

YOLANDA O. ALFONSO, PETITIONER, VS. OFFICE OF THE PRESIDENT AND PHIL-VILLE DEVELOPMENT AND HOUSING CORPORATION, RESPONDENTS.

G.R. NO. 150091. April 02, 2007

Ponente: CARPIO MORALES, J.

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CARPIO MORALES, J.:

The present controversy traces its roots to the purportedly irregular issuance of several transfer certificates of title (TCTs), which has resulted in two sets of derivative titles, one set bearing the date of registration of Original Certificate of Title (OCT) No. 994 as May 3, 1917; the other, as April 19, 1917. OCT No. 994 is one of five OCTs covering the vast Maysilo estate.

In the midst of this land-titling irregularity, petitioner Yolanda O. Alfonso (petitioner), then the register of deeds of Caloocan City, was found administratively liable for allegedly "acquiescing" to the change of the date of the registration of OCT No. 994 from May 3, 1917 to April 19, 1917, and for making it appear that there were two OCT Nos. 994. Consequently, she was dismissed from government service for grave misconduct and dishonesty.

Petitioner has come to this Court to seek a reversal of the Court of Appeals (CA) Decision[1] of July 27, 2001 and its Resolution[2] of September 21, 2001 in CA-G.R. SP No. 61082, affirming the dismissal ordered by herein public respondent Office of the President (OP).

From the labyrinthine twists and turns that the facts have taken, the following are relevant to the disposition of this administrative case:

OCT No. 994 was issued by the Register of Deeds of Rizal in the name of Maria de la Concepcion Vidal pursuant to the December 3, 1912 Decision of then Judge Norberto Romualdez in C.L.R. Case No. 4429. In accordance with this decision, the Court of Land Registration issued on April 19, 1917 Decree No. 36455, which was received for transcription by the Registry of Deeds of Rizal on May 3, 1917. OCT No. 994 covered 34 lots located in Caloocan City with an aggregate area of 13,312,618.89 square meters.[3]

In an Order of May 25, 1962, the then Court of First Instance of Pasig, Rizal, in Civil Case No. 4557, "In Re: Petition for Substitution of Names," directed the Register of Deeds of Rizal to cancel the name of Maria de la Concepcion Vidal in OCT No. 994 and to substitute the names of her alleged grandchildren/heirs: Bartolome Rivera, Eleuteria Rivera (Rivera), Josefa R. Aquino, Gregorio R. Aquino, Rosauro Aquino, Pelagia R. Angeles, Modesta R. Angeles, Venancio R. Angeles, Felipe R. Angeles and Fidela R. Angeles.[4]

An action for partition and accounting was subsequently filed by the alleged heirs sometime in 1965 before the Regional Trial Court (RTC), Caloocan City, against Isabel Gil de Sola, et al. Then RTC Branch 120 Judge Fernando A. Cruz granted the action for partition in a Decision of December 29, 1965, which became final and executory per the court's certification of June 7, 1966.[5]

Three commissioners were appointed by the Caloocan RTC to submit their recommendations on the partition

prayed for. It appeared, though, that the commissioners failed to comply with their duties, prompting the registered owners to file a motion to cite them in contempt of court, on which no action was shown to have been taken.[6]

In the meantime, the different lots of OCT No. 994 were acquired by several persons and/or entities, which led to the issuance of several TCTs. Three of these titles, TCT Nos. 270921,[7] 270922[8] and 270923[9] covering Lots 1-G-1, 1-G-2 and 1-G-3, were issued to private respondent Phil-Ville Development and Housing Corporation (Phil-Ville) on September 15, 1993. On Phil-Ville's TCTs, it was stated that OCT No. 994 was registered on May 3, 1917, and that the same was a transfer from TCT No. C-14603/T-73.[10]

On May 22, 1996, Rivera, one of the substituted owners of OCT No. 994, filed with the Caloocan RTC, Branch 120, in Civil Case No. C-424, a motion for partition and segregation of lots 23-A, 24, 25-A, 26, 28, 29 and 31 (covering an area of 1,572,324.45 square meters), praying that the lots be awarded in her favor and titled in her name.[11]

By Order of September 9, 1996, Judge Jaime D. Discaya approved the recommendation[12] made by the court-appointed commissioners that Lots 23, 28-A-1 and 28-A-2 be segregated from OCT No. 994, and ordered the Register of Deeds of Caloocan City "to issue new certificates of title in the name of Eleuteria Rivera x x x." [13] In the court's Order of September 17, 1996, the surrender of the owner's duplicate certificate of title of OCT No. 994 "if the same is no longer available, lost or otherwise" was dispensed with.[14]

It appears that another order of November 28, 1996[15] was issued by Judge Discaya directing petitioner to implement the September 9, 1996 Order for the issuance of the three new certificates of title in the name of Rivera.

