

TEODORO C. LINSANGAN, PETITIONER, VS. OFFICE OF THE OMBUDSMAN AND LEONARDO O. ORIG, RESPONDENTS.

G.R. No. 234260. July 01, 2020

Ponente: INTING, J.

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INTING, J.:

As a public official, he cannot be expected to "personally examine every single detail, painstakingly trace every step from inception, and investigate the motive of every person involved in a transaction before affixing his signature as the final approving authority." [1]

This is a Petition[2] for Review on Certiorari under Rule 45 of the Rules of Court seeking to reverse and set aside the Decision[3] dated April 7, 2017 and the Resolution[4] dated August 17, 2017 of the Court of Appeals in CA-G.R. SP No. 140439. The CA affirmed the Decision[5] dated January 9, 2015 of the Office of the Ombudsman (Ombudsman), which found Atty. Teodoro C. Linsangan (petitioner) guilty of Gross Neglect of Duty and imposed the penalty of dismissal from the service.

The Antecedents

On July 31, 2008, Leonardo O. Orig (Orig) and his sister-in-law, Lourdes P. Francisco, went to the Registry of Deeds of Cabanatuan City to verify the existence of three Original Certificates of Title (OCT) with Nos. 19327, 19062, and 16947, as well as Transfer Certificate of Title (TCT) No. 13764. Orig's request for verification did not yield positive results and despite demands, no positive feedback came from the Registry of Deeds.[6]

Soon after, they went back to the Registry of Deeds where Orig was issued a certification signed by petitioner, the then Registrar of Deeds, verified by Vault Keeper Emilio De Guzman (De Guzman) and checked by the Officer-in-Charge of the Records Section, Marlon B. Romero (Romero). The Certification [7] stated that OCT Nos. 19327, 19062, and 16947, and TCT No. 13764 could not be located despite diligent efforts. They were recorded severely mutilated and torn beyond recognition as per inventory dated 1982.[8]

Unconvinced, Orig personally verified the existence of the certificates of title by checking the list of lost and missing titles in the custody of Romero. when they could not find the title numbers of the certificates of title they were looking for, Romero allegedly inserted the title numbers on the list. In his Reply, Orig attached the machine copies of OCT Nos. 19062 and 19327. He claimed that the existence of the certificates of title in the files of the Register of Deeds proved that the certification issued by petitioner was false and his issuance thereof constitutes gross negligence.[9]

In his defense, petitioner averred that he assumed office only on October 1, 1986, and he was not yet the Registrar of Deeds when the inventory of lost titles was prepared.[10]

In a letter dated March 11, 2013, the Acting Registrar of Deeds for the Province of Nueva Ecija, Atty. Fidel G. Ortaleza, revealed that petitioner was already dismissed from service since April 25, 2012 after being found guilty of grave misconduct in a separate case filed against him.[11] Meanwhile, in his rejoinder, petitioner stated that he has retired from the service on January 6, 2013, but he admitted that the certification issued to Orig contained an

erroneous fact. He blamed De Guzman and Romero for the error. He defended that when the infractions consist in the reliance in good faith, albeit misplaced, by a head of office on a subordinate upon whom the primary responsibility rests, absent a clear case of conspiracy, the head of the office should not be held liable.[12]

Ruling of the Ombudsman

In the Decision[13] dated January 9, 2015, the Ombudsman found petitioner guilty of gross neglect of duty, and meted out the penalty of dismissal from the service.[14] It ruled that the nature of petitioner's duties required him to examine and verify with greater detail the documents which he is made to approve.[15] Unfortunately for petitioner, he failed to do his duties when he merely relied on the representations of his subordinates without checking and verifying the documents. As a public servant, petitioner must be aware that he is bound by virtue of his office to exercise prudence, caution, and attention in the discharge of his duties.[16] In falling short of this mandate, the Ombudsman found petitioner guilty of gross neglect of duty, thus:

WHEREFORE, respondents Atty. Teodoro C. Linsangan, Registrar of Deeds, and Marlon B. Romero, OIC, Records Sections, both of the Office of the Registry of Deeds, Cabanatuan City, Nueva Ecija, are hereby found GUILTY of Gross Neglect of Duty, and are hereby meted with the penalty of DISMISSAL FROM THE SERVICE, with forfeiture of all retirement benefits, cancellation of civil service eligibility, and with prejudice to re-employment in any branch or instrumentality of the government, including any government-owned or controlled corporation.

