

DINAH C. CASTILLO, PETITIONER, VS. ANTONIO M. ESCUTIN, AQUILINA A. MISTAS, MARIETTA L. LINATOC, AND THE HONORABLE COURT OF APPEALS, RESPONDENTS.*G.R. No. 171056. March 13, 2009*

Ponente: CHICO-NAZARIO, J.

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Before this Court is a Petition for Review on Certiorari [1] under Rule 45 of the Rules of Court filed by petitioner Dinah C. Castillo seeking the reversal and setting aside of the Decision,[2] dated 18 October 2005, of the Court of Appeals in CA-G.R. SP No. 90533, as well as the Resolution,[3] dated 11 January 2006 of the same court denying reconsideration of its afore-mentioned Decision. The Court of Appeals, in its assailed Decision, affirmed the Joint Resolution[4] dated 28 April 2004 and Joint Order[5] dated 20 June 2005 of the Office of the Deputy Ombudsman for Luzon in OMB-L-A-03-0573-F and OMB-L-C-03-0728-F, dismissing petitioner Dinah C. Castillo's complaint for grave misconduct and violation of Section 3(e) of Republic Act No. 3019, the Anti-Graft and Corrupt Practices Act, as amended, against respondent public officers Antonio M. Escutin (Escutin), Aquilina A. Mistas (Mistas) and Marietta L. Linatoc (Linatoc), together with private individuals Lauro S. Leviste II (Leviste) and Benedicto L. Orense (Orense).

Petitioner is a judgment creditor of a certain Raquel K. Moratilla (Raquel), married to Roel Buenaventura. In the course of her search for properties to satisfy the judgment in her favor, petitioner discovered that Raquel, her mother Urbana Kalaw (Urbana), and sister Perla K. Moratilla (Perla), co-owned Lot 13713, a parcel of land consisting of 15,000 square meters, situated at Brgy. Bugtongnapulo, Lipa City, Batangas, and covered by Tax Declaration No. 00449.

Petitioner set about verifying the ownership of Lot 13713. She was able to secure an Order[6] dated 4 March 1999 issued by Secretary Horacio R. Morales, Jr. of the Department of Agrarian Reform (DAR) approving the application of Summit Point Golf & Country Club, Inc. for conversion of several agricultural landholdings, including Lot 13713 owned by "Perla K. Mortilla, et al." and covered by Tax Declaration No. 00449, to residential, commercial, and recreational uses. She was also able to get from the Office of the City Assessor, Lipa City, a Certification[7] stating that Lot 13713, covered by Tax Declaration No. 00554-A, was in the name of co-owners Raquel, Urbana, and Perla; and a certified true copy of Tax Declaration No. 00554-A itself.[8] Lastly, the Register of Deeds of Lipa City issued a Certification[9] attesting that Lot 13713 in the name of co-owners Raquel, Urbana, and Perla, was not covered by a certificate of title, whether judicial or patent, or subject to the issuance of a Certificate of Land Ownership Award or patent under the Comprehensive Agrarian Reform Program.

Only thereafter did petitioner proceed to levy on execution Lot 13713, and the public auction sale of the same was scheduled on 14 May 2002. Sometime in May 2002, before the scheduled public auction sale, petitioner learned that Lot 13713 was inside the Summit Point Golf and Country Club Subdivision owned by Summit Point Realty

and Development Corporation (Summit Realty). She immediately went to the Makati City office of Summit Realty to meet with its Vice President, Orense. However, she claimed that Orense did not show her any document to prove ownership of Lot 13713 by Summit Realty, and even threatened her that the owners of Summit Realty, the Leviste family, was too powerful and influential for petitioner to tangle with.

The public auction sale pushed through on 14 May 2002, and petitioner bought Raquel's 1/3 pro-indiviso share in Lot 13713.

On 4 June 2002, petitioner had the following documents, on her acquisition of Raquel's 1/3 pro-indiviso share in Lot 13713, recorded in the Primary Entry Book and Registration Book of the Register of Deeds of Lipa City in accordance with Act No. 3344[10]: (a) Notice of Levy;[11] (b) Certificate of Sale;[12] (c) Affidavit of Publication;[13] and (d) Writ of Execution.[14]

Subsequently, petitioner was issued by the City Assessor of Lipa City Tax Declaration No. 00942-A,[15] indicating that she owned 5,000 square meters of Lot 13713, while Urbana and Perla owned the other 10,000 square meters.

When petitioner attempted to pay real estate taxes for her 5,000-square-meter share in Lot 13713, she was shocked to find out that, without giving her notice, her Tax Declaration No. 00942-A was cancelled. Lot 13713 was said to be encompassed in and overlapping with the 105,648 square meter parcel of land known as Lot 1-B, covered by Transfer Certificate of Title (TCT) No. 129642[16] and Tax Declaration No. 00949-A,[17] both in the name of Francisco Catigbac (Catigbac). The reverse side of TCT No. 129642 bore three entries, reflecting the supposed sale of Lot 1-B to Summit Realty, to wit:

ENTRY NO. 184894: SPECIAL POWER OF ATTORNEY: In favor of LEONARDO YAGIN: For purposes more particularly stipulated in the contract ratified before Atty. Ernesto M. Vergara of Lipa City as per Doc. No. 639; Page No. 29; Book No. LXXVI; Series of 1976.

Date of instrument - 2-6-1976

Date of inscription - 6-26-2002 at 11:20 a.m.

ENTRY NO. 185833: SALE IN FAVOR OF SUMMIT POINT REALTY & DEVELOPMENT CORP: -

ENTRY NO. 185834: BIR CLEARANCE: - Of the parcel of land described in this cert. of title is hereby sold and cancelled TCT No. 134609(SN-6672938) Vol. 671-A, having been issued by virtue of the aforesaid instrument ratified before Perfecto L. Dimayuga, Notary Public for Makati City as per Doc. No. 148; Page 31, Book No. LXVII, Series of 2002.

Date of instrument: July 22, 2002

Date of inscription: July 25, 2002 at 2:30 P.M.[18]

On 25 July 2002, at 2:30 p.m., TCT No. 129642 in the name of Catigbac was cancelled and TCT No. T-134609 in the name of Summit Realty was issued in its place.

The foregoing incidents prompted petitioner to file a Complaint Affidavit[19] before the Office of the Deputy Ombudsman for Luzon charging several public officers and private individuals as follows:

32. I respectfully charge that on or about the months of June 2002 and July 2002 and onwards in Lipa City, Atty. Antonio M. [Escutin], the Register of Deeds of Lipa City[;] Aquilina A. Mistas, the Local Assessment Operations Officer III of the City Assessor's Office of Lipa City[;] Marietta Linatoc, Records Clerk, Office of the City Assessor of Lipa City, who are public officers and acting in concert and conspiring with Lauro S. Leviste II and Benedicto L. Orense, Executive Vice-President and Vice-President, respectively[,] of Summit Point Realty and Development Corporation x x x while in the discharge of their administrative functions did

then and there unlawfully, through evident bad faith, gross inexcusable negligence and with manifest partiality towards Summit caused me injury in the sum of P20,000,000.00 by cancelling my TD #00942-A in the Office of the City Assessor of Lipa City and instead issuing in the name of Francisco Catigbac TC #00949-A when aforesaid personalities well knew that TCT No. 129642 was already cancelled and therefore not legally entitled to a new tax declaration thereby manifestly favoring Summit Point Realty and Development Corporation who now appears to be the successor-in-interest of Francisco Catigbac, all to my damage and prejudice.[20] (Emphasis ours.)