Petitioner thus issued TCT Nos. C-314535[16] for Lot No. 28-A-1, C-314536[17] for Lot No. 28-A-2, and C-314537[18] for Lot No. 23, based on the technical descriptions mentioned in the September 9, 1996 Order, and all in the name of Rivera. It was uniformly stated in these TCTs that Rivera's titles were derived from OCT No. 994, which was registered on the "19[th] day of April" in the year 1917.

Upon learning of this development, Phil-Ville requested then Land Registration Authority (LRA) Administrator Reynaldo Y. Maulit to investigate the discrepancies in the date of registration of OCT No. 994, as reflected in its TCTs and those of Rivera.[19] Phil-Ville invited attention to petitioner's letter of September 20, 1996 informing it that there was only one OCT No. 994, which was transcribed or registered on May 3, 1917, as well as to the LRA Administrator's certification of October 31, 1996 confirming that OCT No. 994 was issued on May 3, 1917.

Phil-Ville maintained that the issuance of the three TCTs in favor of Rivera was "highly irregular as they cover[ed] lots already owned by Phil-Ville, LCM Theatrical Enterprises and Bonifacio Shopping Center, Inc."

Phil-Ville's letter-complaint led to the conduct of an inquiry by the Senate Committees on Justice and Human Rights, and on Urban Planning, Housing and Resettlement. On May 25, 1998, the joint committees submitted Senate Committee Report No. 1031[20] which found, among other things, that (1) "there is only one Original Certificate of Title (OCT) No. 994 and this was issued or registered on May 3, 1917," (2) OCT No. 994 dated April 19, 1917 is "non-existent" for being "a fabrication perpetrated by Mr. Norberto Vasquez, Jr. [(Vasquez, Jr.)], former Deputy Registrar of Deeds of Caloocan City," and (3) petitioner "acted maliciously, fraudulently and in bad faith, when she signed the TCTs issued in the name of Rivera which bear a wrong date of registration x x x." The Senate committees recommended that administrative cases be filed against petitioner, Vasquez, Jr. and "all those involved in illegal and irregular land titling."

On the basis of Senate Committee Report No. 1031 and Phil-Ville's complaint, the LRA initiated Administrative

Case No. 98-07 for grave misconduct and dishonesty against petitioner and Vasquez, Jr. who, as directed, filed separate explanations/comments to the charges against them.

During the pre-trial conferences, the parties presented documentary evidence and marked their exhibits, and a pre-trial Order was issued on September 3, 1998.[21]

At the scheduled start of the formal hearing on September 6, 1998, the parties agreed to dispense with the presentation of oral evidence, in lieu of which they filed their respective memoranda. The case was then considered submitted for resolution.

On February 4, 1999, the LRA, through then Administrator Alfredo R. Enriquez, issued a Decision adopting in toto the findings and recommendation of LRA Hearing Officer Atty. Rhandolfo Amansec, as follows:

Consequent to the foregoing findings, the inescapable conclusion is that the issuance by respondent Norberto Vasquez, Jr. of the Dimson titles which bear a wrong date of registration of OCT 994 constitute Grave Misconduct, and his subsequent insistence that April 19, 1917 is the correct date of registration of OCT 994 constitute[s] Dishonesty in the service. On the other hand, respondent Atty. Yolanda Alfonso's acquiescence in the alteration of the date of registration of OCT No. 994 in the titles of Eleuteria Rivera as well as her act of deliberately ignoring the safeguards enunciated under the law, specially her failure to require the presentation of a subdivision plan duly approved by the Land Registration Authority or by the Land [M]anagement Bureau, for the titles of Eleuteria, are sufficient basis to find her guilty of Grave Misconduct.

Considering the pervasive adverse consequences of respondents' acts, which impaired the very integrity of the Torrens System which they are duty bound to protect, the extreme penalty of dismissal is hereby recommended for both respondents Atty. Yolanda O. Alfonso and Mr. Norberto Vasquez, Jr.[22] (Underscoring supplied)

Subsequently, the records of Administrative Case No. 98-07 were elevated to the Department of Justice (DOJ) for review. On June 14, 1999, then Justice Secretary Serafin R. Cuevas recommended to the OP that petitioner, a presidential appointee, "be found guilty of Grave Misconduct and Dishonesty" and be "dismissed from the service." [23] Pertinent portions of the letter-recommendation read:

Respondent Alfonso maintains that the said alteration of the date of registration of OCT 994 was the sole responsibility of respondent Norberto Vasquez, Jr. who ordered the alteration pursuant to the Supreme Court decision in Metropolitan Waterworks and Sewerage System vs. The Court of Appeals, et al., GR No. 103556, 17 November 1992. She claims that the preparation of transfer certificates of titles is essentially a mechanical endeavor with the typist automatically adopting the entries in the titles to be canceled. To examine the entry according to her is no different from proof reading which can be best left to subordinates citing the case of *Arias v. Sandiganbayan* [180 SCRA 309]. To further support her claim of innocence in the alteration, respondent Alfonso said that upon discovery thereof, she issued several memoranda requiring her subordinates who have participated in the Rivera titles to explain why the alteration was made. It should be noted however that the memoranda were issued after she signed the Rivera titles.