Since the penalty of Dismissal can no longer be enforced against respondents Linsangan and Romero, the penalty shall be converted into a FINE in an amount equivalent to their respective last salaries for one (1) year payable to the Office of the Ombudsman, and may be deductible from their respective retirement benefits, accrued leave credits, or any receivable from their respective offices, with the corresponding accessory penalties of forfeiture of all retirement benefits, cancellation of civil service eligibility, and with prejudice to re-employment in any branch or instrumentality of government, including any government-owned or controlled corporation.

Respondents Emilio De Guzman, Vault Keeper, and Lorna De Jesus, Bindery Helper, also of the Office of the Registry of Deeds, Cabanatuan City, Nueva Ecija, are hereby found GUILTY of Simple Neglect of Duty, and are hereby meted with the penalty of SUSPENSION from the government for one (1) month without pay.

SO ORDERED.[17]

Ruling of the CA

In the Decision promulgated on April 7, 2017, the CA affirmed the decision of the Ombudsman insofar as petitioner is concerned. The CA ruled that petitioner's contention that he merely relied on the signatures of his subordinates appearing in the certification cannot exculpate him of his liability.[18] Thus:

WHEREFORE, the Petition for Review is DENIED for lack of merit. The Decision dated 9 January 2015 of the Ombudsman in OMB-L-A-12-0089-G, in so far as petitioner Teodoro C. Linsangan is concerned, is AFFIRMED[.]

SO ORDERED.[19]

Petitioner then filed a Motion for Reconsideration[20] of the CA's Decision dated April 7, 2017. However, in the Resolution[21] dated August 17, 2017, the CA denied the motion. It reiterated that: (1) petitioner's duties required him to examine and verify with greater detail the documents which he is made to approve;[22] (2) his execution of the certification pertaining to the non-existence of the subject certificates of title showed that petitioner willfully and knowingly attested to the truth and veracity of the facts contained therein;[23] and (3) if he had only exercised reasonable diligence, he would have known that these certificates of title were not in the list of missing

or mutilated titles prepared in 1982.[24] For petitioner 's failure to exert any effort to verify if the titles were indeed in the files of his agency, there was clearly gross neglect of duty on his part.[25]

Issues

Hence, this petition raising the following issues for the Court's consideration:

- WHETHER THERE IS GROSS NEGLIGENCE ON PETITIONER'S PART;
- WHETHER THE PENALTY IMPOSED WAS TOO HARSH;
- WHETHER THE COMPLAINT AGAINST PETITIONER SHOULD BE DISMISSED CONSIDERING THAT ORIG, THE COMPLAINANT, HAS NO PERSONAL INTEREST ON THE MATTER; AND
- WHETHER PETITIONER'S CONSTITUTIONAL RIGHT TO SPEEDY DISPOSITION OF THE CASE WAS VIOLATED.

Petitioner asserted that the primary responsibility to make a verification whether a title is intact, missing or misplaced, rests upon his subordinates, De Guzman and Romero. As the head of the Registry of Deeds, he merely relied on them in good faith since they themselves signed the certification in their individual capacities.[26] To him, the penalty imposed by the Ombudsman was too severe and not commensurate to his infractions.[27] Petitioner, likewise, asserted that Orig has no interest on the certificates of title in question since the Certification dated August 22, 2008 was issued to his sister-in-law and not to him. He merely accompanied her and, therefore, he has no legal standing to file this administrative case.[28] Lastly, petitioner pointed out that the complaint was filed with the Land Registration Authority (LRA) on November 14, 2008 and was later filed with the Ombudsman on July 10, 2012.[29] He claimed that the duration of investigation before the LRA and the proceedings before the Ombudsman which covered almost six years violated his right to the speedy disposition of his case.[30]

In its Comment,[31] the Ombudsman maintained that petitioner cannot simply blame his subordinates for the erroneous statement in his certification. He should have checked and verified the supporting documents before giving his imprimatur thereto. Petitioner's reliance on the representations of his subordinates, coupled by his failure to check and verify the supporting documents necessary before the issuance of the certification, demonstrate his administrative guilt for gross neglect of duty.[32]

The Court's Ruling

The petition has merit.

