

RE: COMPLAINT OF CONCERNED MEMBERS OF CHINESE GROCERS ASSOCIATION AGAINST JUSTICE SOCORRO B. INTING OF THE COURT OF APPEALS

A.M. OCA IPI No. 10-177-CA-J. April 12, 2011

Ponente: BRION, J.

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BRION, J.:

We pass upon the unsigned letter complaint for administrative action and disbarment sent by the Concerned Members of Chinese Grocers Association (CGA) to the Office of Chief Justice Corona against Court of Appeals Justice Socorro B. Inting on November 25, 2010 for gross neglect of judicial duties in deciding Case No. P-08-132 GLRO CA.D Record No. 84, entitled "In Re: Petition for Issuance of a New Owner's Duplicate Copy of Transfer Certificate of Title No. 42417 of the Registry of Deeds of Manila" while she was still Presiding Judge of the Regional Trial Court, Branch IV, Manila. Specifically, the complainants allege that Justice Inting acted with gross negligence when she turned a blind eye to the suspicious circumstances surrounding the petitioner in the case, Romualdo dela Cruz, and granted the petition.

Factual Antecedents

The CGA is the owner of a parcel of land with an area of 315 square meters located in Manila, registered under Transfer Certificate of Title (TCT) No. 42417.

Sometime in 2008, Romualdo dela Cruz (dela Cruz) filed a petition for the issuance of a new owner's duplicate copy of TCT No. 42417, claiming that the old owner's duplicate copy had been misplaced. This petition was assigned to the sala of then Judge Inting, presiding Judge of Branch IV, RTC Manila.

In the petition, dela Cruz claimed that: (a) the Office of the Register of Deeds had already been notified of the loss through an Affidavit of Loss; (b) TCT No. 42417 issued in the name of the CGA is still valid and subsisting; (c) copies of the Notice of Hearing have been duly posted, as evidenced by the Sheriff's Certificate of Posting; and (d) dela Cruz's interest in filing this petition is based on his right as a vendee of the property, as evidenced by the Deed of Absolute Sale dated August 19, 2008, allegedly executed between CGA, represented by Ang E. Bio, and dela Cruz.[1]

On June 16, 2009, Justice Inting issued an order granting dela Cruz's petition. The dispositive portion of this Order stated:

WHEREFORE, the Register of Deeds of Manila is hereby ordered upon payment of the prescribed fees of his office to issue a new owner's duplicate of Transfer Certificate of Title No. 42417 in lieu of the lost one which is hereby cancelled and declared of no further force and effect and to annotate on said title a memorandum of the issuance of a new owner's copy thereof in lieu of the lost one upon Order of the Court and to deliver said new owner's copy of the title to the petitioner or his counsel or duly authorized representative provided that such new owner's copy of the title to be issued shall be made subject to the same terms and conditions as the original thereof and that no document or transaction registered or pending registration in his office shall be

adversely affected thereby.

SO ORDERED.

Since no motion for reconsideration or notice of appeal was filed challenging Justice Inting's June 16, 2009 Order within the reglementary period provided by law, the order became final and executory, and the new owner's duplicate title was given to dela Cruz.

The Letter Complaint

In their letter complaint dated November 15, 2010, the Concerned Members of CGA claimed that Justice Inting acted with gross neglect when she granted dela Cruz's petition for the issuance of a new owner's duplicate copy of TCT No. 42417. To recall, dela Cruz filed the petition as the alleged vendee of the property. However, the complainants point out that the Deed of Absolute Sale dated August 15, 2008, the basis for dela Cruz's interest and right to file the petition, should have aroused Justice Inting's suspicion as it was allegedly signed on behalf of CGA by Ang E. Bio, who died on August 28, 2001. The complainants also found it suspicious that Justice Inting did not question dela Cruz on the particulars of the sale - i.e, what the basis was of Bio's authority to represent CGA in the sale, whether dela Cruz had paid the applicable taxes in relation to the alleged sale, and why the land was sold for only P5,500,000.00 when it was worth at least P50 million -before granting the petition. The complainants further faulted Justice Inting for not asking dela Cruz why he, and not CGA, filed the petition.

Justice Inting's Comment

On December 7, 2010, the Court en Banc issued a resolution requiring Justice Inting to comment on the letter complaint within ten (10) days from notice of the resolution.