It is true that respondent Alfonso could not be faulted for carrying over to TCT No. 312804 an erroneous date of registration of OCT 994 inasmuch as the title from which it was derived from likewise bear the said erroneous date of registration. However, the mere fact that she consented to the acquisition of the property by and signed and issued on 12 August 1996 TCT 312804 in the name of her children adopting 19 April 1917 as the date of registration of OCT 994 knowing the same to be erroneous as shown by her 20 March 1996 referral of Ms. Roqueta Dimson's application for issuance of certificate of title citing therein the LRA Verification Committee report is a clear case of dishonesty, malice and bad faith. This is also a clear violation of the Code of Conduct for Public Officials and Employees prohibiting government officials and employees from having any interest in a transaction requiring their approval.

x x x x

Moreover, respondent Alfonso also violated the provisions of Sections 50, 58 and 92 of P.D. 1529 for failure to require the presentation of (1) the subdivision plan duly approved by the Land Registration Authority or by the Land Management Bureau; and (2) proof of payment of estate of inheritance tax.

The non-presentation of the owner's duplicate of OCT 994 has been satisfactorily explained by respondent Alfonso as the said presentation was dispensed with by an order of the court.

For her failure to require the presentation of a subdivision plan for the three titles of Eleuteria Rivera, respondent Alfonso claims that inasmuch as the issuance of the titles is pursuant to a court order, Sections 50 and 58 of P.D. 1529 do not apply. Said contention of respondent Alfonso is without merit as said sections apply as long as the title to be issued covers only a portion of a bigger tract of land. The presentation of a duly approved subdivision plan is necessary in order to delineate the particular portion of the lot being covered by the new title. Had respondent Alfonso required the presentation of an approved subdivision plan, she could have discovered the defects in the titling of the Rivera property and could have manifested the same in court.

As to the question regarding the presentation of proof of payment of inheritance tax, respondent Alfonso claims that no inheritance tax is due on the estate simply because there is no inheritance involved as the titles were issued pursuant to a court order in a judicial partition and the adjudicatee Eleuteria Rivera is very much alive at the time of issuance. Again, this deserves scant consideration. It does not matter whether Eleuteria Rivera is alive or not because the subject matter of inheritance tax is not the estate of Eleuteria Rivera but the transfer of property covered by the subject titles by way of inheritance from the predecessor and alleged parent Maria Concepcion Vidal to the heir who is Eleuteria Rivera.

x x x x (Emphasis and underscoring supplied)

On November 29, 1999, the OP issued Administrative Order (A.O.) No. 99,[24] ordering the dismissal of petitioner. It found that petitioner had undermined the integrity of the Torrens system by disregarding certain provisions of the law and had virtually compelled certain individuals holding separate titles to litigate to protect their rights. In addition, it was noted that petitioner "prima facie appears to have exacted a substantial sum from one Danilo Bonifacio to expedite the release [of] a certificate of title." [25]

Petitioner filed a motion for reconsideration before the OP but the same was denied by Resolution of September 8, 2000.[26]

In due time, petitioner appealed the decision of the OP, as embodied in A.O. No. 99, to the CA. She contended that the order of dismissal had no factual and legal bases and that she was not afforded due process especially because issues and matters, which were not agreed upon in the pre-trial conferences and subsequently embodied in the pre-trial order, were admitted and considered.

On July 27, 2001, the CA issued the assailed Decision discrediting petitioner's claim that she was denied due process, it noting that during the hearing of her administrative case before the LRA, she was given the chance to explain her side, and to submit voluminous documents in her defense, which documentary evidence the DOJ and the OP considered in arriving at their decisions.

Its own examination of the records, the CA added, did not justify a departure from the rule that factual findings of lower courts and quasi-judicial bodies command great respect on appeal. Thus, with a lone dissent, that of CA Justice Oswaldo D. Agcaoili, it affirmed A.O. No. 99. [27]

Hence, this present Petition for review on certiorari.[28]

Having brought this petition under Rule 45 of the Rules of Court, petitioner must be aware that only questions of

law may be considered for resolution.[29] It is a well-settled principle that this Court is not a trier of facts, and that respect is generally accorded to the determinations made by administrative bodies,[30] especially where, as in this case, the findings and conclusions of the administrative and executive offices concerned (the LRA, the DOJ and the OP) and those of the CA are similar.

