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IMPOSING THE PENALTY OF DISMISSAL FROM THE SERVICE WITH THE ACCESSORY PENALTIES OF FORFEITURE OF ALL FINANCIAL BENEFITS AND DISQUALIFICATION FROM THE GOVERNMENT SERVICE ON ATTY....

ADMINISTRATIVE ORDER NO. 64, February 17, 2003

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This resolves the complaint dated February 11, 1999, filed by Juanito A. Teope charging Edgar Santos, Register of Deeds of Marikina City for his involvement in a "big land scam".

Acting thereon, the Presidential Anti Graft and Corruption (PAGC) submitted its findings and recommendation as contained in its resolution report dated October 3, 2000, we quote:

> "The Transfer Certificate of Title No. 365432 in the name of Juanito A. Teope was issued on June 15, 1972 by the Register of Deeds of Rizal. The lot described therein was situated in Barrio Cupang, Antipolo, Rizal, with an area of 50,080 sq. m. known as Lot 19-B of the Subdivision Plan (LRC) PSD-160898 portion of Lot 19, PSU-136628 (LRC) SWO-12735, LRC N-7453, Record No. N-40617. The subdivision survey was executed by Jose R. Baricua, Geodetic Engineer on May 20-22, 1972. (p. 76, Records)"
>
> "On May 19, 1997, respondent Santos issued Transfer Certificate of Title No. 329325 in the name of Jesus U. Ramos, covering Lot 19, situated in Barrio Cupang, Antipolo, Rizal, with an area of 176. 518 sq. m. (p. 19, Records). Jesus Ramos acquired Lot 19 (together with Lot 20) under a Deed of Absolute Sale executed by a certain Jose R. Baricua dated May 14, 1997 (Pp. 20 and 21, Records) The vendor has the same name as the Geodetic Engineer who is mentioned in complainants title"
>
> "On November 6, 1997, respondent Santos cancelled Ramos' TCT No, 329325 and issued in lieu thereof Transfer Certificate Title No. 337890 covering Lot 19 in the name of First Alliance Real Estate Development, Inc., Cimic Realty Corporation and Sta. Lucia Realty and Development, Inc. (p. 26, Records) The new TCT issued by respondent was based on a Deed of Sale covering Lot 19 (and Lot 20) executed by Jesus Ramos in favor of First Alliance Real Estate Development, inc., et al. dated October 31, 1997, (pp. 23, 24 and 25. Records)"
>
> "Transfer Certificate Title No. 365432 in the name of Teope, Transfer Certificate No. 337890 in the name of First Alliance and Transfer Certificate No. 32925 in the name of Ramos show identical or common features/data appearing in the face of said titles.
>
> - The parcels of land covered are all situated in Barrio Cupang, Antipolo, Rizal.
>
> - The titles were all derived from the same MOTHER TITLE, Original certificate of Title No, 9266 of the Register of Deeds of Rizal. The certifications on the three TCTs are identical except the month and day of registration as follows:
>
> 'It is further certified that said land was originally registered on the 12th day of May in the year nineteen hundred and seventy two in the Registration Book of the Office of the Register of Deeds of Rizal Volume A-82, page 66, as Original Certificate of Title No. 9266 pursuant to Decree No, N-139070, issued in LRC No. 7453 Record No. N-40517.'

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The month and day May 12 as above appears on Teopes title, while March 22 appears on the Ramos and First Alliance TCTs.

- The survey plan of Lot 19 in the technical description of First Alliance's TCT and the survey plan of Lot 19 (of which Lot 19-B is a portion) in the technical description of Teope' s TCT are identical as follows:

"Lot 19, PSU-136628 (LRC) SWO-12735, LRC N-7453, Records No. N-40517, situated in Barrio Cupang, Municipality of Antipolo, Province of Rizal, Island of Luzon."

"Complainant Teope's TCT issued in 1972 stated that the parcel of land covered by it, Lot 19-B is a portion of Lot 19, covered by Original Certificate of title (OCT) 9266, and the said OCT was thereby CANCELLED insofar as this parcel is concerned."

The BIR Certificate Authorizing Registration dated 31 October 1997 purportedly signed by Oscar L. Sevilla Revenue District Office, for the sale to First Alliance states that Jesus Ramos paid capital gains tax of P3,707,810.00. However, as shown on the same certificate, the capital gains tax was only P185.390,50 and the documentary stamp tax was P55.617-15. There is no evidence/proof that the capital gains tax was paid."

"Complainant Teope, in his letter-complaint to the President (pp. 2,3 and 4, Records) claimed that respondent Santos dissuaded him from digging deeper into the records of the Register of Deeds of Marikina City and assured him that "everything would be alright'. The respondent arranged at least four meetings in respondent's presence between complainant and the alleged representative, one Engineer MiIIa, of the other interested party, supposedly a Taiwanese group, to settle the dispute by paying complainant, but the settlement never materialized. This prompted complainant to file his affidavit of Adverse Claim."

"Finding sufficient basis to commence an administrative investigation against the respondent, the Commission issued an initial (sic) Order dated 7 December 1999, requiring respondent to file his counter-affidavit and setting the preliminary conference on January 17, 2000. (Pp. 49 and 50, Records)"

"On January 4, 2000 respondent filed his counter-affidavit."

