pertinent supporting documents.

The hearing ended on 8 August 1994, and the parties submitted their respective lengthy memoranda. Not to be outdone, Justice Imperial submitted a 44-page report, typed single-space on legal size bond paper, wherein he patiently narrated the minute details of the antecedent facts and meticulously analyzed the arguments of the parties on the issues involved, namely:

- Whether or not the respondent Judge acted without jurisdiction in taking cognizance of Miscellaneous Case No. 1626;
- Whether or not respondent Judge acted with gross and inexcusable negligence and gross ignorance of law when he took cognizance of and decided Miscellaneous Case No. 1626 in favor of petitioner therein, George Mercado;
- Whether or not respondents conspired with George Mercado to conceal from J.K. Mercado and Sons Agricultural Enterprises the pendency of Miscellaneous Case No. 1626.

As to the first issue, the respondent Judge argues that the parcels of land subject of Miscellaneous Case No. 1626 are located in Kapalong, Davao del Norte. The so-called Municipality of Sto. Tomas, Davao del Norte, where the said parcels are claimed to be located never legally existed as a municipality because it was carved out of Kapalong and created into a separate municipality by then President Carlos P. Garcia and not by Congress. Conformably with *Pelaez vs. Auditor General* (15 SCRA 569 [1965]), the creation of the Municipality of Sto. Tomas is void since 1 January 1960 upon the effectivity of R.A. No. 2370. That Sto. Tomas does not legally exist as a municipality was affirmed in the decision of this Court of 29 September 1988 in *Municipality of Kapalong vs. Hon. Felix L. Moya* (166 SCRA 70 [1988]). Since the subject parcels of land are in fact located in Kapalong, the same are within the administrative area over which his court, Branch I of the Regional Trial Court (RTC) of Davao del Norte, can exercise jurisdiction pursuant to Administrative Order No. 7.

The respondent Judge adds that, even granting for the sake of argument, that the Municipality of Sto. Tomas legally exists and is within the administrative area of Branch IV, RTC of Davao del Norte, his court can still exercise jurisdiction over the case because one of the parcels involved is located in Kapalong, a fact recognized in the original administrative complaint. Furthermore, Miscellaneous Case No. 1626 is not a real action but a personal one, and it being so, his court has jurisdiction over it, since the petitioner therein, George Mercado, is a resident of Kapalong.

In resolving the first issue, Justice Imperial adopts the ratiocinations of the Sandiganbayan in its denial of the respondent Judge's motion to quash the information in Criminal Case No. 17378 that at the time he committed the questioned acts in Miscellaneous Case No. 1626, the Municipality of Sto. Tomas was not yet declared non-existent; that this Court has yet to come up with a modification of Administrative Order No. 7 to effect the necessary amendment therein insofar as Sto. Tomas is concerned; and that, in any event, it is not impossible at all that this Court may decide to maintain the territorial jurisdiction of Branch IV of the RTC of Davao del Norte over the barrios of Kapalong which were converted into the municipality of Sto. Tomas.

Nevertheless, Justice Imperial concluded:

While it is true that Judge Matas acted without jurisdiction in taking cognizance of Miscellaneous Case No. 1626, it is likewise true that his mere acting without jurisdiction should not subject him to an administrative action for gross inexcusable negligence and/or ignorance of the law. In the case at bar, Judge Matas' act not being without basis whatsoever nor motivated by bad faith, it cannot be said with certainty that respondent Judge Matas acted with gross inexcusable negligence and/or gross ignorance of the law. Just because he believed, though

erroneously, that the action was in personam or that he had jurisdiction over the four (4) properties, since one of the properties (OCT No. P-9855) was located at Kapalong and all the properties were included in one petition, should not be taken against him to the extent of being held liable administratively for gross inexcusable negligence and/or gross ignorance of the law. To hold otherwise would be to subject every Judge whose decision is reversed, to be charged with gross negligence or gross ignorance of the law.

The second issue primarily revolves on the failure of the respondent Judge to require publication of the petition in the Official Gazette and notices to the registered owners. Justice Imperial resolved the issue in this wise:

In the case at bar, the respective certificate of title of the properties in question on file with the Register of Deeds are existing, and it is the owner's copy of the certificate of title that was alleged to have been lost or destroyed. Thus, it is Section 109 of P.D. 1529 which was approved on June 11, 1978 that becomes effective and is applicable, a reading of which shows that it is practically the same as Section 109 of Act No. 496, governing reconstitution of a duplicate certificate of title lost or destroyed. Consequently, it is sufficient that the notice under Section 109 is sent to the Register of Deeds and to those persons who are known to have, or appear to have, an interest in the property as shown in the Memorandum of encumbrances at the back of the original or transfer certificate of title on file in the office of the Register of Deeds. From a legal standpoint, there are no other interested parties who should be notified, except those above-mentioned since they are the only ones who may be deemed to have a claim to the property involved. A person dealing with registered property is not charged with notice of encumbrances not annotated on the back of the title.