Petitioner's Complaint Affidavit gave rise to simultaneous administrative and preliminary (criminal) investigations, docketed as OMB-L-A-03-0573-F and OMB-L-C-03-0728-F, respectively.

Petitioner pointed out several irregularities in the circumstances surrounding the alleged sale of Lot 1-B to Summit Realty and in the documents evidencing the same.

The supposed Deed of Absolute Sale in favor of Summit Realty executed on 22 July 2002 by Leonardo Yagin (Yagin), as Catigbac's attorney-in-fact, appeared to be a "one-way street." It did not express the desire of Summit Realty, as vendee, to purchase Lot 1-B or indicate its consent and conformity to the terms of the Deed. No representative of Summit Realty signed the left margin of each and every page of said Deed. It also did not appear from the Deed that a representative of Summit Realty presented himself before the Notary Public who notarized the said document. The Tax Identification Numbers of Yagin, as vendor, and Summit Realty, as vendee, were not stated in the Deed.

Petitioner also averred that, being a corporation, Summit Realty could only act through its Board of Directors. However, when the Deed of Absolute Sale of Lot 1-B was presented for recording before the Register of Deeds, it was not accompanied by a Secretary's Certificate attesting to the existence of a Board Resolution which authorized said purchase by Summit Realty. There was no entry regarding such a Secretary's Certificate and/or Board Resolution, whether on TCT No. 129642 or TCT No. T-134609. A Secretary's Certificate eventually surfaced, but it was executed only on 30 July 2002, five days after TCT No. T-134609 in the name of Summit Realty was already issued.

The Deed of Absolute Sale was presented before and recorded by the Register of Deeds of Lipa City on 25 July 2002 at 2:30 p.m., at exactly the same date and time TCT No. T-134609 was issued to Summit Realty. Petitioner theorizes that for this to happen, TCT No. T-134609 was already prepared and ready even before the presentation for recording of the Deed of Absolute Sale before the Register of Deeds.

Moreover, Catigbac had long been dead and buried. The agency Catigbac supposedly executed in favor of Yagin was extinguished by Catigbac's death. Thus, petitioner argued, Yagin no longer had authority to execute on 22 July 2002 the Deed of Absolute Sale of Lot 1-B in favor of Summit Realty, making the said Deed null and void ab initio.

Petitioner asserted that Summit Realty was well-aware of Catigbac's death, having acknowledged the same in LRC Case No. 00-0376, the Petition for Issuance of New Owner's Duplicate of TCT No. 181 In Lieu of Lost One, filed by Summit Realty before the Regional Trial Court (RTC) of Lipa City. During the ex parte presentation of evidence in the latter part of 2000, Orense testified on behalf of Summit Realty that Catigbac's property used to form part of a bigger parcel of land, Lot 1 of Plan Psu-12014, measuring 132,975 square meters, covered by TCT No. 181 in the name of Catigbac; after Catigbac's death, Lot 1 was informally subdivided into several parts among his heirs and/or successors-in-interest, some of whom again transferred their shares to other persons; Summit Realty separately bought subdivided parts of Lot 181 from their respective owners, with a consolidated area of 105,648 square meters, and identified as Lot 1-B after survey; despite the subdivision and transfer of ownership of

Lot 1, TCT No. 181 covering the same was never cancelled; and the owner's duplicate of TCT No. 181 was lost and the fact of such loss was annotated at the back of the original copy of TCT No. 181 with the Registry of Deeds. Subsequently, in an Order[21] dated 3 January 2001, the RTC granted the Petition in LRC Case No. 00-0376 and directed the issuance of a new owner's duplicate of TCT No. 181 in the name of Catigbac, under the same terms and condition as in its original form.

Petitioner further cast doubt on the acts undertaken by Summit Realty in connection with Catigbac's property, purportedly without legal personality and capacity. The Special Power of Attorney dated 6 February 1976 granted Yagin the right to sue on behalf of Catigbac, yet it was Summit Realty which instituted LRC Case No. 00-0376, and Yagin had no participation at all in said case. Likewise, it was not Yagin, but Orense, who, through a letter[22] dated 27 June 2001, requested the cancellation of TCT No. 181 covering Lot 1 and the issuance of a new certificate of title for Lot 1-B. Hence, it was Orense's request which resulted in the issuance of TCT No. 129642 in the name of Catigbac, later cancelled and replaced by TCT No. T-134609 in the name of Summit Realty.

Lastly, petitioner questioned why, despite the cancellation of TCT No. 129642 in the name of Catigbac and the issuance in its place of TCT No. T-134609 in the name of Summit Realty, it was the former cancelled title which was used as basis for canceling petitioner's Tax Declaration No. 00942-A. Tax Declaration No. 00949-A was thus still issued in the name of Catigbac, instead of Summit Realty.

Piecing everything together, petitioner recounted in her Complaint Affidavit the alleged scheme perpetrated against her and the involvement therein of each of the conspirators:

28. Summit Point Realty and Development Corporation went into action right after I paid Orense a visit sometime May 2002. Summit resurrected from the grave. (sic) Francisco Catigbac whom they knew to be long dead to face possible litigation. This is the height of malice and bad faith on the part of Summit through its Lauro Leviste II, the Executive Vice President and Benedicto Orense, the Vice President. I had only in my favor a tax declaration to show my interest and ownership over the 5, 000 sq.m. of the subject parcel of land. Evidently, Leviste and Orense came to the desperate conclusion that they needed a TCT which is a far better title than any tax declaration.

Both then methodically commenced their evil and illegal scheme by causing on June 26, 2002 at 11:20 a.m. the inscription with the Register of Deeds of Lipa City of a purported Special Power of Attorney in favor of Leonardo Yagin (Annex "I"). Next, the Deed of Absolute Sale (Annex "J") was made the following month in order to make it appear that Yagin unilaterally sold to Summit the subject parcel of land purportedly belonging to Francisco Catigbac. Since the latter was already dead and realizing that the agency was already extinguished, Annex "J" was not signed or executed by Leviste or Orense. This fact however did not deter the two from securing a BIR clearance on July 25, 2002. Also, on this same day, July 25, 2002, Annex "J" was presented to Atty. [Escutin] at 2:30 p.m. simultaneously, at exactly the same time of 2:30 p.m. TCT No. T-134609 in Summit's name was issued by Atty. [Escutin] WITHOUT benefit of the submission of the necessary documentation such as the Board Resolution, DAR Clearance, Revenue Tax Receipts for documentary stamps, real property tax clearance, proof of payment of transfer tax, tax declaration, articles of incorporation, SEC certification, license to sell and/or certificate of registration by HLURB, etc. Without the total and lightning speed cooperation of Atty. [Escutin] to close his eyes to the total absence of said vital documents, the desperately needed TCT to erase my interest and ownership would not have come into existence. Atty. [Escutin] had indeed acted in concert and in conspiracy with Leviste and Orense in producing Annex "H" and Annex "K".