Contrary to the ruling of the CA, the Court holds that petitioner can invoke the protective mantle of the doctrine laid down in *Arias v. Sandiganbayan*[33] (*Arias*). The CA presumed petitioner's liability in view of his position as the head of the Registry of Deeds of Nueva Ecija. It held that petitioner should have exercised a higher degree of circumspection and, necessarily, go beyond or countercheck the works of his subordinates.

The Court does not agree with the CA.

Arias teaches that heads of office could rely to a reasonable extent to their subordinates. The ratio, which is applicable here, was explained in the following manner:

We would be setting a bad precedent if a head of office plagued by all too common problems — dishonest or negligent subordinates, overwork, multiple assignments or positions, or plain incompetence — is suddenly swept into a conspiracy conviction simply because he did not personally examine every single detail, painstakingly trace every step from inception, and investigate the motives of every person involved in a transaction before affixing his signature as the final approving authority.

x x x

We can, in retrospect argue that Arias should have probed records, inspected documents, received procedures, and questioned persons. It is doubtful if any auditor for a fairly sized office could personally do all these things in all vouchers presented for his signature. The Court would be asking for the impossible. 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 office 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.[34] (*Emphasis supplied; italics in the original.*)

In *Nicolas v. Desierto*[35] (*Nicolas*), Wilfred A. Nicolas (petitioner *Nicolas*) was charged with gross neglect of duty following the release of a cargo apprehended by the Economic Intelligence and Investigation Bureau. Apparently, petitioner *Nicolas* ordered the release of the cargo upon the recommendation of Deputy Commissioner J. Francisco Arriola (*Arriola*), then Chief of the Special Operations Group. It was *Arriola* who informed him that the duties and taxes on the shipment had already been paid, and who submitted to him copies of the Bureau of Customs payment receipts. It was also *Arriola* who had prepared the Notice of Withdrawal for petitioner *Nicolas*' signature which gave way to the release of the cargo to the consignee.[36]

The Court noted in *Nicolas* that while petitioner *Nicolas* did order the release of the cargo, he did so in good faith as there was no intimation that he had foreknowledge of any irregularity about the cargo.[37] The negligence of subordinates cannot always be ascribed to their superior in the absence of evidence of the latter's own negligence. While *Arriola* might have been negligent in accepting the spurious documents, such fact does not automatically imply that petitioner *Nicolas* was also negligent. As a matter of course, petitioner *Nicolas* relied on *Arriola*'s recommendation. He is not mandated or even expected to verify personally from the Bureau of Customs—or from wherever else it originated—each receipt or document that appears on its face to have been regularly issued or executed.[38]

More recently, in *Miralles v. Commission on Audit*,[39] the Court found that the Commission on Audit (COA)'s refusal to apply the *Arias* doctrine as arbitrary because the refusal stood on highly speculative grounds. First, the COA made no definitive finding about *Orestes S. Miralles* (petitioner *Miralles*) having been aware of the illegal activities involving the loan applications committed by his subordinates in the area under his responsibility. Second, the affidavit considered by COA did not at all show that the petitioner *Miralles* had been aware of any activity as to have been prompted to go beyond the recommendations of his subordinates, and to inquire more deeply into the borrowers' applications and supporting documents. Under the circumstances, the Court said that petitioner *Miralles* should have instead been presumed to have acted in the regular performance of his official duty because no evidence had been presented to show his having acted in bad faith and with gross negligence.[40]

In this case, the fact that petitioner is the head of the Register of Deeds of Nueva Ecija does not automatically make him the party ultimately liable for the negligence of his subordinates. He cannot be held liable just because he was the authority who signed the certification in question and that the employees/officers who processed and prepared the same were under his supervision.[41] Being the head of his agency, it must be noted that petitioner is practically responsible for the whole province of Nueva Ecija. With the amount of paperwork that normally

passes through in his office and the numerous documents he has to sign, it would be counterproductive to require petitioner to specifically and meticulously examine or countercheck each and every document that passes his office. Though not impossible, it would be improbable and impractical for him to check every detail and personally conduct a physical inspection of the titles subject of his certification. Certainly, petitioner has the right to rely mainly on the designations, recommendations, and certifications of his subordinates signing the documents.