The only piece of evidence that would show the alleged ownership of the J.K. Mercado over the four (4) parcels of land, subject of Misc. Case No. 1626 is the alleged private Memorandum of Agreement entered on November 19, 1981 by and between George Mercado and J.K. Mercado. Said agreement was never entered on the Certificate of Titles in the name of their original/former owners on file with the Register of Deeds at the time of the filing or pendency of Misc. Case No. 1626. As such, how can private complainant expect to be notified.

Respondent Judge Matas, dated March 24, 1987 issued the following Order anent notice of the petition, to wit:

"x x x At least ten (10) days prior to the scheduled hearing, a copy of this Order and the petition shall be posted at the expense of the petitioner on each bulletin board of the following: the office of the Clerk of Court; the Municipal Hall and the Barangay Hall or if there be none, the Barangay School where the subject property is located. If there is no bulletin board in any of the aforementioned places, the posting shall be made on a conspicuous place, near the main door. x x x." (underscoring supplied.)

Clearly, respondent Judge Matas had ordered proper and sufficient notice of the petition. Furthermore, he had the right to rely on the 1st indorsement and certification of PFC Ciriaco Obenza that posting was made (quoted on page 5 and numbered 11 of this report). The mere fact that said certification did not specifically mention that posting was also made in the bulletin board of the Clerk of Court does not rule out the posting thereon considering the presumption that official duty has been done.

While it is true that no posting was made at Kapalong, where one of the properties was located per the petition and OCT No. P-9855, the fault, if any, should be placed upon respondent Torres who made the request only to the Station Commander of the Integrated National Police of the Municipality of Sto. Tomas (none to Kapalong) to cause the posting, although the order of Judge Matas specifically provided for posting "where the subject property is located."

However, there is no clear evidence that respondent Torres acted with malice and/or gross negligence in doing so, considering the certification of the Register of Deeds that the four (4) properties were all located at Sto. Tomas (Exhs. "A-5-A" to "A-8-A") thereby misleading Torres under the circumstances to have the posting made only in

Sto. Tomas.

As to the third issue, Justice Imperial said:

A reading of the evidence and arguments of complainant in support of its claim that there was conspiracy by and between respondents and George Mercado shows that the same is founded on mere inferences and conjectures.

Thus, complainant concludes that there was complicity because Judge Matas assumed jurisdiction over the case of which he has none and despite conflicting allegations in the petition, as well as erroneous posting and notices, arguing in its Memorandum as follows:

x x x

Moreover, the conclusion of petitioner that there was conspiracy between George Mercado and respondent Judge Matas because the latter acted with "undue haste" in rendering the Decision one (1) day after the reception of evidence in support of the petition is unfounded. The issue involved is simple and the petition was unopposed and thus there was no reason to delay its resolution. In fact, Miscellaneous Case No. 1626 is not the first and only case that was decided by Judge Matas, either in open court immediately upon the termination of the presentation of evidence and/or a few days thereafter, to wit: [enumeration of nine (9) Miscellaneous Cases, Exhibits "9-M-13" to "9-M-21," inclusive].

x x x

Consequently, even assuming, arguendo, that undue injury resulted to complainant and unwarranted benefits was obtained by George Mercado, in view of all the foregoing, respondents did not act with manifest partiality, evident bad faith, gross inexcusable negligence or gross ignorance of the law.

Justice Imperial then recommends that the respondents, Judge Jesus V. Matas and Mr. Eduardo C. Torres, be absolved from all the charges in the Amended Complaint.

We agree with him except as regards his opinion that the respondent Judge had no jurisdiction over Miscellaneous Case No. 1626. There is, obviously, a confusion between jurisdiction and the exercise of jurisdiction.