29. Thereafter, Leviste and Orense utilized the already cancelled TCT No. 129642 in the name of Francisco Catigbac to be the basis in seeking the cancellation of TD #00942A in my name (Annex "F"). The Tax Mapping Division of the Office of City Assessor of Lipa City opined that my 5,000 sq.m. was (sic) part and

parcel of the 105,648 sq.m. covered by TCT No. 129642. A photocopy of the Certification from said division is hereto marked and attached as Annex "P", hereof. Aquilina Mistas, the Local Assessment Operations Officer III of the Office of the City Assessor of Lipa City then conveniently caused the disappearance of my Notice of Levy and other supporting documents which she had personally received from me on March 13, 2002. For her part of the conspiracy likewise, Marietta Linatoc, Records Clerk, forthwith cancelled by TD#00942-A and in lieu thereof she issued TD #00949-A in the name of Francisco Catigbac. I dare say so because Mistas and Linatoc were presented a cancelled TCT as basis for obliterating my 5,000 sq.m. The fact of cancellation is clearly stated on the posterior side of TCT No. 129642. Both can read. But the two nevertheless proceeded with dispatch in canceling my TD, though they had ample time and opportunity to reject the request of Summit who is not even the registered owner appearing on TCT No. 129642. Francisco Catigbac could not have been in front of Mistas and Linatoc because he was already six feet below the ground. Mistas and Linatoc could have demanded presentation of the document authorizing Summit in requesting for the cancellation of my TD. Also, they could have demanded from Summit any document transferring my interest and ownership in favor of a third party. Or, at least, they could have annotated in Tax Declaration No. 00949-A the fact that I bought my 5,000 sq.m. from a public auction sale duly conducted by the court sheriff. Alternatively, Linatoc and Mistas should have advised Summit to the effect that since they already appear to be the owners of the subject parcel of land, the new tax declaration should bear their name instead. Mistas and Linatoc indeed conspired with Summit in the illegal and unwarranted cancellation of my TD and in covering up the behind-the-scenes activities of Summit by making it appear that it was Francisco Catigbac who caused the cancellation. Even Leonardo Yagin, the alleged attorney-in-fact did not appear before Mistas and Linatoc. Yagin could not have appeared because he is rumored to be long dead. The aforementioned acts of the two benefitted (sic) Summit through their manifest partiality, evident bad faith and/or gross inexcusable negligence. Perhaps, there is some truth to the rumor that Yagin is dead because he does not even have a TIN in the questioned Deed of Absolute Sale. If indeed Yagin is already dead or inexistent[,] the alleged payment of the purchase price of P5,282,400.00 on July 25, 2002 is a mere product of the fertile imagination of Orense and Leviste. To dispute this assertion[,] the live body of Leonardo Yagin must be presented by Orense and Leviste.[23]

After filing her Affidavit Complaint, petitioner attempted to have the Sheriff's Deed of Final Sale/Conveyance of her 5,000 square meter pro-indiviso share in Lot 13713 registered with the Register of Deeds of Lipa City. She also sought the annotation of her Affidavit of Adverse Claim on the said 5,000 square meters on TCT No. T-134609 of Summit Realty.

Escutin, the Register of Deeds of Lipa City, relying on the finding of Examiner Juanita H. Sta. Ana (Sta. Ana), refused to have the Sheriff's Deed of Final Sale/Conveyance registered, since:

The Sheriff's Deed of Final Sale/Conveyance is a Mode of Transfers (sic) ownership in favor of the Plaintiff, [Dinah] C. Castillo, (sic) However[,] it happen (sic) that the presented Tax Declaration [No.] 00942-A is already transfer (sic) in the name of the said [Dinah] C. Castillo, therefore[,] the registration of Sheriff (sic) Final Sale is no longer necessary.[24]

Escutin likewise denied petitioner's request to have her Affidavit of Adverse Claim annotated on TCT No. T-134609 on the following grounds:

- The claimants (sic) rights or interest is not adverse to the registered owner. The registered owner is Summit Point Realty and Development Corporation under Transfer Certificate of Title No. T-134609 of the Registry of Deeds for Lipa City.
- The records of the Registry reveals that the source of the rights or interest of the adverse claimant is by virtue of a Levy on Execution by the Regional Trial Court Fourth Judicial Region, Branch 30, San Pablo City, in Civil Case No. SP-4489 (1996), [Dinah] C. Castillo vs. Raquel Buenaventura. The registered owner, Summit Point Realty and Development Corporation nor its predecessor-in-interest are not the judgment debtor or a party in the said case. Simply stated, there is no privity of contract between them (Consulta No. 1044 and

1119). If ever, her adverse claim is against Raquel Buenaventura, the judgment debtor who holds no title over the property.[25]

Escutin did mention, however, that petitioner may elevate en consulta to the Land Registration Authority (LRA) the denial of her request for registration of the Sheriff's Deed of Final Sale/Conveyance and annotation of her adverse claim on TCT No. T-134609. This petitioner did on 3 July 2003.

While her Consulta was pending before the LRA, petitioner filed a Supplemental Complaint Affidavit[26] and a Second Supplemental Complaint Affidavit[27] with the Office of the Deputy Ombudsman for Luzon, bringing to its attention the aforementioned developments. In her Second Supplemental Complaint Affidavit, petitioner prayed that Sta. Ana be included as a co-respondent in OMB-L-A-03-0573-F and OMB-L-C-03-0728-F, averring that the latter's actuation deprived petitioner of a factual basis for securing a new title in her favor over her 5,000 square meter pro-indiviso share in Lot 13713, because the public auction sale of the said property to her could never become final without the registration of the Sheriff's Deed.

The persons charged in OMB-L-A-03-0573-F and OMB-L-C-03-0728-F filed their respective Counter-Affidavits.

