

## OFFICE OF THE OMBUDSMAN (MINDANAO), PETITIONER, VS. ASTERIA E. CRUZABRA, RESPONDENT.

*G.R. No. 183507. February 24, 2010*

Ponente: CARPIO MORALES, J.

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### CARPIO MORALES, J.:

Anwar Mohamad Abdurasak and Jovina Tama Mohamad Abdurasak via a petition filed before the Office of the Register of Deeds of General Santos City sought the inclusion of the name "Ali Mohamad Abdurasak" in Transfer Certificates of Title Nos. T-89456 and T-89458.

Without authority from General Santos City Register of Deeds Asteria E. Cruzabra (respondent), land registration examiner Bienvenido Managuit (Managuit) acted on the petition by instructing the office clerk to type the name "Ali Mohamad Abdurasak" on the face of the titles.

Due to the unauthorized intercalation, one Datu Sarip E. Andang[1] filed a criminal complaint against respondent, as register of deeds, for falsification of public documents and usurpation of official functions before the Office of the Ombudsman for Mindanao (petitioner).

In her Counter-Affidavit, respondent alleged that, inter alia, the intercalation was without her authority and it occurred outside her cubicle; that upon learning about it, she did not correct the same for to do so would subject her or the author thereof to a charge of falsification of public documents; and that the proper parties to question the intercalation are those whose interests on the titles were prejudiced thereby.[2]

Ombudsman Prosecutor Liza C. Tan found no probable cause to charge respondent with usurpation of official functions and accordingly ordered the withdrawal of the Information for falsification of public documents which apparently had been filed earlier. On her recommendation, however, an administrative case for simple misconduct was filed against respondent.[3]

The Office of the Ombudsman for Mindanao (petitioner), through Deputy Ombudsman's Antonio E. Valenzuela's Order[4] of May 18, 2004, found respondent liable for neglect of duty and accordingly imposed on her the penalty of suspension for one (1) month without pay, pursuant to Section 46, Book V, Title I of Executive Order No. 292 (the Administrative Code of 1987).

On appeal by respondent, the Court of Appeals, by Decision[5] of December 14, 2007, reversed petitioner's decision, it finding that respondent was not negligent. It admonished her, however. Thus the appellate court ratiocinated:

As Registrar of Deeds, the primary duties and responsibilities, among other things, of [respondent] are: (1) directs and supervises the activities of the Registry of Deeds Office; (2) reviews deeds and other documents for conformance with legal requirements for registration; and (3) approves registration of documents and justifies disapproved cases. x x x.

x x x The land registration examiner, Bienvenido Managuit himself admitted that . . . he personally ordered the

typing of the name "Ali Mohamad Abdurasak" on the face of the titles, without referring the said petition to [respondent] for review and proper disposition being the head of office. This fact negates the imputation of neglect of duty which, as defined, is the failure of an employee to give proper attention to a task expected of him, signifying "disregard of a duty resulting from carelessness or indifference (Office of the Ombudsman v. Court of Appeals, G.R. No. 167844, Nov. 22, 2006)."

x x x x

While We are convinced that [respondent] is not negligent in the performance of her official duties and responsibilities as Registrar of Deeds, We however admonish her to be very careful, using prudence and caution in the management of the affairs in her Office in order to preserve the public's faith and confidence in the government. (emphasis and underscoring supplied)

Its motion for reconsideration having been denied, petitioner filed the present Petition for Review on Certiorari, maintaining that it did not err in finding respondent administratively guilty of neglect of duty and that its Order "imposing upon respondent the penalty of suspension for one (1) month without pay is final, executory and unappealable." [6]

The Court finds for petitioner.

In administrative and quasi-judicial proceedings, the quantum of proof required for a finding of guilt is only substantial evidence, "that amount of relevant evidence that a reasonable mind might accept as adequate to support a conclusion, even if other minds, equally reasonable, might conceivably opine otherwise." [7]

In the present case, petitioner's Order of May 18, 2004 finding respondent administratively liable for neglect of duty, which "implies the failure to give proper attention to a task expected of an employee arising from either carelessness or indifference," [8] was adequately established by substantial evidence.

That it is the duty and responsibility of respondent, as register of deeds, to direct and supervise the activities of her office can never be overemphasized. Whether respondent exercised prudence and vigilance in discharging her duties, she has not shown.

Respondent's guilt of neglect of duty becomes more pronounced as note is taken of her admitted inaction upon learning of the irregularity. Her justification for such inaction -- that to do so would subject her to a charge of falsification [9] -- reflects her indifference, to say the least, to her duties and functions.

AT ALL EVENTS, the May 18, 2004 Order of petitioner which imposed upon respondent the penalty of suspension for one month without pay for neglect of duty is final, executory and unappealable pursuant to Section 27, R.A. No. 6770, viz:

SEC. 27. Effectivity and finality of Decisions.- x x x

x x x x

Findings of fact by the Office of the Ombudsman when supported by substantial evidence are conclusive. Any order, directive or decision imposing the penalty of a public censure or reprimand, suspension of not more than one month's salary shall be final and unappealable. (emphasis, italics and underscoring supplied)

Corollarily, Section 7, Rule III of Administrative Order (A.O.) No. 7 (the "Rules of Procedure of the Office of the Ombudsman"), as amended by A.O. No. 17 dated September 7, 2003, provides:

Section 7. Finality and execution of decision. - Where the respondent is absolved of the charge, and in case of conviction where the penalty imposed is public censure or reprimand, suspension of not more than one month, or a fine equivalent to one month salary, the decision shall be final, executory and unappealable. In all other

cases, the decision may be appealed to the Court of Appeals on a verified petition for review under the requirements and conditions set forth in Rule 43 of the Rules of Court, within fifteen (15) days from receipt of the written Notice of the Decision or Order denying the Motion for Reconsideration.

x x x x (emphasis and underscoring supplied)

Given the provisions of law and the Rules of Procedure of the Office of the Ombudsman, petitioner's Order faulting respondent for neglect of duty for which it imposed the penalty of one month suspension without pay is "final, executory and unappealable." It follows that the Court of Appeals had no appellate jurisdiction to review, rectify or reverse the Order.[10]

WHEREFORE, the petition is GRANTED. The December 14, 2007 Decision and June 17, 2008 Resolution of the Court of Appeals are REVERSED and SET ASIDE. No costs.

**SO ORDERED.**

Puno, C.J., (Chairperson), Leonardo-De Castro, Bersamin, and Villarama, Jr., JJ., concur.

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[1] There is no indication in the Court's rollo of the case and that of the Court of Appeals who he is or in what capacity he filed the complaint.

[2] Cited in petitioner's Order of May 18, 2004; rollo, pp. 37-38, 40.

[3] Id. at 35, 37.

[4] Id. at 35-41.

[5] Penned by Associate Justice Mario V. Lopez and concurred in by Associate Justices Romulo V. Borja and Elihu A. Ybanez; id. at 21-29.

[6] Id. at 9.

[7] Bascos, Jr. v. Taganahan, G.R. No. 180666, February 18, 2009, 579 SCRA 653, 674.

[8] Office of the Ombudsman v. Court of Appeals, G.R. No. 167844, November 22, 2006, 507 SCRA 593, 611.

[9] Assailed CA Decision, rollo, p. 26.

[10] Republic v. Basjao, G.R. No. 160596, March 20, 2009, 582 SCRA 53, 65.

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