Jurisdiction is the power and authority to hear, try, and decide a case; it does not depend on the regularity of the exercise of that power (*Herrera vs. Barreto*, 25 Phil. 245 [1913]; *Century Insurance Co., Inc. vs. Fuentes*, 2 SCRA 1168 [1961]). It is conferred by substantive law, and, insofar as the Regional Trial Courts are concerned, by B.P. Blg. 129 (Judiciary Reorganization Act of 1980) or by other statutes. On the other hand, the manner of the exercise of jurisdiction is, unless otherwise provided by the law itself, governed by the Rules of Court or by orders which are, from time to time, issued by this Court. Under Section 17 of B.P. Blg. 129, the exercise of jurisdiction of the Regional Trial Courts and their judges is basically regional in scope (*Malaloan vs. Court of Appeals*, 232 SCRA 249, 260 [1994]), but under Section 18, it may be limited to the territorial area of the branch in which the judge sits. The said section reads:

SEC. 18. Authority to define territory appurtenant to each branch. — The Supreme Court shall define the territory over which a branch of the Regional Trial Court shall exercise its authority. The territory thus defined shall be deemed to be the territorial area of the branch concerned for purposes of determining the venue of all writs, proceedings, or actions, whether civil or criminal, x x x. (emphasis supplied)

Pursuant to this provision, the Court issued Administrative Order No. 7, series of 1983, (Exhibit "O"), defining the territorial areas of the Regional Trial Courts in Regions I to XII. Under the said order, the territorial areas covered by the RTC of Davao del Norte are as follows:

- Branches I and II with seats at Tagum — comprising the municipalities of Asuncion, Kapalong, Mabini, Maco, New Corella, Pantukan, San Vicente and Tagum.
- Branch III with seat at Nabunturan — comprising the municipalities of Compostela, Mawab, Monkayo, Montevista, Nabunturan, New Bataan and San Mariano.
- Branch IV with seat at Panabo — comprising the municipalities of Babak, Carmen, Kaputian, Panabo, Samal and Sto. Tomas.

In the Malaloan case, which involves a related Administrative Order No. 3 issued on 19 January 1983 defining the limits of the exercise of jurisdiction by the RTCs in the National Capital Judicial Region, this Court held:

In fine, Administrative Order No. 3 and, in like manner, Circular Nos. 13 and 19, did not per se confer jurisdiction on the covered regional trial courts or its branches, such that non-observance thereof would nullify their judicial acts. The administrative order merely defines the limits of the administrative area within which a branch of the court may exercise its authority pursuant to the jurisdiction conferred by Batas Pambansa Blg. 129.

In the instant case, it cannot be said that Branch I of the RTC of Davao del Norte, then presided by the respondent Judge, had no jurisdiction over Miscellaneous Case No. 1626 which is a "Petition for the Issuance of Owner's Duplicate Certificates in lieu of Lost O.C.T. Nos. P-12658, P-12659, P-12661, and P-9855."

Section 2 of P.D. No. 1529 states that Courts of First Instance (CFI) shall have exclusive jurisdiction over all applications for original registration of title to lands including improvements and interests therein, and over all petitions filed after original registration of title, with power to hear and determine all questions arising upon such applications or petitions. Under Chapter X of the decree entitled "Petitions and Actions After Original Registration" is Section 109 which governs petitions for issuance of lost or stolen owner's duplicate certificate of title. Clearly, petitions for replacement of lost duplicate certificates, as in Miscellaneous Case No. 1626, are cognizable by the RTCs.

Now, on the venue or the place where such petitions may be instituted. Section 17 of P.D. No. 1529 provides that the application for land registration shall be filed with the CFI (now RTC) of the province or city where the land lies. Under Section 108 of the same decree, all petitions or motions after original registration shall be filed and entitled in the original case in which the decree of registration was entered.

Notably, the certificates involved in Miscellaneous Case No. 1626 were each obtained not pursuant to a decree issued in a judicial registration proceeding, but pursuant to a patent issued by the Director of Lands and registered in accordance with Section 122 of Act No. 496 (now Section 103 of P.D. No. 1529). Nevertheless, applying Sections 2, 17, 108, and 109 of P.D. No. 1529, we may say that the petition for replacement of lost duplicate certificates in Miscellaneous Case No. 1626 was properly taken cognizance of by Branch I of the RTC of Davao del Norte presided by the respondent Judge, since that petition stated that the lots covered by the lost duplicates are situated in Kapalong and Sto. Tomas which are both in the province of Davao del Norte.

Hence, no lack of jurisdiction, gross ignorance of law, or gross inexcusable negligence can be ascribed to the respondent Judge. If at all, there was an unwitting violation of Administrative Order No. 7 which places Kapalong within the territorial area of either Branch I or II of the RTC of Davao del Norte, and Sto. Tomas, within Branch IV of the same court. He exceeded the territorial area of his Branch, for at the time Miscellaneous Case No. 1626 was filed, Sto. Tomas, which was composed of the barrios of Kapalong, was not yet declared as non-existent. It was only in the decision of 29 September 1988 in Municipality of Kapalong vs. Moya that the non-existence of Sto. Tomas as a municipality was confirmed.