Respondent Escutin clarified in his Counter Affidavit that TCT No. T-134609 reflected the same date and time of entry of the Deed of Absolute Sale between Yagin (as Catigbac's attorney-in-fact) and Summit Realty, i.e., 25 July 2002 at 2:30 p.m., in accordance with Section 56[28] of Presidential Decree No. 1529, otherwise known as the Property Registration Decree. He emphasized that his duty as Register of Deeds to register the Deed of Absolute Sale presented before him was purely ministerial. If the document was legal and in due form, and there was nothing mutilated or irregular on its face, the Register of Deeds had no authority to inquire into its intrinsic validity based upon proofs aliunde. It was not true that he allowed the registration of the Deed of Absolute Sale notwithstanding the absence of the required documents supporting the application for registration thereof. On the contrary, all the required documents such as the DAR Clearance, Bureau of Internal Revenue (BIR) Certificate Authorizing Registration (CAR), Real Property Tax, Transfer Tax, Secretary's Certificate and Articles of Incorporation of Summit Realty were submitted. While it was true that the Secretary's Certificate did not accompany the Deed of Absolute Sale upon the presentation of the latter for registration, Section 117 of the Property Registration Decree gives the party seeking registration five days to comply with the rest of the requirements; and only if the party should still fail to submit the same would it result in the denial of the registration. The License to Sell and the Housing and Land Use Regulatory Board Registration of Summit Realty are only required when a subdivision project is presented for registration. The use of TINs in certain documents is a BIR requirement. The BIR itself did not require from Yagin as vendor his TIN in the Deed of Absolute Sale, and issued the CAR even in the absence thereof. The Register of Deeds, therefore, was only bound by the CAR. As to the Certification earlier issued by the Register of Deeds of Lipa City attesting that Lot 13713 in the name of co-owners Raquel, Urbana, and Perla, was not covered by any certificate of title, Escutin explained that the Register of Deeds was not technically equipped to determine whether a cadastral lot number was within a titled property or not. Lastly, Escutin denied conspiring or participating in the cancellation of petitioner's Tax Declaration No. 00942-A for, as Register of Deeds, he was not concerned with the issuance (or cancellation) of tax declarations.

Respondent Mistas, the Assistant City Assessor for Administration of the Office of the City Assessor, Lipa City, disputed petitioner's allegations that she personally received from petitioner copies of the Notice of Levy and other supporting documents, and that she caused the disappearance thereof. Although she admitted that said documents were shown to her by petitioner, she referred petitioner to the Receiving Clerk, Lynie Reyes, who accordingly received the same. Mistas maintained that she was not the custodian of records of the Office and she should not be held responsible for the missing documents. She opined that petitioner's documents could have been

among those misplaced or destroyed when the Office of the City Assessor was flooded with water leaking from the toilet of the Office of the City Mayor. As Assistant City Assessor for Administration, Mistas identified her main function to be the control and management of all phases of administrative matters and support. She had no hand in the cancellation of petitioner's Tax Declaration No. 00942-A, and the issuance of Catigbac's Tax Declaration No. 00949-A for such function pertained to another division over which she did not exercise authority. Thus, it was also not within her function or authority to demand the presentation of certain documents to support the cancellation of petitioner's Tax Declaration No. 00942-A or to cause the annotation of petitioner's interest on Catigbac's Tax Declaration No. 00949-A.

Respondent Linatoc averred that as Local Assessment Operation Officer II of the Office of the City Assessor, Lipa City, she was in charge of safekeeping and updating the North District Records. With respect to the transfer of a tax declaration from one name to another, her duty was limited only to the act of preparing the new tax declaration and assigning it a number, in lieu of the cancelled tax declaration. It was a purely ministerial duty. She had no authority to demand the presentation of any document or question the validity of the transfer. Neither was it within her jurisdiction to determine whether petitioner's interest should have been annotated on Catigbac's Tax Declaration No. 00949-A. Examining the documents presented in support of the transfer of the tax declaration to another's name was a function belonging to other divisions of the Office of the City Assessors. The flow of work, the same as in any other ordinary transaction, mandated her to cancel petitioner's Tax Declaration No. 00942-A, and to prepare and release Catigbac's Tax Declaration No. 00949-A after the transfer had been reviewed and approved by other divisions of the Office. It was also not true that TCT No. 129642 in the name of Catigbac was already cancelled when it was presented before the Office of the City Assessors; the photocopy of said certificate of title with the Office bore no mark of cancellation.

Leviste and Orense, the private individuals charged with the respondent public officers, admitted that they were corporate officers of Summit Realty. They related that Summit Realty bought a parcel of land measuring 105,648 square meters, later identified as Lot 1-B, previously included in TCT No. 181, then specifically covered by TCT No. 129642, both in the name of Catigbac. As a result of such purchase, ownership of Lot 1-B was transferred from Catigbac to Summit Realty. Summit Realty had every reason to believe in good faith that said property was indeed owned by Catigbac on the basis of the latter's certificate of title over the same. Catigbac's right as registered owner of Lot 1-B under TCT No. 181/No. 129642, was superior to petitioner's, which was based on a mere tax declaration. Leviste and Orense rebutted petitioner's assertion that the Deed of Absolute Sale between Yagin, as Catigbac's attorney-in-fact, and Summit Realty was a "one-way street." The Deed was actually signed on the left margin by both Yagin and the representative of Summit Realty. The inadvertent failure of the representative of Summit Realty to sign the last page of the Deed and of both parties to indicate their TINs therein did not invalidate the sale, especially since the Deed was signed by witnesses attesting to its due execution. Questions as regards the scope of Catigbac's Special Power of Attorney in favor of Yagin and the effectivity of the same after Catigbac's death can only be raised in an action directly attacking the title of Summit Realty over Lot 1-B, and not in an administrative case and/or preliminary investigation before the Ombudsman, which constituted a collateral attack against said title. Leviste and Orense further explained that since the owner's duplicate of TCT No. 181 was lost and was judicially ordered replaced only on 3 January 2001, entries/inscriptions were necessarily made thereon after said date. As to Orense's failure to show petitioner any document proving ownership of Lot 1-B by Summit Realty when the latter paid him a visit, it was not due to the lack of such documents, but because of petitioner's failure to establish her right to peruse the same. Orense also denied ever threatening petitioner during their meeting. Finally, according to Leviste and Orense, petitioner's allegations were based on mere conjectures and unsupported by evidence. That particular acts were done or not done by certain public officials was already beyond the control of Leviste and Orense, and just because they

benefited from these acts did not mean that they had a hand in the commission or omission of said public officials. After more exchange of pleadings, OMB-L-A-03-0573-F and OMB-L-C-03-0728-F were finally submitted for resolution.

In a Joint Resolution[29] dated 28 April 2004, the Office of the Deputy Ombudsman for Luzon gave more credence to respondent Escutin's defenses, as opposed to petitioner's charges against him:

Going to the charges against respondent Escutin, he convincingly explained that he allowed the registration of the allegedly defective Deed of Sale because he, as Register of Deeds, has no power to look into the intrinsic validity [of] the contract presented to him for registration, owing to the ministerial character of his function. Moreover, as sufficiently explained by said respondent, all the documents required for the registration of the Deed of Sale were submitted by the applicant.

We likewise find said respondent's explanation satisfactory that Section 56 of P.D. 1529 mandates that the TCT bear the date of registration of the instrument on which the said TCT's issuance was based. It is for this reason that TCT 134609 bears the same date and time as the registration of the Deed of Absolute Sale, which deed served as basis for its issuance.