Responding to our Order, Justice Inting filed a letter with the Court on January 28, 2011 asking for an additional thirty (30) days to file her comment. The Court en Banc resolved to grant this request in its February 1, 2011 resolution.

In her comment filed on February 23, 2011, Justice Inting averred that there was nothing suspicious in dela Cruz filing the petition as a vendee since Section 109 of Presidential Decree No. 1529 (Property Registration Decree) allows another person in interest to file a petition for the issuance of a new owner's duplicate title. She further explained that on May 8, 2009, the Acting Chief of the Clerks of Court Division issued a Notice of Hearing addressed to dela Cruz, the Register of Deeds of Manila and the CGA, setting the case for hearing on June 3, 2009. The court's process server also posted this Notice of Hearing on May 13, 2009 at three conspicuous public places in Manila. However, no representative of CGA appeared to participate in the proceedings or oppose the petition at the initial hearing on June 3, 2009. Accordingly, Justice Inting allowed dela Cruz to present his evidence ex-parte before Atty. Cheryl Morales, the Chief of the Clerks of Court Division of the Land Registration Authority. Based on the evidence presented, consisting of the notarized Deed of Absolute Sale between CGA and dela Cruz, and the Affidavit of Loss registered with the Register of Deeds and annotated at the back of the original title in the possession of the Register of Deeds of Manila, and given CGA's lack of opposition, Justice Inting granted the petition.

Justice Inting further emphasized that she did not transfer title over the land to dela Cruz; rather, she merely issued an order granting the issuance of a new owner's duplicate copy of TCT No. 42417, with the same terms and conditions as the original. She also denied the complainants' claim that she knew dela Cruz prior to this case, stressing the fact that she only met dela Cruz when he appeared before her court with his attorney to comply with the petition's jurisdictional requirements.

Justice Inting also questioned the complainants' failure to take the necessary remedial actions against the order,

such as filing a petition for relief of judgment within the reglementary period, as well as their failure to file any criminal action against dela Cruz, the instigator of the alleged fraudulent sale.

OUR RULING

The only issue we have to resolve is whether Justice Inting, in granting dela Cruz's petition, is guilty of misconduct. To answer this question, we examine the procedure in petitions for the issuance of new duplicate certificates of title.

The applicable law is Section 109 of Presidential Decree (P.D.) No. 1529 (Property Registration Decree), which states:

Section 109. Notice and replacement of lost duplicate certificate. - In case of loss or theft of an owner's duplicate certificate of title, due notice under oath shall be sent by the owner or by someone in his behalf to the Register of Deeds of the province or city where the land lies as soon as the loss or theft is discovered. If a duplicate certificate is lost or destroyed, or cannot be produced by a person applying for the entry of a new certificate to him or for the registration of any instrument, a sworn statement of the fact of such loss or destruction may be filed by the registered owner or other person in interest and registered.

Upon the petition of the registered owner or other person in interest, the court may, after notice and due hearing, direct the issuance of a new duplicate certificate, which shall contain a memorandum of the fact that it is issued in place of the lost duplicate certificate, but shall in all respects be entitled to like faith and credit as the original duplicate, and shall thereafter be regarded as such for all purposes of this decree.

The above-quoted provision clearly allows a person who is not the owner of the property to file the petition for a new duplicate certificate, provided the person has interest in the property.

The next logical question is - was dela Cruz a person in interest to the subject property? We find that he was, given the fact that he had what appeared to be a validly notarized Deed of Absolute Sale over the subject property in his favor. As a public document, the subject Deed of Absolute Sale has in its favor the presumption of regularity. To contradict it, one must present evidence that is clear and convincing; otherwise, the document should be upheld.[2]

In the present case, however, no one from CGA appeared during the proceedings to oppose dela Cruz's petition or to bring to Justice Inting's attention the fact that Ang Bio was already dead at the time the deed of sale was allegedly executed. Given the lack of any evidence to assume otherwise, Justice Inting correctly relied on the notarized Deed of Sale's presumption of regularity.