Yet, even on this score, in point of adjective law the error consisted merely of the impropriety of the venue of the petition. That procedural lapse is not so pervasive as to affect the validity of the proceedings, absent a showing of bad faith therein. Considering that objections to venue may even be waived, and the amorphous status of Kapalong in relation to Sto. Tomas during the period material to the questioned proceeding, it would be too much to require accurate resolution of the issue and unfailing compliance therewith by the respondent judge.

As correctly held by Justice Imperial, there is no proof of conspiracy between the respondents and George Mercado. Neither is there any evidence that private complainant J.K. Mercado and Sons Agricultural Enterprises suffered damage or injury in its claimed right and interest in the lots covered by the lost certificates subject of Miscellaneous Case No. 1626.

In his order granting the petition, the respondent Judge merely declared as null and void the "lost" owners' duplicate copies of the original certificates of title (OCT) and directed the issuance of new duplicate copies which, perforce, remain in the names of those appearing in the original copies of the OCTs in the custody of the Register of Deeds. He did not order the issuance of new ones in the name of George Mercado despite the latter's presentation of purported deeds of sale in his favor.

The private complainant claims to be the owner of the lots by virtue of a Memorandum of Agreement executed between it and George Mercado on 19 November 1981 (Exhibits "W" and "W-1") wherein the latter acknowledged that the lots belong to the former and undertook to execute the necessary documents of conveyance in its favor. This Memorandum of Agreement was not annotated in the OCTs. And, the private complainant has never satisfactorily explained why it failed to enforce its rights under that agreement at anytime before the latter filed Miscellaneous Case No. 1626 in 1987. Necessarily then, the fact of Mercado's recognition of the complainant's "ownership" of the lots remained a private matter between Mercado and the complainant. By its own negligence, the private complainant made possible any representation or misrepresentation by George Mercado, and it cannot now be heard to say that the respondent Judge acted on the petition of George Mercado "notwithstanding the fact that the properties are owned by" the private complainant, as alleged in paragraph 2 of both the original and amended complaint.

Thus, the recommendation of Justice Imperial is in order.

But, before writing *finis* to this case, we need to stress two principles in disciplinary proceedings against judges.

One, the investigating Justice or Judge designated by the Court to conduct an investigation, submit a report, and make the appropriate recommendation does not have an authority to grant or deny a motion to dismiss the case. His authority is not co-extensive with the power or authority of his office. In this case, the investigating Justice should not have denied respondent Torres' motion to dismiss. Even if the reason for the denial were correct, he should have merely noted the motion and considered it in his report and recommendation, which the Court had suggested in the referral to him of the motion.

Secondly, it must be noted that this Court had impliedly set aside the proviso in the resolution of 17 March 1992 that after the filing of comment by the respondents on the administrative complaint, proceedings thereon should be suspended pending the outcome of Criminal Case No. 17378 before the Sandiganbayan.

The demands of public interest and public policy would not be expeditiously served if administrative cases should be made to await the termination of criminal cases or civil cases based upon the same facts or incidents from which the administrative cases arose. In view of the public trust character of a public office which exacts accountability and utmost responsibility, integrity, loyalty, and efficiency at all times, administrative cases must be resolved as expeditiously as possible. It is primarily for this reason that in administrative cases only substantial

evidence is required, not proof beyond reasonable doubt as in criminal cases, or preponderance of evidence as in civil cases (Section 5, in relation to Sections 1 and 2, Rule 133, Rules of Court). We thus rule that the pendency of a criminal case based on the same facts or incidents which gave rise to an administrative case does not suspend the administrative proceedings. However, in consideration of the difference in the quantum of evidence, as well as the procedure followed and the sanctions imposed, in the former and in the latter, the findings and conclusions in one should not necessarily be binding in the other.

WHEREFORE, the instant complaint is DISMISSED, and respondents JUDGE JESUS V. MATAS and EDUARDO C. TORRES, JR. are hereby ABSOLVED of all the charges against them in the Amended Complaint.

SO ORDERED.

Narvasa, C.J., Feliciano, Padilla, Regalado, Romero, Bellosillo, Melo, Puno, Vitug, Kapunan, Mendoza, and Francisco, JJ., concur.

Hermosisima, Jr., J., took no part in the deliberation.

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