As to his denial to register [herein petitioner's] Affidavit of Adverse Claim and Sheriff's Certificate of Final Sale, through the issuance by the Registry of Deeds Examiner Juanita H. Sta. Ana, of the 29 June 2003 Order denying registration thereof, such matter had been raised by herein [petitioner] in a letter-consulta to the Administrator of the Land Registration Authority (LRA) on 03 July 2003. As the criminal and administrative charges respecting this issue is premised, in part, on a matter still pending with the LRA, we find it premature to make a finding on the same.

It is for the same reason that we deny the motion contained in the Second Supplemental Complaint Affidavit praying for the inclusion, as additional respondent, of Juanita H. Sta. Ana, who is impleaded solely on the basis of having signed, by authority of Escutin, the 29 July 2003 Order of denial of [petitioner's] application for registration.

Finally, respondent Escutin was able to successfully demonstrate, through Consulta 2103 dated 25 July 1994, wherein the denial of registration by the Examiner of the Registry of Deeds of Quezon City was upheld by the LRA Administrator, that the (sic) it was practice in the different Registries that Examiners are given authority by the Register to sign letters of denial.[30]

The Office of the Deputy Ombudsman for Luzon declared in the same Joint Resolution that there was no basis to hold respondents Mistas and Linatoc administratively or criminally liable:

In this respect, this Office notes that while [herein petitioner] alleges that Aquilina Mistas caused the disappearance of the Notice of Levy and other supporting documents received from [petitioner] on 13 March 2003 when she applied for the issuance of a Tax Declaration in her favor, she did not present her receiving copy thereof showing that it was Mistas who received said documents from her. Neither did she show that Mistas is the employee responsible for record safekeeping.

Next, we find, as convincingly answered, the allegation that respondent Marietta Linatoc cancelled Tax Declaration No. 00942-A and issued Tax Declaration 00949-Q (sic) on the basis of a cancelled Transfer Certificate of Title upon the behest of Summit [Realty], which was not the registered owner of the property.

Respondent Linatoc, meeting squarely [petitioner's] allegation, admits having physically cancelled Tax Declaration No. 00942-A and having prepared a new declaration covering the same property in Catigbac's [name], as mandated by the flow of work in the City Assessor's Office. However, she denies having the authority or discretion to evaluate the correctness and sufficiency of the documents supporting the application for the issuance of the Tax Declaration, arguing that her official function is limited to the physical preparation

of a new tax declaration, the assignment of a new tax declaration number and the cancellation of the old tax declaration, after the application had passed the other divisions of the City Assessor's Office.

Verily, [petitioner] failed to establish that respondent Mistas and Linatoc, are the ones officially designated to receive applications for issuance of Tax Declaration, evaluate the sufficiency of the documents supporting such applications, and on the basis of the foregoing recommend or order the cancellation of an existing Tax Declaration and direct the annotation of any fact affecting the property and direct the issuance of a new tax declaration covering the same property.

In fact, there is even a discrepancy as to the official designation of said respondents. While [petitioner] impleads Mistas, in her capacity as Local Assessment Officer, and Linatoc, in her capacity as Records Clerk, Mistas, in her counter-affidavit, alleges a different designation, i.e., Assistant City Assessor for Administration, while Linatoc claims to be the Local Assessment Operation Officer II of the City Assessor's Office.

With the scope of work of said respondents not having been neatly defined by [petitioner], this Office cannot make a definitive determination of their liability for Grave Misconduct and violation of Section 3(e) of R.A. No. 3019, which charges both relate to the performance or discharge of Mistas' and Linatoc's official duties.[31]

Neither did the Office of the Deputy Ombudsman for Luzon find any probable cause to criminally charge private individuals Leviste and Orense for the following reasons:

Anent private respondents, with the alleged conspiracy to unlawfully cause the transfer of the title of [herein petitioner's] property to Summit sufficiently explained by respondent Register of Deeds, such allegation against private respondents loses a legal leg to stand on.

Inasmuch as [petitioner] was not able to sufficiently outline the official functions of respondents Mistas and Linatoc to pin down their specific accountabilities, the imputation that private respondent (sic) conspired with said public respondents respecting the cancellation of Tax Declaration No. 00942-A is likewise stripped of any factual and legal bases.[32]

As to whether petitioner was indeed unlawfully deprived of her 5,000 square meter property, which issue comprised the very premise of OMB-L-A-03-0573-F and OMB-L-C-03-0728-F, the Office of the Deputy Ombudsman for Luzon ruled that such matter was not within its jurisdiction and should be raised in a civil action before the courts of justice.

In the end, the Office of the Ombudsman decreed:

WHEREFORE premises considered, it is respectfully recommended that : (1) the administrative case against public respondents ANTONIO M. ESCUTIN, AQUILINA A. MISTAS and MARIETA L. LINATOC be DISMISSED, for lack of substantial evidence; and (2) the criminal case against the same respondents including private respondent LAURO S. LEVISTE II and BENEDICTO L. ORENSE, be DISMISSED, for lack of probable cause.[33]

In a Joint Order[34] dated 20 June 2005, the Office of the Deputy Ombudsman for Luzon denied petitioner's Motion for Reconsideration.

The Office of the Deputy Ombudsman for Luzon, in its Joint Order, took notice of the Resolution dated 17 December 2002 of the LRA in Consulta No. 3483, which involved circumstances similar to those in petitioner's case. The LRA distinguished between two systems of land registration: one is the Torrens system for registered lands under the Property Registration Decree, and the other is the system of registration for unregistered land under Act No. 3344 (now Section 113 of the Property Registration Decree). These systems are separate and distinct from each other. For documents involving registered lands, the same should be recorded under the

Property Registration Decree. The registration, therefore, of an instrument under the wrong system produces no legal effect. Since it appeared that in Consulta No. 3483, the registration of the Kasulatan ng Sanglaan, the Certificate of Sale and the Affidavit of Consolidation was made under Act No. 3344, it did not produce any legal effect on the disputed property, because the said property was already titled when the aforementioned documents were executed and presented for registration, and their registration should have been made under the Property Registration Decree.

Furthermore, the Office of the Deputy Ombudsman for Luzon, in the same Joint Order, took into account petitioner's withdrawal of her appeal en consulta before the LRA of the denial by the Register of Deeds of her request for registration of the Sheriff's Deed of Final Sale/Conveyance and Affidavit of Adverse Claim, which prompted the LRA Administrator to declare the consulta moot and academic. For want of a categorical declaration on the registerability of petitioner's documents from the LRA, the competent authority to rule on the said matter, there could be no basis for a finding that respondent public officers could be held administratively or criminally liable for the acts imputed to them.

Petitioner sought recourse from the Court of Appeals by filing a Petition for Review under Rule 43 of the Rules of Court challenging the 28 April 2004 Joint Resolution and 20 June 2005 Joint Order of the Office of the Deputy Ombudsman for Luzon.[35] The appeal was docketed as CA-G.R. SP No. 90533.