However, to lay the matter to rest and in the interest of justice, this Court shall set aside the procedural barrier to a re-examination of the facts to resolve the legal issues, which pertain to (1) the alleged violation of petitioner's right to due process and (2) the propriety of the order of her dismissal.

In deciding this administrative case, this Court deems it fit, though, to steer clear from discussing or passing judgment on the validity of the derivative titles of OCT No. 994, which have spawned a number of cases.[31] Reference to OCT No. 994 is made only to determine the circumstances surrounding the dismissal of petitioner.

In the landmark case of *Ang Tibay v. Court of Industrial Relations*,[32] this Court laid down the cardinal primary requirements of due process in administrative proceedings. Foremost of these requisites is the right to a hearing, including the right to present one's case and submit evidence in support thereof.[33] The essence of due process in administrative proceedings is the opportunity to explain one's side or to seek a reconsideration of the action or ruling complained of.[34]

As aptly observed by the CA, petitioner was given every opportunity to explain her side and to present evidence in her defense during the administrative investigation conducted by the LRA. Records sufficiently show that in compliance with the "show-cause" letter of the LRA Administrator, she submitted her written explanation, and that during the pre-trial conferences, she presented documentary evidence.

Moreover, petitioner moved without fail for the reconsideration of the LRA Decision, the DOJ's recommendation on review, the OP's order of dismissal, and the CA Decision affirming her dismissal from government service. At no instance, therefore, was she deprived of the chance to question the assailed recommendations, order or decision.

Respecting petitioner's contention that the LRA, the DOJ and the OP had digressed from the issues and matters agreed upon during the pre-trial conferences and thereafter embodied in the pre-trial order, suffice it to point out that technical rules of procedure and evidence are not strictly applied in administrative proceedings.[35] At any event, these matters and issues were seasonably addressed by petitioner's motions for reconsideration. Hence, the possibility of surprise and maneuvering, which the rule on pre-trial is designed to prevent,[36] has altogether been obviated.

Now, the quantum of proof required in an administrative proceeding is only substantial evidence or that amount of relevant evidence that a reasonable mind might accept as adequate to support a conclusion.[37] The standard of substantial evidence is satisfied when there is reasonable ground to believe that the person indicted was responsible for the alleged wrongdoing or misconduct.[38]

It bears stressing that petitioner stood charged not for changing the date of registration of OCT No. 994 in TCT Nos. 314535 to 314537, which was established to have been made upon the instructions of then Deputy Register of Deeds Vasquez, Jr. Rather, she was indicted for acquiescing to the change by (1) issuing conflicting "certifications" on the date of issuance of OCT No. 994; and (2) for making it appear that there were two OCT Nos. 994. Thus, her protestations that she had no hand in the alteration are unavailing.

Petitioner herself admits that she had signed TCT Nos. 314535 to 314537, which were issued in the name of Rivera, with the following statement on the lower portion thereof:

IT IS FURTHER CERTIFIED that said land was originally registered on the 19[th] day of April, in the year

nineteen hundred and seventeen in the Registration Book of the Office of the Register of Deeds of Rizal, Volume A-9, page 224, as Original Certificate of Title No. 994, pursuant to Decree No. 36455 issued in L.R.C. _____ Record No. 4429, in the name of _____.

This certificate is a transfer from ORIGINAL Certificate of Title No. 994, which is cancelled by virtue hereof in so far as the above-described land is concerned.

X X X X

However, she argued that the so-called "certifications" were mere entries forming part of the titles. Whether it was a "certification" or a mere statement that she had issued is unnecessary as it does not alter the fact that she signed several TCTs, some reflecting the date of registration of OCT No. 994 as May 3, 1917 and the others as April 19, 1917.

The facts on record, moreover, show that petitioner had knowledge of circumstances that suggested the existence of an irregularity.

First. On March 20, 1996, petitioner had, by letter, referred to the LRA Legal Department the application of Ms. Roqueta Dimson for the issuance of the certificate of title on Lot 23-A of the Maysilo estate, in which Dimson had contended that all previously-issued titles which were derived from OCT No. 994 dated May 3, 1917 were void ab initio.

In a subsequent letter to the LRA Administrator dated May 2, 1996,[39] she raised serious doubts over Dimson's request for annotation of a Notice of Lis Pendens on the certificates of titles of Mt. Carmel Farms, Inc., which were also derived from OCT No. 994. She pointedly stated in her letter, as follows:

If we allow the registration of the Notice of Lis Pendens of Dimson, what will prevent her to question all titles derived from OCT No. 994 issued on May 3, 1917.

To prevent the proliferation of similar request and nuisance suits, may we request this Authority for its official stand on OCT No. 994 and the Dimson titles. To date, the Dimson titles and their derivative titles [are] still existing and on file at the Registries of Deeds of Kalookan and Malabon despite the Verification Committee's findings that they were issued void ab initio.[40]

Second. Petitioner wrote Phil-Ville a letter dated September 20, 1996[41] in which she categorically stated that OCT No. 994 was issued pursuant to Decree No. 36455 dated April 19, 1917, and the date of transcription of said decree at the Office of the Register of Deeds of Pasig, Rizal was May 3, 1917.

