

SALVADOR S. ESQUIVIAS, PETITIONER, VS. HON. OMBUDSMAN, ROLANDO Q. VERGARA AND ELENA G. DOMALAON, RESPONDENTS.

G.R. No. 102259. August 25, 2000

Ponente: PARDO, J.

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PARDO, J.:

The case before the Court is a special civil action for certiorari assailing the resolution of the Ombudsman dismissing for insufficiency of evidence the charges of violation of Republic Act No. 3019, Section 3 (e) and Act 496, Section 51 leveled against Rolando G. Vergara, deputy Register of Deeds of Sorsogon and Elena G. Domalaon.[1]

We deny the petition for it is patently devoid of merit.

The facts are as follows:

On March 20, 1987, petitioner Salvador S. Esquivias filed with the Office of the Ombudsman, through the Provincial Fiscal of Sorsogon, as deputized Tanodbayan prosecutor, an affidavit/ complaint charging Rolando Q. Vergara, deputy Register of Deeds of Sorsogon, and Elena G. Domalaon with violation of Republic Act No. 3019,[2] Section 3 (e), and Act No. 496,[3] Section 51.

The complaint was based on the ground that on December 28, 1977, petitioner executed a deed of absolute sale of a parcel of land covered by Original Certificate of Title No. P-10445 of the Register of Deeds of Sorsogon, situated in Sta. Barbara, municipality of Bulusan, province of Sorsogon, for a consideration of P2,000.00, which he sold to Jose G. Domalaon, Romulo G. Domalaon, Emma G. Domalaon, Margarita Dematera Domalaon, and Rosario Domalaon-Gapas.

When the vendees failed to pay petitioner the consideration of the sale, on August 3, 1981, he cancelled and nullified the same.

On February 19, 1985, Elena Domalaon borrowed the original title of the property from petitioner's wife on the pretext that she had a buyer, and once in possession of the title, succeeded in registering the cancelled deed of sale with the Registry of Deeds with the cooperation of deputy Register of Deeds Vergara. A new title was issued in the names of Jose G. Domalaon et al., the persons named in the deed. Allegedly, deputy Registrar Vergara ignored the affidavit of cancellation of the deed of sale, in violation of Act No. 496, Section 51 and also in violation of Rep. Act No. 3019, Section 3 (a), (e) and (j), for which he is charged in the affidavit-complaint together with Elena G. Domalaon.

After preliminary investigation, at which respondents Rolando Vergara and Elena Domalaon submitted their counter-affidavits, on December 8, 1987, the deputized Tanodbayan prosecutor recommended the dismissal of the charges finding no prima facie case. On July 26, 1989, the Ombudsman approved the recommendation of deputized prosecutor Honesto J. Borromeo for the dismissal of petitioner's complaint for insufficiency of evidence. He denied petitioner's motion for reconsideration.

Hence, this petition.[4]

At issue in this petition is whether or not respondent Ombudsman acted without jurisdiction or with grave abuse of discretion amounting to lack or excess of jurisdiction in dismissing the complaint against respondents Rolando Vergara and Elena Domalaon.

We agree with the Ombudsman that that there was no sufficient evidence to support the charges. To begin with, petitioner avers that he was not paid the consideration stated in the deed of sale. However, this is contradicted by the very deed he signed which states that he acknowledged receipt of the consideration.

On the facts of the case, respondent deputy Register of Deeds Vergara[5] was just exercising the duties of his office in registering the deed of sale which complied with all the requirements for registration.[6]

Consequently, the Ombudsman is correct in finding that respondents did not violate either the Land Registration Act[7] or the Anti-Graft Act.[8] The Ombudsman did not act without or in excess of jurisdiction, or with grave abuse of discretion in dismissing petitioner's complaint.

WHEREFORE, the Court hereby DENIES the petition. No costs.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Puno, and Ynares-Santiago, JJ., concur.
Kapunan, J., no part.

[1] Petition, Annex "E", Rollo, pp. 25-36. [2] Anti-Graft and Corrupt Practices Act.

[3] Land Registration Act.

[4] Filed on November 20, 1991, Rollo, pp. 6-16. On September 16, 1996, we gave due course to the petition (Rollo, p. 104)

[5] On March 17, 1995, he retired from the government service.

[6] Caviles, Jr. v. Bautista, G.R. No. 102648, November 24, 1999; Baranda v. Gustilo, 165 SCRA 757 (1988)

[7] Superseaded by P.D. No. 1529, the Property Registration Decree.

[8] Republic Act No. 3019, as amend

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