The Court of Appeals promulgated its Decision[36] on 18 October 2005, also finding no reason to administratively or criminally charge respondents. Essentially, the appellate court adjudged that petitioner can not impute corrupt motives to respondents' acts:

Without evidence showing that respondents received any gift, money or other pay-off or that they were induced by offers of such, the Court cannot impute any taint of direct corruption in the questioned acts of respondents. Thus, any indication of intent to violate the laws or of flagrant disregard of established rule may be negated by respondents' honest belief that their acts were sanctioned under the provisions of existing law and regulations. Such is the situation in the case at bar. Respondent Register of Deeds acted in the honest belief that the agency recognized by the court in LRC Case No. 00-0376 between the registered owner Francisco Catigbac and Leonardo Yagin subsisted with respect to the conveyance or sale of Lot 1 to Summit as the vendee, and that the Special Power of Attorney and Deed of Absolute Sale presented as evidence during said proceedings are valid and binding. Hence, respondent Escutin was justified in believing that there is no legal infirmity or defect in registering the documents and proceeding with the transfer of title of Lot 1 in the name of the new owner Summit. On the other hand, respondent Linatoc could not be held administratively liable for effecting the cancellation in the course of ordinary flow of work in the City Assessor's Office after the documents have undergone the necessary evaluation and verification by her superiors.[37]

The Court of Appeals referred to the consistent policy of the Supreme Court not to interfere with the exercise by the Ombudsman of his investigatory power. If the Ombudsman, using professional judgment, finds the case dismissible, the Court shall respect such findings, unless clothed with grave abuse of discretion. The appellate court pronounced that there was no grave abuse of discretion on the part of the Office of the Deputy Ombudsman for Luzon in dismissing petitioner's Complaint Affidavit against respondents.

Hence, the dispositive portion of the Decision of the Court of Appeals reads:

WHEREFORE, premises considered, the present petition is hereby DISMISSED for lack of merit. The challenged Joint Resolution dated April 28, 2004 and Joint Order dated June 20, 2005 in OMB-L-A-03-0573-F and OMB-L-C-03-0728-F are hereby AFFIRMED.[38]

In its Resolution dated 11 January 2006, the Court of Appeals denied petitioner's Motion for Reconsideration for failing to present new matter which the appellate court had not already considered in its earlier Decision.

Petitioner now comes before this Court via the instant Petition for Review on Certiorari, with the following assignment of errors:

I.

THE HONORABLE COURT OF APPEALS PATENTLY ERRED IN AFFIRMING THE CANCELLATION OF THE TAX DECLARATION 00942 OF PETITIONER IN VIOLATION OF SECTION 109 OF PRESIDENTIAL DECREE 1529, OTHERWISE KNOWN AS THE PROPERTY REGISTRATION ACT (sic);

II.

THE HONORABLE COURT OF APPEALS PATENTLY ERRED IN RULING THAT RESPONDENTS COULD NOT BE HELD ADMINISTRATIVELY LIABLE FOR UNDULY FAVORING SUMMIT TO THE DAMAGE AND PREJUDICE OF PETITIONER.[39]

The Petition at bar is without merit.

As to the first issue, petitioner invokes Section 109 of the Property, Registration Decree which provides:

SEC. 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 new 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.

Petitioner argues that the RTC, in LRC Case No. 00-0376, only ordered the issuance of a new owner's duplicate of TCT No. 181 in lieu of the lost one. However, respondents did not only issue a new owner's duplicate of TCT No. 181, but also cancelled petitioner's Tax Declaration No. 00942-A and issued in its place Tax Declaration No. 00949-A in the name of Catigbac. Respondents did not even annotate petitioner's existing right over 5,000 square meters of Lot 1-B or notify petitioner of the cancellation of her Tax Declaration No. 00942-A. Petitioner maintains that a new owner's duplicate of title is not a mode of acquiring ownership, nor is it a mode of losing one. Under Section 109 of the Property Registration Decree, the new duplicate of title was issued only to replace the old; it cannot cancel existing titles.

Petitioner's position on this issue rests on extremely tenuous arguments and befuddled reasoning.

Before anything else, the Court must clarify that a title is different from a certificate of title. Title is generally defined as the lawful cause or ground of possessing that which is ours. It is that which is the foundation of ownership of property, real or personal.[40] Title, therefore, may be defined briefly as that which constitutes a just cause of exclusive possession, or which is the foundation of ownership of property.[41] Certificate of title, on the other hand, is a mere evidence of ownership; it is not the title to the land itself.[42] Under the Torrens system, a certificate of title may be an Original Certificate of Title, which constitutes a true copy of the decree of registration; or a Transfer Certificate of Title, issued subsequent to the original registration.

Summit Realty acquired its title to Lot 1-B, not from the issuance of the new owner's duplicate of TCT No. 181, but from its purchase of the same from Yagin, the attorney-in-fact of Catigbac, the registered owner of the said

property. Summit Realty merely sought the issuance of a new owner's duplicate of TCT No. 181 in the name of Catigbac so that it could accordingly register thereon the sale in its favor of a substantial portion of Lot 1 covered by said certificate, later identified as Lot 1-B. Catigbac's title to Lot 1-B passed on by sale to Summit Realty, giving the latter the right to seek the separation of the said portion from the rest of Lot 1 and the issuance of a certificate of title specifically covering the same. This resulted in the issuance of TCT No. 129642 in the name of Catigbac, covering Lot 1-B, which was subsequently cancelled and replaced by TCT No. T-134609 in the name of Summit Realty.

Petitioner's reliance on Section 109 of the Property Registration Decree is totally misplaced. It provides for the requirements for the issuance of a lost duplicate certificate of title. It cannot, in any way, be related to the cancellation of petitioner's tax declaration.

The cancellation of petitioner's Tax Declaration No. 00942-A was not because of the issuance of a new owner's duplicate of TCT No. 181, but of the fact that Lot 1-B, which encompassed the 5,000 square meters petitioner lays claim to, was already covered by TCT No. 181 (and subsequently by TCT No. 129642) in the name of Catigbac. A certificate of title issued is an absolute and indefeasible evidence of ownership of the property in favor of the person whose name appears therein. It is binding and conclusive upon the whole world.[43] All persons must take notice, and no one can plead ignorance of the registration.[44] Therefore, upon presentation of TCT No. 129642, the Office of the City Assessor must recognize the ownership of Lot 1-B by Catigbac and issue in his name a tax declaration for the said property. And since Lot 1-B is already covered by a tax declaration in the name of Catigbac, accordingly, any other tax declaration for the same property or portion thereof in the name of another person, not supported by any certificate of title, such that of petitioner, must be cancelled; otherwise, the City Assessor would be twice collecting a realty tax from different persons on one and the same property.

