

[ADMINISTRATIVE ORDER NO. 237, September 25, 1991]

SUSPENDING ATTY. RAMON D. ABAD, REGISTER OF DEEDS OF SAN JUAN, METRO MANILA, FOR A PERIOD OF ONE (1) YEAR WITHOUT PAY

This is an administrative case instituted through a petition, dated July 18, 1989, of Mr. Gilberto M. Paras, a Land Registration Examiner in the Registry of Deeds of San Juan, Metro Manila, against Atty. Ramon D. Abad of the same Registry, for graft and corrupt practices, incompetence and ignorance of the law, and commission or omission of other acts inimical to public service. In the petition, Paras listed the specifications against Abad as follows:

I. Graft and Corrupt Practices

Using the facilities of the Registry of Deeds and his influence as Register of Deeds in directly involving himself in the sale of real estate properties, particularly the Swire Realty and Spouses Kapalungan transactions;

II. Incompetence and Ignorance of the law

Failing to exercise reasonable skill and diligence in consenting to the registration of documents in the China Bank, Arellano/Fineland, De Jesus, and the Goldloop Properties, Inc./Robles transactions;

III. Commission or Omission of other acts Inimical to Public Service

Under this specification, Paras mentioned Mr. Herminio Disini and Crispino M. Meru, Jr. accounts and cases of nonfeasance, the latter in broad language.

A specification entitled "Administrative Case Filed by Atty. Abad against Jesusa Norieta, Cashier" was deleted.

On August 18, 1989, then Secretary of Justice Sedfrey A. Ordoñez issued Department Order No. 154 creating an Ad Hoc Committee to conduct an investigation/inquiry of the complaint. Abad submitted, on August 21, 1989, his "Comment on the So-called Petition to oust Atty. Ramon D. Abad, Register of Deeds, Metro Manila," to which Paras countered with a Rejoinder dated September 28, 1989.

Paras sought, through a Manifestation and Motion dated September 18, 1989, the relief of Abad as Register of Deeds and the appointment of a substitute to serve in an acting capacity pending the resolution of his petition. The Manifestation and Motion, treated as a Motion for Preventive Suspension, was denied by the Ad Hoc

Committee, T.s.n., Session of September 29, 1989, 4; a motion for reconsideration of this denial was likewise filed, Id., 4-5, which was similarly denied, T.s.n., Session of October 5, 1982, 2.

After protracted hearings which started on September 18, 1989 and which lasted to July 3, 1990, Justice Secretary, now Executive Secretary, Franklin M. Drilon, submitted his letter-report to me dated April 29, 1991.

In that letter-report, Secretary Drilon concluded, that:

"In summary, substantial evidence proves the liability of respondent Abad for misconduct and violation of the relevant Civil Service regulation. He can be faulted for misconduct for his overt act of soliciting through the use of the NLTDRA's official stationery – the sale of a parcel of land located within the territorial responsibility of the Registry he heads; his lack of prudence in being a witness to a transaction involving a title certificate which covered land within San Juan; and his intent to disregard or dispense with the requirement of Section 71 of the Property Registration Decree. He violated Section 3, Rule XV of the Revised Civil Service Rules which, without any previous authority from the head of his agency, he required his personnel to perform overtime services;"

and accordingly recommended:

"x x x that Atty. Ramon D. Abad be held liable for misconduct and violation of the pertinent Civil Service regulation and that the penalty of suspension from the service for one (1) year without pay be imposed on him."

As to the specifics of the Paras charges, the Justice Secretary had this to say:

I. On Graft and Corrupt Practices:

"Complainant Paras asserts that respondent Abad violated the Anti-Graft and Corrupt Practices Act, as amended. However, he omits to pinpoint the specific provisions of the said Act which the respondent allegedly violated when he sent the 21 March 1989 letter and signed as witness to the 29 November 1988 Contract to Sell between the Kapalungans and the Danaos. The Anti-Graft and Corrupt Practices Act enumerates eleven (11) acts or omissions of public officers but complainant Paras fails to indicate under which of the said acts or omissions the aforementioned actuations of respondent Abad fall. Respondent Abad definitely has the right to know the specific provisions of law he allegedly violated to enable him to properly defend himself.

"The foregoing notwithstanding, respondent Abad can be held liable for misconduct in relation to the same incidents. In his 21 March 1989 letter on the NLTDRA official stationery addressed to the Swire Realty Corporation, he informed the addressee to 'feel free to come over for negotiation.'

"The provisions of Section 32, Chapter 9, Book I of the Administrative Code of 1987 requires all public officers and employees to serve with

utmost responsibility and integrity. Section 32 expressly requires the conduct of a public servant to be above suspicion. By his actuation, respondent Abad has manifested his irresponsibility and deficiency in integrity. His overt act of soliciting through the use of the NLTDRA's official stationery the sale of land located within the territorial responsibility of the Registry he heads and of taking advantage of information he undoubtedly has acquired by reason of his office obviously corresponds to a conflict of interests which adversely affects the faithful performance of his duties.

"Respondent Abad's response to the allegations on his 21 March 1989 letter of solicitation that no law prohibits offering to negotiate a sale of real estate and that the Government could have benefited through revenues had the negotiation pushed through manifests his irresponsibility and insensitivity to the demands of the position he holds. True, no law prescribes any person from offering to negotiate a sale of real property. However, the respondent overlooks that he is no ordinary person. He holds the position of Register of Deeds charged with functions related to the registration of lands situated within his area of responsibility and transactions involving the same.

"In the case of respondent Abad's signing as a witness to the 29 November 1988 Contract to Sell between the Kapalungan and the Dahaos, again, no law prohibits him from being a witness to such a transaction. However, prudence should have impelled him to abstain from doing so, considering that the title certificate subject of the contract covered land within San Juan. For, if any question as to the registrability of the contract had been raised, he would have compromised his position as Register of Deeds;"

II. On Incompetence and Ignorance of the Law

"a. Respondent Abad required the payment of the annotation fees only in connection with the registration of four (4) Deeds of Assignment executed by the China Banking Corporation in favor of different assignees of four (4) condominium units and of the respective Affidavits of Consolidation executed by the assignees, although the said Deeds and Affidavits should have also been subject to the payment of documentary stamps, transfer taxes and registration fees.

"On the matter, the records indicate that respondent Abad did not insist on his stand. After the Commission on Audit found an under assessment, he sent a letter dated 9 May 1988 to the Bank apprising it of the deferment of the processing of the Deeds of Assignment due to the nonpayment of the required registration fees, documentary stamps and transfer taxes. Eventually, the Bank paid its deficiencies. Thereafter, the Deeds of Assignments and the Affidavits of Consolidation were registered and the new title certificates were released.

"At the minimum respondent Abad erred in his appreciation of the requirements for the transaction involved. He cannot be faulted with incompetence. Incompetence implies such palpable lack of adequate