Third. As CA Justice Agcaoili had correctly observed in his dissent, "petitioner had previously issued certificates of title in the names of other individuals reflecting the true date of issue of OCT No. 994, the mother title, i.e., May 3, 1917." [42]

In light of these facts, it was indeed surprising that petitioner consented to the acquisition by her children in July 1996 of a property titled in the name of Norma Dimson Tirado. As a consequence of this acquisition, she issued on August 12, 1996 TCT No. 312804, to which April 19, 1917 was carried over as the date of registration of OCT No. 994.

Considering the proximity of the issuance of TCT No. 312804 to her letters of March 20, 1996 and May 2, 1996, it is highly inconceivable that petitioner was unaware of the supposedly altered date of registration of OCT No. 994 that was reflected in her children's TCT.

Parenthetically, it was because of the issuance of the TCT in her children's favor that petitioner was found by the DOJ to have additionally violated the Code of Conduct and Ethical Standards for Public Officials and

Employees,[43] which prohibits government officials and employees from having any interest in a transaction requiring their approval.

Even her contention that she was without a remedy to correct an erroneous entry that had been carried over to the derivative TCT was belied by her filing before the RTC, Branch 120, Caloocan City, in Civil Case No. C-424, of a Petition dated January 1997[44] for the correction of the erroneous entries of "19th" and "April" on the blank spaces in the "certification" portion of Rivera's titles. Invoking Section 108[45] of P.D. No. 1529, she manifested that the correct dates were "3[rd]" and "May" because these "are the dates appearing in the original of OCT No. 994" on file in the registry.

As for petitioner's next contention that the issuance of Rivera's titles merely involved the mechanical procedure of transferring the dates contained in the derivative titles which she, as head of office, had every right to rely on the bona fides of her subordinates, the same deserves scant consideration.

Unlike in *Arias v. Sandiganbayan*,[46] upon which petitioner relies for jurisprudential support, petitioner's foreknowledge of facts and circumstances that suggested an irregularity constituted added reason[47] for her to exercise a greater degree of circumspection before signing and issuing the titles.

Arias and the subsequent case of *Magsuci v. Sandiganbayan*[48] were held inapplicable in *Escara v. People*[49] because the person indicted therein had foreknowledge of the existence of an anomaly that should have put him on guard regarding the transaction.

It may not be amiss to mention that even Justice Agcaoili, in his dissent to the assailed CA Decision, observed petitioner's failure to take precautionary measures, thus:

x x x Considering the notoriety of the Maysilo estate as the "mother of all land titling scams," the irregularity attending the issuance of the titles could have been avoided had petitioner exercised a little more due care and circumspection before she affixed her signature [on the Rivera titles]. The fact that the Maysilo estate has spawned conflicting claims of ownership which invariably reached the courts, a fact which petitioner cannot ignore on account of her long exposure and experience as a register of deeds, should have impelled petitioner to be more prudent even to the extent of deliberately holding action on the papers submitted to her relative to the estate until she shall have fully satisfied herself that everything was above board. x x x

x x x x

If petitioner had made further investigation (in the light of her previous certifications and the notoriety of the Maysilo estate as a potential breeding ground of titling irregularities) and, thus, made a timely discovery of the error in the questioned entry, but still was in doubt on how to proceed, she could have easily referred the matter to the LRA Administrator en consulta as authorized by Section 117 of PD No. 1529 x x x.[50] (Emphasis in the original)

Petitioner's claim that the issuance of Rivera's TCTs was her ministerial duty in accordance with the final and executory order of the trial court, deserves scant consideration too insofar as the carrying over of the technical descriptions contained in Judge Discaya's order was concerned.

The date of registration of OCT No. 994, however, was a different matter. To note, Rivera's owner's duplicate certificates of title were not submitted to the register of deeds for cancellation as required in Section 53[51] of P.D. No. 1529 because Judge Discaya's Order of September 17, 1996 had excused the submission of the duplicate certificates. Hence, it was left to petitioner's office to supply the date of registration of OCT No. 994 upon verification of the copy it had on file.

For this reason, Deputy Register of Deeds Vasquez, Jr. wrote in pencil the missing information on the blank

spaces, according to clerk Nelda Zacarias.[52] Vasquez, Jr. admitted in his February 21, 1997 reply-memorandum to petitioner that he had "instructed one of the employees to change [the date] from May 3, 1917 to April 19, 1917." [53]

The observations of the LRA and the DOJ on petitioner's failure to require the presentation of the subdivision plan for Rivera's three titles are in keeping with the provisions of Sections 50 and 58 of P.D. No. 1529, as follows:

SEC. 50. Subdivision and consolidation plans. — Any owner subdividing a tract of registered land into lots which do not constitute a subdivision project as defined and provided for under P.D. 957, shall file with the Commissioner of Land Registration or with the Bureau of Lands a subdivision plan of such land on which all boundaries, streets, passageways and waterways, if any, shall be distinctly and accurately delineated.