As between Catigbac's title, covered by a certificate of title, and petitioner's title, evidenced only by a tax declaration, the former is evidently far superior and is, in the absence of any other certificate of title to the same property, conclusive and indefeasible as to Catigbac's ownership of Lot 1-B. Catigbac's certificate of title is binding upon the whole world, including respondent public officers and even petitioner herself. Time and again, the Court has ruled that tax declarations and corresponding tax receipts cannot be used to prove title to or ownership of a real property inasmuch as they are not conclusive evidence of the same.[45] Petitioner acquired her title to the 5,000 square meter property from Raquel, her judgment debtor who, it is important to note, likewise only had a tax declaration to evidence her title. In addition, the Court of Appeals aptly observed that, "[c]uriously, as to how and when petitioner's alleged predecessor-in-interest, Raquel K. Moratilla and her supposed co-owners acquired portions of Lot 1 described as Lot 13713 stated in TD No. 00449, petitioner had so far remained utterly silent." [46]

Petitioner's allegations of defects or irregularities in the sale of Lot 1-B to Summit Realty by Yagin, as Catigbac's attorney-in-fact, are beyond the jurisdiction of the Office of the Deputy Ombudsman for Luzon to consider. It must be remembered that Summit Realty had already acquired a certificate of title, TCT No. T-134609, in its name over Lot 1-B, which constitutes conclusive and indefeasible evidence of its ownership of the said property and, thus, cannot be collaterally attacked in the administrative and preliminary investigations conducted by the Office of the Ombudsman for Luzon. Section 48 of the Property Registration Decree categorically provides that a certificate of title shall not be subject to collateral attack. It cannot be altered, modified, or cancelled except in a direct proceeding in accordance with law. For this same reason, the Court has no jurisdiction to grant petitioner's prayer in the instant Petition for the cancellation of TCT No. T-134609 in the name of Summit Realty.

Which now brings the Court to the second issue raised by petitioner on the administrative liability of respondents.

Before the Court proceeds to tackle this issue, it establishes that petitioner's Complaint Affidavit before the Office of the Ombudsman for Luzon gave rise to two charges: (1) OMB-L-A-03-0573-F involved the administrative charge for Gross Misconduct against respondent public officers; and (2) OMB-L-C-03-0728-F concerned the criminal charge for violation of Section 3(e) of the Anti-Graft and Corrupt Practices Act[47] against respondent public officers and private individuals Leviste and Orense. The Office of the Deputy Ombudsman for Luzon, affirmed by the Court of Appeals, dismissed both charges. In the Petition at bar, petitioner only assails the dismissal of the administrative charge for grave misconduct against respondent public officers. Since petitioner did not raise as an issue herein the dismissal by the Office of the Deputy Ombudsman for Luzon, affirmed by the Court of Appeals, of the criminal charge against respondent public officers for violation of Section 3(e) of the Anti-Graft and Corrupt Practices Act, the same became final and executory.[48]

In *Domingo v. Quimson*,[49] the Court adopted the well-written report and recommendation of its Clerk of Court on the administrative matter then pending and involving the charge of gross or serious misconduct:

"Under Section 36, par. (b) [1] of PD No. 807, otherwise known as the Civil Service Decree of the Philippines, 'misconduct' is a ground for disciplinary action. And under MC No. 8, S. 1970, issued by the Civil Service Commission on July 28, 1970, which sets the 'Guidelines in the Application of Penalties in Administrative Cases and other Matters Relative Thereto,' the administrative offense of 'grave misconduct' carries with it the maximum penalty of dismissal from the service (Sec. IV-C[3], MC No. 8, S. 1970). But the term 'misconduct' as an administrative offense has a well defined meaning. It was defined in *Amosco vs. Judge Magno*, Adm. Mat. No. 439-MJ, Res. September 30, 1976, as referring 'to a transgression of some established and definite rule of action, more particularly, unlawful behavior or gross negligence by the public officer.' It is a misconduct 'such as affects the performance of his duties as an officer and not such only as effects his character as a private individual.' In the recent case of *Oao vs. Pabato, etc.*, Adm. Mat. No. 782-MJ, Res. July 29, 1977, the Court defined 'serious misconduct' as follows:

'Hence, even assuming that the dismissal of the case is erroneous, this would be merely an error of judgment and not serious misconduct. The term 'serious misconduct' is a transgression of some established and definite rule of action more particularly, unlawful behavior of gross negligence by the magistrate. It implies a wrongful intention and not a mere error of judgment. For serious misconduct to exist, there must be reliable evidence showing that the judicial acts complained of were corrupt or inspired by intention to violate the law, or were a persistent disregard of well-known legal rules. We have previously ruled that negligence and ignorance on the part of a judge are inexcusable if they imply a manifest injustice which cannot be explained by a reasonable interpretation. This is not so in the case at bar.'" (Italics supplied.)

To reiterate, for grave misconduct to exist, there must be reliable evidence showing that the acts complained of were corrupt or inspired by an intention to violate the law, or were a persistent disregard of well-known legal rules. Both the Office of the Deputy Ombudsman for Luzon and the Court of Appeals found that there was no sufficient evidence to substantiate petitioner's charge of grave misconduct against respondents. For this Court to reverse the rulings of the Office of the Deputy Ombudsman for Luzon and the Court of Appeals, it must necessarily review the evidence presented by the parties and decide on a question of fact. Once it is clear that the issue invites a review of the evidence presented, the question posed is one of fact.[50]

Factual issues are not cognizable by this Court in a Petition for Review under Rule 45 of the Rules of Court. In order to resolve this issue, the Court would necessarily have to look into the probative value of the evidence presented in the proceedings below. It is not the function of the Court to reexamine or reevaluate the evidence all over again. This Court is not a trier of facts, its jurisdiction in these cases being limited to reviewing only errors of law that may have been committed by the lower courts or administrative bodies performing quasi-judicial functions. It should be emphasized that findings made by an administrative body, which has acquired expertise, are accorded not only respect but even finality by the Court. In administrative proceedings, the quantum of

evidence required is only substantial.[51]

Absent a clear showing of grave abuse of discretion, the Court shall not disturb findings of fact. The Court cannot weigh once more the evidence submitted, not only before the Ombudsman, but also before the Court of Appeals. Under Section 27 of Republic Act No. 6770, findings of fact by the Ombudsman are conclusive, as long as they are supported by substantial evidence.[52] Substantial evidence is the amount of relevant evidence which a reasonable mind might accept as adequate to justify a conclusion.[53]

The Court finds no reason to disturb the finding of the Office of the Deputy Ombudsman for Luzon and the Court of Appeals that respondents did not commit gross misconduct. Evident from the 28 April 2004 Joint Resolution of the former and the 18 October 2005 Decision of the latter is that they arrived at such findings only after a meticulous consideration of the evidence submitted by the parties.

Respondents were able to clearly describe their official functions and to convincingly explain that they had only acted in accordance therewith in their dealings with petitioner and/or her documents. Respondents also enjoy in their favor the presumption of regularity in the performance of their official duty. The burden of proving otherwise by substantial evidence falls on petitioner, who failed to discharge the same.