The Court has consistently held that every person who signs or initials documents in the course of transit through standard operating procedures does not automatically become a conspirator in a crime which transpired at a stage where he had no participation.[42] In fact, mere signature of the petitioner in the certification in question without anything more cannot be considered as a presumption of liability.[43] Liability depends upon the wrong committed and not solely by reason of being the head of the government agency.[44]

Assuming, for the nonce, that petitioner committed a mistake in not ensuring that the certification was correct, it is settled that not every mistake committed by a public officer are actionable absent any clear showing that they were motivated by malice or gross negligence amounting to bad faith. In petitioner's case, there is no showing that he was motivated by malice or gross negligence amounting to bad faith. Moreover, there was no showing that petitioner was motivated by bad faith in failing to verify the correctness of his certification.

In light of the above conclusions, the Court finds no need to further discuss the other issues raised by petitioner.

WHEREFORE, the Petition for Review on Certiorari is GRANTED. The assailed Decision dated April 7, 2017 and the Resolution dated August 17, 2017 of the Court of Appeals in CA-G.R. SP No. 140439 are REVERSED AND SET ASIDE.

SO ORDERED.

Perlas-Bernabe, S.A.J. (Chairperson), Hernando, Inting, Delos Santos, and Gaerlan,[*] JJ., concur.

[*] Designated additional member as per Special Order No. 2780 dated May 11, 2020.

[1] *Nicolas v. Desierto*, 488 Phil. 158, 160 (2004).

[2] *Rollo*, pp. 10-27.

[3] *Id.* at 30-38; penned by Associate Justice Maria Filomena D. Singh with Associate Justices Ricardo R. Rosario and Edwin D. Sorongon, concurring.

[4] *Id.* at 49-52.

[5] *Id.* at 64-71.

[6] *Id.* at 31.

[7] *Id.* at 56.

[8] *Id.* at 31.

[9] *Id.* at 32.

[10] *Id.* at 66.

[11] *Id.*

[12] *Id.* at 67.

[13] *Id.* at 64-71.

[14] *Id.* at 69.

[15] *Id.* at 68.

[16] *Id.*

[17] *Id.* at 69-70. *Italics in the original.*

[18] *Id.* at 36.

[19] *Id.* at 38.

[20] *Id.* at 39-48.

[21] *Id.* at 49-52.

[22] *Id.* at 49.

[23] *Id.*

[24] *Id.* at 49-50.

[25] *Id.* at 50.

[26] *Id.* at 17.

[27] *Id.* at 22.

[28] *Id.* at 23.

[29] *Id.* at 24.

[30] *Id.* at 25.

[31] *Id.* at 117-130.

[32] *Id.* at 121.

[33] 259 Phil. 794 (1989).

[34] *Id.* at 801-802.

[35] 488 Phil. 158 (2004).

[36] *Id.* at 169.

[37] *Id.* at 170.

[38] *Id.* at 171. Citations omitted.

[39] 818 Phil. 380 (2017).

[40] *Id.* at 404, citing *Albert v. Chairman Gangan*, 406 Phil. 231, 246 (2001).

[41] *Joson III v. Commission on Audit*, G.R. No. 223762, November 7, 2017, 844 SCRA 220, 239, citing *Salva v. Carague*, 540 Phil. 279, 286 (2006).

[42] Id., citing *Albert v. Chairman Gangan*, 406 Phil. 231, 243 (2001).

[43] Id. at 240, citing *Gov. Garcia, Jr. v. Office of the Ombudsman, et al.*, 744 Phil. 445, 455 (2014).

[44] Id., citing *Albert v. Chairman Gangan*, 406 Phil. 231, 246 (2001).

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