As for the complainants' allegation that Justice Inting had the duty to inquire into the details of the alleged sale, we reiterate that in a petition for the issuance of a new owner's duplicate copy of a certificate of title, the RTC, acting only as a land registration court with limited jurisdiction, has no jurisdiction to pass upon the question of actual ownership of the land covered by the lost owner's duplicate copy of the certificate of title.[3] Questions involving the issue of ownership have to be threshed out in a separate suit where the trial court will conduct a full-blown hearing with the parties presenting their respective evidence to prove ownership over the subject realty.[4] After all, the objective of a petition for the issuance of a new owner's duplicate copy is merely to determine two things - (1) that the owner's duplicate copy of the certificate of title was actually lost; and (2) that the person who filed the petition has sufficient interest in the property covered by the title to acquire a copy of the same. It was thus not for Justice Inting to question dela Cruz on the specifics of the purported sale (i.e., why the land was sold to dela Cruz at such a low price, whether dela Cruz paid the applicable taxes for the transfer of the property, etc.) during these proceedings.

In administrative proceedings, the complainant has the burden of proving the allegations in the complaint with substantial evidence, i.e., that amount of relevant evidence which a reasonable mind might accept as adequate to justify a conclusion.[5] We set the applicable standard in deciding cases involving accusations of misconduct leveled at judges in *Concerned Lawyers of Bulacan v. Villalon-Pornillos*, where we said:

The burden of substantiating the charges in an administrative proceeding against court officials and employees falls on the complainant, who must be able to prove the allegations in the complaint with substantial evidence. In the absence of evidence to the contrary, the presumption that respondent regularly performed her duties will prevail. Moreover, in the absence of cogent proof, bare allegations of misconduct cannot prevail over the presumption of regularity in the performance of official functions. In fact, an administrative complaint leveled against a judge must always be examined with a discriminating eye, for its consequential effects are, by their nature, highly penal, such that the respondent stands to face the sanction of dismissal and/or disbarment. The Court does not thus give credence to charges based on mere suspicion and speculation.[6]

Apart from the questionable nature of the Deed of Absolute Sale in dela Cruz's favor, brought to light only now upon the presentation of the Certificate of Death, the complainants have not presented any other evidence to support the charge of misconduct leveled against Justice Inting.

Significantly, however, the complainants attached a mere photocopy of Ang Bio's Certificate of Death to their letter complaint. While the Certificate of Death is indeed a public document, to prove its contents, there is a need to present a certified copy of this document, issued by the public officer in custody of the original document.[7] Since the Certificate of Death is not a certified copy, it is inadmissible as proof, and is considered a mere scrap of paper without any evidentiary value.

Given the lack of any evidence to prove that Justice Inting acted with any bad faith or ill-motive in acting on the petition, or even committed any error in issuing the assailed order, we dismiss the complaint against her. As we stated in *Tan Tiac Chiong v. Cosico*:^[8]

When an administrative charge against a Judge or court personnel has no basis whatsoever in fact or in law, this Court will not hesitate to protect them against any groundless accusation that trifles with judicial processes. In short, this Court will not shirk from its responsibility of imposing discipline upon all employees of the judiciary, but neither will it hesitate to shield them from unfounded suits that only serve to disrupt rather than promote the orderly administration of justice.

WHEREFORE, premises considered, the Court RESOLVES to DISMISS the administrative complaint against Justice Socorro B. Inting, Justice of the Court of Appeals, Cebu, for lack of merit.

SO ORDERED.

Corona, C.J., Carpio, Carpio Morales, Velasco, Nachura, Leonardo-De Castro, Peralta, Bersamin, Del Castillo, Abad, Villarama, Jr., Perez, Mendoza, and Sereno, JJ., concur.

[1] RTC Order dated June 16, 2009.

[2] *Ceballos v. Intestate Estate of Mercado*, G.R. No. 155856, May 28, 2004.

[3] *Macabalo-Bravo v. Macabalo*, G.R. No. 144099, September 26, 2005, 471 SCRA 60; *Rexlon Realty Group, Inc. v. Court of Appeals*, G.R. No. 128412, March 15, 2002, 379 SCRA 306.

[4] *Heirs of Susana De Guzman Tuazon v. Court of Appeals*, G.R. No. 125758, January 20, 2004, 420 SCRA 219, 227-228.

[5] *Ocenar v. Mabutin*, A.M. No. MTJ-05-1582, February 28, 2005, citing *Montes v. Mallare*, A.M. No. MTJ-04-1528, February 6, 2004, 422 SCRA 309, 315.

[6] A.M. No. RTJ-09-2183, July 07, 2009.

[7] Rules of Court, Rule 130, Section 7.

[8] A.M. No. CA-02-33, July 31, 2002

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