"Denying the charge against him, respondent alleged: that he never met the complainant personally as he acted only through his representative, Ms. Myrna Munchua; the Affidavit of Adverse Claim of complainant was duly annotated at the back of TCT No. 337890 on the same day the application was filed (June 10, 1998); (c) he is not involved in any land scam; (d) he is not denying the fact that he set-up a meeting between the complainant and the representative of First Alliance Realty Development Corporation; and (e) he cannot be held responsible for the overlapping of boundaries because in all transfer of titles, the Registry merely relies on the documents presented to it by the applicants in accordance with LRC Consulta Nos. 32 34 and 69."

"There are two issues in the case at bar, to wit:

- Whether or not there is an overlapping of Titles; and

- Whether or not there is any negligence/irregularity in the performance of respondents duties as the Register of Deeds of Marikina."

"On January 17, 2000, preliminary conference, both parties agreed about the issue. However, regarding the issue of whether or not there is an overlapping of Title, the respondent's counsel objected to it stating that the Commission has no jurisdiction since the question should be properly raised in a regular Court of Justice."

"Upon careful evaluation of the records, it was noted that complainant Teope's TCT which was issued in 1972 stated that the parcel of land covered by it, Lot 19-B, is a portion of Lot 19. While First Alliance's TCT which was issued in 1997 stated that the parcel of land covered by it was Lot 19 (and Lot 20), They conclusively show that Lot 19 covered by the TCT issued by respondent Santos in 1997 to Ramos and then to First Alliance is identical to the Lot 19 mentioned in Teope's TCT, of which Lot 19-B is a portion. In short, the TCT of

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Ramos and of First Alliance over the entire Lot 19 issued by respondent Santos clearly covers and overlaps Lot 19-B, the parcel of land covered by Teope's TCT."

"Moreover, it is clearly stated in a letter addressed to the complainant dated August 8, 1997 from the Office of the Assessor, Municipality of Antipolo, Rizal, informing the latter that while the Office of the Assessor was in the process of tax mapping real properties, their records show that Teope's Lot 19-B covered by TCT No. 365432 was in conflict or overlaps with various properties including that of Jesus N. Ramos who was requesting for the issuance of Tax Declaration for his property covered by TCT No. 329325. (p. 73, Records)"

"These overlapping of Titles is not without the respondents knowledge. In fact, he admitted in his counter-affidavits that he set-up a meeting between complainant Teope and the representative of First Alliance for them to settle boundaries and overlapping disputes amicably, In effect, he is aware of the irregularity in his issuance of the TCT's to Ramos and First Alliance."

"Furthermore, the Certificate Authorizing Registration was also irregular The BIR Certificate Authorizing Registration dated 31 October 1997 purportedly signed by Oscar L. Sevilla, Revenue District Officer, BIR. for the sale of First Alliance states that Jesus Ramos paid P3,707,810.00 {sic) as the taxes due on the sale of the two lots. Obviously, no payment was made as certified' because the Capital Gains tax was only P185,390.50 and the documentary stamp tax was P55,617.15 as indicated in the document itself. There was no indication of payment of these taxes at all. Neither was there authority to accept payment by an authorized bank, nor receipt of payment by any bank. Respondent should have taken notice of these irregularities. Nevertheless, he still registered the sale and issued the TCT of First Alliance. This is clearly a fraud against the government."

The Commission would like to stress that it does not take cognizance of validity of overlapping Titles. The Commission is, however, concerned with the conduct of the respondent,"

"The Charge against the respondent was established by the documents submitted to this Commission by the complainant and the Records Officer of the Registry of Deeds of Marikina and the testimony of complainant and his witness."

"Respondent's counsel failed to present his witnesses because on March 6, 2000 hearing, he failed to appear despite notice and extension of time to wait for him. The Commission ruled that he was deemed to have waived his right to present further evidence. (Pp. 146-147, Records)"

"Respondents guilt was evident when he issued TCT to Ramos and later to First Alliance when he knew and should have known that it overlapped the property of complainant Teope. His conduct of setting-up meetings between Teope and First Alliance to settle their disputes amicably was an effort to cover-up his irregular act."

WHEREFORE, PREMISES CONSIDERED, this Commission finds respondent Edgar Santos, Register of Deeds, Marikina City, GUILTY of the charge against him and so recommends x x x that the penalty of DISMISSAL from the service together with the accessory penalties of forfeiture of all his financial benefits and disqualification from the government service be imposed.

"SO ORDERED."

After a careful review and evaluation of the records of the present case, this Office concurs in the findings and conclusions of the PAGC, which are duly supportedly by substantial evidence on record.

WHEREFORE, as recommended by the PAGC, Atty. Edgar Santos, Register of Deeds, Marikina City is hereby DISMISSED from the service with forfeiture of all his financial benefits and disqualification from re-employment in the government service, effective upon receipt of this Order.

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SO ORDERED.

Manila, Philippines, 17 FEB 2003

By authority of the President:

(SGD.) WALDO Q. FLORES
Senior Deputy Executive Secretary

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