

[ADMINISTRATIVE ORDER NO. 85, August 22, 1988]

DISMISSING GREGORIO B. MARAYA, JR., AS REGISTER OF DEEDS OF MAASIN, SOUTHERN LEYTE

This is an administrative case for grave misconduct filed by the then Acting Land Registration Commissioner against Gregorio Maraya, Jr., Register of Deeds, Maasin, Southern Leyte.

The case was the offshoot of a letter-report to the then Deputy Minister of Justice of respondent Register of Deeds, dated September 24, 1979, recommending the filing of administrative charges against his Deputy Register of Deeds, Cipriano Espina, Jr., in connection with the alleged shortage in his (Espina's) collection.

Acting on said report, the Deputy Justice Minister requested the Provincial Auditor to audit the Office of the Register of Deeds, Maasin, Southern Leyte.

Maraya refused to present himself for the inventory, despite directives from the Ministry of Justice. Consequently, only the safe and receptacles of the Deputy Register of Deeds were opened and inventoried. The examination of the Books of Registry disclosed that, for the period covering November 1, 1978 to January 1980, the Registry of Deeds had a total accountability of P72,516.78.

On July 23, 1980, an administrative charge for grave misconduct in connection with the above incurred shortage was filed against Maraya. The corresponding charge for malversation of public funds was filed with the Tanodbayan.

Required to answer said administrative charge, Maraya assailed the validity of the Auditor's report, alleging that only the Registry Cash Book, and not his cash accountability, was examined by the audit team. He further alleged that, of the total amount of P72,516.78, P16,879.53 were actually the collections of Deputy Register of Deeds Espina.

Maraya did not appear for four consecutive scheduled hearings and, on the hearing of November 25, 1981, he presented Mr. Eugenio Paloma of the Provincial Auditor's Office and Mrs. Eloisa Esma, a binding helper in the Office of the Register of Deeds. Paloma confirmed that the amount of P16,789.53 were the collections of Deputy Register of Deeds Espina, while Mrs. Esma testified that she did not hear the audit team demand that respondent produce his registry collections.

Maraya did not appear during the subsequent hearings.

In his report, dated December 21, 1982, the investigator recommended that Maraya be found guilty of grave misconduct and the penalty of dismissal from the service be imposed upon him.