If a subdivision plan, be it simple or complex, duly approved by the Commissioner of Land Registration or the Bureau of Lands together with the approved technical descriptions and the corresponding owner's duplicate certificate of title is presented for registration, the Register of Deeds shall, without requiring further court approval of said plan, register the same in accordance with the provisions of the Land Registration Act, as amended. x x x

x x x x

SEC. 58. Procedure where conveyance involves portion of land. — If a deed of conveyance is for a part of the land described in a certificate of title, the Register of Deeds shall not enter any transfer certificate of title to the grantee until a plan of such land showing all the portions or lots into which it has been subdivided and the corresponding technical descriptions shall have been verified and approved pursuant to Section 50 of this Decree. x x x

Upon the approval of the plan and technical descriptions, the original of the plan, together with a certified copy of the technical descriptions shall be filed with the Register of Deeds for annotation in the corresponding certificate of title and thereupon said officer shall issue a new certificate of title to the grantee for the portion conveyed, and at the same time cancel the grantor's certificate partially with respect only to the said portion conveyed. x x x

(Emphasis and underscoring supplied)

It is clearly evident from the above provisions that for petitioner-register of deeds to issue a new certificate of title, she must require the submission of the approved subdivision plan together with the approved technical descriptions and the corresponding owner's duplicate certificate of title. Therefore, she could not have dispensed with the submission of the subdivision plan and relied solely on the technical descriptions provided in the court's Order.

Likewise, this Court holds that petitioner should have required proof of payment of inheritance tax over the portions that were transferred to Rivera because these lots were conveyances from the estate of her alleged grandmother, Maria Consolacion Vidal, in whose name the lots were originally registered under OCT No. 994.

The following disquisition of the DOJ is thus noted with approval:

As to the question regarding the presentation of proof of payment of inheritance tax, respondent Alfonso claims that no inheritance tax is due on the estate simply because there is no inheritance involved as the titles were issued pursuant to a court order in a judicial partition and the adjudicatee Eleuteria Rivera is very much alive at the time of issuance. Again, this deserves scant consideration. It does not matter whether Eleuteria Rivera is alive or not because the subject matter of inheritance tax is not the estate of Eleuteria Rivera but the transfer of property covered by the subject titles by way of inheritance from the predecessor and alleged parent Maria Concepcion Vidal to the heir who is Eleuteria Rivera. (Underscoring supplied)

The alleged iniquity between the penalty of dismissal meted on petitioner and the one-year suspension of Vasquez, Jr. is an issue that cannot be resolved in this petition in the absence of facts concerning the administrative proceedings against the latter.

A final matter. In light of the Affidavit of Desistance executed by Danilo Bonifacio[54] before the DOJ, the additional circumstance (which the OP had considered in its Decision) that petitioner had allegedly accepted money in exchange for the issuance of a title has become a non-issue against her.

"Serious misconduct," as a valid cause for the dismissal of an employee, is improper or wrong conduct; the transgression of some established and definite rule of action; a forbidden act or dereliction of duty, which is willful and intentional neglect and not mere error in judgment.[55] It must be grave and aggravated in character and not merely trivial or unimportant.[56] In addition, it must be directly related and/or connected to the performance of official duties.[57] Without question, all of these requisites are present in this case. Petitioner is thus administratively liable for serious misconduct.

Petitioner is liable too for dishonesty defined in *Civil Service Commission v. Cayobit*[58] as ". . . the concealment or distortion of truth in a matter of fact relevant to one's office or connected with the performance of his duty."

It goes without saying that by failing to prevent the irregularity that she had reason to suspect all along or to take immediate steps to rectify it, petitioner had tolerated the same and allowed it to wreak havoc on our land-titling system. Sadly, that confusion continues to rear its ugly head to this day.

WHEREFORE, the petition is DENIED. The Decision of the Court of Appeals is AFFIRMED.

Costs against petitioner.

SO ORDERED.

Quisumbing, (Chairperson), Carpio, Tinga, and Velasco, Jr., JJ., concur.

[1] Penned by then Court of Appeals (now Supreme Court) Justice Cancio G. Garcia, then chairperson of the former First Division (Division of Five) and concurred in by Justices Renato C. Dacudao, Elvi John S. Asuncion and Bienvenido L. Reyes, with Justice Oswaldo D. Agcaoili, dissenting; rollo, pp. 48-69.

[2] Id. at 71.

