

[ADMINISTRATIVE ORDER NO. 64, February 17, 2003]

IMPOSING THE PENALTY OF DISMISSAL FROM THE SERVICE WITH THE ACCESSORY PENALTIES OF FORFEITURE OF ALL FINANCIAL BENEFITS AND DISQUALIFICATION FROM THE GOVERNMENT SERVICE ON ATTY. EDGAR SANTOS, REGISTER OF DEEDS, MARIKINA CITY.

This resolves the complaint dated February 11, 1999, filed by Juanito A. Teope charging Edgar Santos, Register of Deeds of Marikina City for his involvement in a "big land scam".

Acting thereon, the Presidential Anti Graft and Corruption (PAGC) submitted its findings and recommendation as contained in its resolution report dated October 3, 2000, we quote:

"The Transfer Certificate of Title No. 365432 in the name of Juanito A. Teope was issued on June 15, 1972 by the Register of Deeds of Rizal. The lot described therein was situated in Barrio Cupang, Antipolo, Rizal, with an area of 50,080 sq. m. known as Lot 19-B of the Subdivision Plan (LRC) PSD-160898 portion of Lot 19, PSU-136628 (LRC) SWO-12735, LRC N-7453, Record No. N-40617. The subdivision survey was executed by Jose R. Baricua, Geodetic Engineer on May 20-22, 1972. (p. 76, Records)"

"On May 19, 1997, respondent Santos issued Transfer Certificate of Title No. 329325 in the name of Jesus U. Ramos, covering Lot 19, situated in Barrio Cupang, Antipolo, Rizal, with an area of 176. 518 sq. m. (p. 19, Records). Jesus Ramos acquired Lot 19 (together with Lot 20) under a Deed of Absolute Sale executed by a certain Jose R. Baricua dated May 14, 1997 (Pp. 20 and 21, Records) The vendor has the same name as the Geodetic Engineer who is mentioned in complainants title"

"On November 6, 1997, respondent Santos cancelled Ramos' TCT No, 329325 and issued in lieu thereof Transfer Certificate Title No. 337890 covering Lot 19 in the name of First Alliance Real Estate Development, Inc., Cimic Realty Corporation and Sta. Lucia Realty and Development, Inc. (p. 26, Records) The new TCT issued by respondent was based on a Deed of Sale covering Lot 19 (and Lot 20) executed by Jesus Ramos in favor of First Alliance Real Estate Development, inc., et al. dated October 31, 1997, (pp. 23, 24 and 25. Records)"

"Transfer Certificate Title No. 365432 in the name of Teope, Transfer Certificate No. 337890 in the name of First Alliance and Transfer

Certificate No. 32925 in the name of Ramos show identical or common features/data appearing in the face of said titles.

- a. The parcels of land covered are all situated in Barrio Cupang, Antipolo, Rizal.
- b. The titles were all derived from the same MOTHER TITLE, Original certificate of Title No, 9266 of the Register of Deeds of Rizal. The certifications on the three TCTs are identical except the month and day of registration as follows:

'It is further certified that said land was originally registered on the 12th day of May in the year nineteen hundred and seventy two in the Registration Book of the Office of the Register of Deeds of Rizal Volume A-82, page 66, as Original Certificate of Title No. 9266 pursuant to Decree No, N-139070, issued in LRC No. 7453 Record No. N-40517.'

The month and day May 12 as above appears on Teopes title, while March 22 appears on the Ramos and First Alliance TCTs.

- c. The survey plan of Lot 19 in the technical description of First Alliance's TCT and the survey plan of Lot 19 (of which Lot 19-B is a portion) in the technical description of Teope' s TCT are identical as follows:

"Lot 19, PSU-136628 (LRC) SWO-12735, LRC N-7453, Records No. N-40517, situated in Barrio Cupang, Municipality of Antipolo, Province of Rizal, Island of Luzon."

"Complainant Teope's TCT issued in 1972 stated that the parcel of land covered by it, Lot 19-B is a portion of Lot 19, covered by Original Certificate of title (OCT) 9266, and the said OCT was thereby CANCELLED insofar as this parcel is concerned."

The BIR Certificate Authorizing Registration dated 31 October 1997 purportedly signed by Oscar L. Sevilla Revenue District Office, for the sale to First Alliance states that Jesus Ramos paid capital gains tax of P3,707,810.00. However, as shown on the same certificate, the capital gains tax was only P185.390,50 and the documentary stamp tax was P55.617-15. There is no evidence/proof that the capital gains tax was paid."

"Complainant Teope, in his letter-complaint to the President (pp. 2,3 and 4, Records) claimed that respondent Santos dissuaded him from digging deeper into the records of the Register of Deeds of Marikina City and assured him that "everything would be alright'. The respondent arranged at least four meetings in respondent's presence between complainant and the alleged representative, one Engineer MiIIa, of the other interested party, supposedly a Taiwanese group, to settle the dispute by paying complainant, but the settlement never materialized. This prompted complainant to file his affidavit of Adverse Claim."

"Finding sufficient basis to commence an administrative investigation