From the very beginning, petitioner was unable to identify correctly the positions held by respondents Mistas and Linatoc at the Office of the City Assessor. How then could she even assert that a particular action was within or without their jurisdiction to perform? While it may be true that petitioner should have at least been notified that her Tax Declaration No. 00942-A was being cancelled, she was not able to establish that such would be the responsibility of respondents Mistas or Linatoc. Moreover, petitioner did not present statutory, regulatory, or procedural basis for her insistence that respondents should have done or not done a particular act. A perfect example was her assertion that respondents Mistas and Linatoc should have annotated her interest on Tax Declaration No. 00949-A in the name of Catigbac. However, she failed to cite any law or rule which authorizes or recognizes the annotation of an adverse interest on a tax declaration. Finally, absent any reliable evidence, petitioner's charge that respondents conspired with one another and with corporate officers of Summit Realty is nothing more than speculation, surmise, or conjecture. Just because the acts of respondents were consistently favorable to Summit Realty does not mean that there was a concerted effort to cause petitioner prejudice. Respondents' actions were only consistent with the recognition of the title of Catigbac over Lot 1-B, transferred by sale to Summit Realty, registered under the Torrens system, and accordingly evidenced by certificates of title.

WHEREFORE, premises considered, the instant Petition for Review is hereby DENIED. The Decision dated 18 October 2005 and Resolution dated 11 January 2006 of the Court of Appeals in CA-G.R. SP No. 90533 are hereby AFFIRMED in toto. Costs against the petitioner Dinah C. Castillo.

SO ORDERED.

Ynares-Santiago, (Chairperson), Austria-Martinez, Nachura, and Peralta, JJ., concur.

[1] Rollo, pp. 10-36.

[2] Penned by Associate Justice Martin S. Villarama, Jr., with Associate Justices Edgardo F. Sundiam and Japar B. Dimaampao, concurring; id. at 37-57.

[3] Id. at 58.

[4] Penned by Graft Investigation and Prosecution Officer I Raquel R.M. Cunanan-Marayag, with the recommending approval of Director Joaquin F. Salazar, and approved by Deputy Ombudsman for Luzon Victor

C. Fernandez; id. at 102-118.

[5] Penned by Graft Investigation and Prosecution Officer II Joy N. Casihan-Dumlao, with the recommending approval of Director Joaquin F. Salazar, and approved by Deputy Ombudsman for Luzon Victor C. Fernandez; id. at 119-122.

[6] Records, pp. 22-28.

[7] Id. at 30.

[8] Id. at 29.

[9] Id. at 31.

[10] Now Chapter XIII, Section 113 of Presidential Decree No. 1529, otherwise known as the Property Registration Decree, on recording of instruments related to unregistered Lands.

[11] Records, p. 32.

[12] Id. at 33-34.

[13] Id. at 35-36.

[14] Id. at 37.

[15] Id. at 38.

[16] Id. at 40.

[17] Id. at 39.

[18] Id. at 40.

[19] Id. at 4-20.

[20] Id. at 19.

[21] Penned by Judge Vicente F. Landicho; id. at 46-48.

[22] Id. at 50.

[23] Id. at 15-18.

[24] Id. at 84, 102.

[25] Id. at 103.

[26] Id. at 57-59.

[27] Id. at 60.

[28] SEC. 56. Primary Entry Book; fees; certified copies - Each Register of Deeds shall keep a primary entry book in which, upon payment of the entry fee, he shall enter, in the order of their reception, all instruments including copies of writs and processes filed with him relating to registered land. He shall, as a preliminary process in registration, note in such book the date, hour and minute of reception of all instruments, in the order in which they were received. They shall be regarded as registered from the time so noted, and the memorandum of each instrument, when made on the certificate of title to which it refers, shall bear the same date: Provided, that the national government as well as the provincial and city governments shall be exempt from the payment of such

fees in advance in order to be entitled to entry and registration.

Every deed or other instrument, whether voluntary or involuntary, so filed with the Register of Deeds shall be numbered and indexed and endorsed with a reference to the proper certificate of title. All records and papers relative to registered land in the office of the Register of Deeds shall be open to the public in the same manner as court records, subject to such reasonable regulations as the Register of Deeds, under the direction of the Commissioner of Land Registration, may prescribe.

All deeds and voluntary instruments shall be presented with their respective copies and shall be attested and sealed by the Register of Deeds, endorsed with the file number, and copies may be delivered to the person presenting them.

Certified copies of all instruments filed and registered may also be obtained from the Register of Deeds upon payment of the prescribed fees.

[29] Rollo, pp. 102-118.

[30] Id. at 112-113.

[31] Id. at 114-115.

[32] Id. at 115.

[33] Id. at 116.

[34] Id. at 119-122.

[35] Petitioner no longer impleaded Leviste and Orense as respondents in her Petition before the Court of Appeals. She also did not appeal the non-inclusion of Sta. Ana as a respondent in OMB-L-A-03-0573-F and OMB-L-C-03-0728-F

[36] Rollo, pp. 37-57.

[37] Id. at 55-56.

[38] Id. at 56.

[39] Id. at 19.

[40] Antonio H. Noblejas and Edilberto H. Noblejas, Registration of Land Titles and Deeds (2007 revised ed.), p. 2, citing *Hunt v. Easton*, 21 N.W. 429, 431.

[41] Id. at 3.

[42] Id. at 4.

[43] *Barrera v. Court of Appeals*, 423 Phil. 559, 569-570 (2001).

[44] *Heirs of Vencilao v. Court of Appeals*, 351 Phil. 815, 823 (1998).

[45] See *Cervantes v. Court of Appeals*, 404 Phil. 651, 659 (2001); *Cureg v. Intermediate Appellate Court*, G.R. No. 73465, 7 September 1989, 177 SCRA 313, 320-321.

[46] Rollo, p. 53.

[47] Section 3(e) of The Anti-Graft and Corrupt Practices Act reads:

(e) Causing any undue injury to any party, including the Government, or giving any private party any unwarranted benefits, advantage or preference in the discharge of his official, administrative or judicial functions through manifest partiality, evident bad faith or gross inexcusable negligence. This provision shall apply to officers and employees of offices or government corporations charged with the grant of licenses or permits or other concessions.

[48] See *Philippine National Bank v. Spouses Rabat*, 398 Phil. 654, 667-668 (2000).

[49] A.M. No. P-1518, 19 August 1982.

[50] *Crisostomo v. Garcia, Jr.*, G.R. No. 164787, 31 January 2006, 481 SCRA 402, 409.

[51] See *Basuel v. Fact Finding and Intelligence Bureau*, G.R. No. 143664, 30 June 2006, 494 SCRA 118, 126-127.

[52] *Dr. Almanzor v. Dr. Felix*, 464 Phil. 804, 810-811 (2004).

[53] Rule 133, Section 5 of the Rules of Court.

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