[3] This narration of facts is contained in the Order issued by Judge Jaime D. Discaya of the Regional Trial Court, Branch 120, Caloocan City, in Civil Case No. C-424; Court of Appeals (CA) rollo, 127-138.

[4] Id. at 127.

[5] Id. at 127-128.

[6] Id. at 128.

[7] Land Registration Authority (LRA) record, pp. 39-40.

[8] Id. at 37-38.

[9] Id. at 36.

[10] Id. at 697. The pertinent portion of the TCT read:

IT IS FURTHER CERTIFIED that said land was originally registered on the third day of May in the year nineteen

hundred and seventeen in the Registration Book of the Office of the Register of Deeds of Rizal, Volume A-9 page 226 as Original Certificate of Title No. 994, pursuant to Decree No. 36455 issued in L.R.C. _____ Record No. 4429, in the name of _____.

[11] CA rollo, p. 129.

[12] The recommendation was contained in the July 25, July 29, and August 20, 1996 reports of the commissioners cited in Judge Discaya's Order of September 9, 1996. Id. at 129-131.

[13] Id. at 138.

[14] LRA record, p. 730.

[15] Id. at 729.

[16] Id. at 73.

[17] Id. at 72.

[18] Id. at 71.

[19] Phil-Ville's Letter-complaint dated January 3, 1997; CA rollo, pp. 42-45.

[20] Id. at 54-58.

[21] Id. at 150-157.

[22] Annex "D" of Petition, rollo, pp. 73-74.

[23] Annexes "E" to "E-7" of Petition, Id. at 75-82.

[24] Annexes "F" to "F-7" of Petition, Id. at 83-90.

[25] Id. at 90.

[26] CA rollo, pp. 109-110.

[27] Justice Agcaoili opined that there was not enough factual basis to support the allegation that petitioner had issued conflicting "certifications" regarding the date of issue of OCT No. 994 and that she had acquiesced in the alteration of the date of registration of OCT No. 994. However, he submitted that petitioner was liable for negligence, which amounted to inefficiency and incompetence in the performance of her duties; rollo, pp. 93-102.

[28] Id. at 9-46.

[29] Section 1 of Rule 45 of the Rules of Court provides that "[t]he petition shall raise only questions of law which must be distinctly set forth."

[30] Santos v. Manalili, G.R. No. 157812, November 22, 2005, 475 SCRA 679, 687; Villaflor v. Court of Appeals, 345 Phil. 524, 559 (1997); Lucena v. Pan-Trade, Inc., G.R. No. 80998, April 25, 1989, 172 SCRA 736.

[31] Metropolitan Waterworks and Sewerage System v. Court of Appeals (G.R. No. 103558, November 17, 1992, 215 SCRA 783) and Heirs of Gonzaga v. CA (330 Phil. 8 [1996]) are two of those cases that involved overlapping titles. These cases were cited by Vasquez, Jr. as bases for ordering the change in the date of registration of OCT No. 994 from May 3, 1917 to April 19, 1917.

[32] 69 Phil. 635, 642-644 (1940).

[33] Kilusang Bayan sa Paglilingkod ng mga Magtitinda ng Bagong Pamilihang Bayan ng Muntinlupa, Inc. v. Dominguez, G.R. No. 85439, January 13, 1992, 205 SCRA 92, 113.

[34] Cojuangco, Jr. v. Atty. Palma, A.C. No. 2474, June 30, 2005, 462 SCRA 310, 319; Espidol v. Commission on Elections, G.R. No. 164922, October 11, 2005, 472 SCRA 380, 409; Utto v. Commission on Elections, 446 Phil. 225, 239 (2002); Montemayor v. Bundalian, 453 Phil. 158, 165 (2003); Roxas v. Hon. Vasquez, 411 Phil. 276, 287 (2001).

[35] Nuez v. Cruz-Apao, A.M. No. CA-05-18-P, April 12, 2005, 455 SCRA 288, 300; Emin v. De Leon, 428 Phil. 172, 186 (2002).

[36] De la Paz v. Hon. Panis, 315 Phil. 238, 247 (1995), citing Permanent Concrete Products, Inc. v. Teodoro, L-29766, November 29, 1968, 26 SCRA 332, 336.

[37] Vidallon-Magtolis v. Salud, A.M. No. CA-05-20-P, September 9, 2005, 469 SCRA 439, 458; Laxina, Sr. v. Office of the Ombudsman, G.R. No. 153155, September 30, 2005, 471 SCRA 542, 555.

[38] Civil Service Commission v. Maala, G.R. No. 165253, August 18, 2005, 467 SCRA 390, 401.

[39] LRA record, p. 389.

[40] Id. at 389.

[41] Id. at 741.

[42] Id. p. 99.

[43] Republic Act No. 6713. Section 7 of R.A. 6713 provides:

SECTION 7. Prohibited Acts and Transactions. — In addition to acts and omissions of public officials and employees now prescribed in the Constitution and existing laws, the following shall constitute prohibited acts and transactions of any public official and employee and are hereby declared to be unlawful:

(a) Financial and material interest. — Public officials and employees shall not, directly or indirectly, have any financial or material interest in any transaction requiring the approval of their office.

x x x x

[44] Exhibit "17" for petitioner, LRA, pp. 723-724. The Petition was received by the RTC, Branch 120, on January 10, 1997.

[45] Sec. 108. Amendment and alteration of certificates. — No erasure, alteration, or amendment shall be made upon the registration book after the entry of the certificate of title or of a memorandum thereon and the attestation of the same by the Register of Deeds, except by order of the proper Court of First Instance. A registered owner or other person having an interest in a registered property, or, in proper cases, the Register of Deeds with the approval of the Commissioner of Land Registration, may apply by petition to the court upon the ground that x x x or that an omission or error was made in entering a certificate or any memorandum thereon, or on any duplicate certificate; x x x; and the court may hear and determine the petition after notice to all parties in interest, and may order the entry or cancellation of a new certificate, the entry or cancellation of a memorandum upon a certificate, or grant any other relief upon such terms and conditions, requiring security or bond if necessary, as it may consider proper; x x x.

All petitions or motions filed under this section as well as under any other provision of this Decree after original registration shall be filed and entitled in the original case in which the decree of registration was entered.

[46] G.R. No. 81563 and G.R. No. 82512, December 19, 1989, 180 SCRA 309.

[47] Arias (*supra*, p. 316) held as follows:

x x x All heads of offices have to rely to a reasonable extent on their subordinates and on the good faith of those who prepare bids, purchase supplies, or enter into negotiations. If a department secretary entertains important visitors, the auditor is not ordinarily expected to call the restaurant about the amount of the bill, question each guest whether he was present at the luncheon, inquire whether the correct amount of food was served, and otherwise personally look into the reimbursement voucher's accuracy, propriety, and sufficiency. There has to be some added reason why he should examine each voucher in such detail. Any executive head of even small government agencies or commissions can attest to the volume of papers that must be signed. There are hundreds of documents, letters, memoranda, vouchers, and supporting papers that routinely pass through his hands. The number in bigger offices or departments is even more appalling.

There should be other grounds than the mere signature or approval appearing on a voucher to sustain a conspiracy charge and conviction. (Emphasis and underlining supplied)

[48] 310 Phil.14, 20 (1995). Here, the Court ruled:

Fairly evident, however, is the fact that the action taken by Magsuci involved the very functions he had to discharge in the performance of his official duties. There has been no intimation at all that he had foreknowledge of any irregularity committed by either or both Engr. Enriquez and Ancla. Petitioner might have indeed been lax and administratively remiss in placing too much reliance on the official reports submitted by his subordinate (Engineer Enriquez), but for conspiracy to exist, it is essential that there must be a conscious design to commit an offense. Conspiracy is not the product of negligence but of intentionality on the part of cohorts. (Underscoring supplied)

[49] G.R. No. 164921, July 8, 2005, 463 SCRA 239, 250.

[50] Rollo, pp. 99-100.

[51] Sec. 53. Presentation of owner's duplicate upon entry of new certificate. — No voluntary instrument shall be registered by the Register of Deeds unless the owner's duplicate certificate is presented with such instrument, except in cases expressly provided for in this Decree or upon order of the court, for cause shown.

x x x x

[52] Memorandum of Zacarias (Clerk III, Office of the Register of Deeds of Caloocan City) to petitioner dated January 23, 1997, explaining why the date April 19, 1917 was typed as the date of registration of OCT No. 994 in TCT Nos. 314535 to 314537; LRA record, pp. 745-746.

[53] *Id.* at 750.

[54] Dated August 19, 1988, LRA record, p. 21.

[55] *Villamor Golf Club v. Pehid*, G.R. No. 166152, October 4, 2005, 472 SCRA 36, 48; *Civil Service Commission v. Belagan*, G.R. No. 132164, October 19, 2004, 440 SCRA 578, 599; *Maguad v. De Guzman*, 365 Phil. 12, 16 (1999); *Lacson v. Roque, etc., et al.*, 92 Phil. 456, 465 (1953).

[56] *Lakpue Drug, Inc. v. Belga*, G.R. No. 166379, October 20, 2005, 473 SCRA 617, 623; *Villamor Golf Club v. Pehid*, *supra*; *Colegio de San Juan de Letran-Calamba v. Villas*, 447 Phil. 692, 699 (2003).

[57] *Lacson v. Roque, etc., et al.*, *supra* note 55.

[58] 457 Phil. 452, 460 (2003), cited in *Civil Service Commission v. Maala*, supra note 38.

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