

[ADMINISTRATIVE ORDER NO. 482, May 28, 1984]

SUSPENDING MS. BIBIANA SARMIENTO FROM OFFICE AS ASSISTANT PROVINCIAL FISCAL OF MISAMIS ORIENTAL

This refers to the administrative complaint for bribery and violation of Presidential Decree No. 1045, filed by Clementino Raboy against Assistant Provincial Fiscal Bibiana Sarmiento of Misamis Oriental, in her capacity as former Acting Register of Deeds of Misamis Oriental.

Complainant Raboy claimed that he had been a janitor in the Registry of Deeds of Misamis Oriental, Cagayan de Oro City, since January 5, 1977. He further alleged that it was his friend, Genevic "Toto" Rivera, who brought the documents with fake documentary stamps to the then Acting Register of Deeds Sarmiento for registration. Subsequently, these documents were registered by Sarmiento, after receiving from Rivera on four different occasions the sums of P6,000.00, P5,000.00, P15,000.00 and P10,000.00. He also stated that, during all the four occasions when Rivera handed the money to respondent at the latter's house at the Dolores Compound, Carmen, Cagayan de Oro City, complainant was in the company of Rivera.

The complainant likewise volunteered the information that respondent always scolded him, prompting the latter to report to the National Bureau of Investigation (NBI) the existence of the registered documents with fake documentary stamps. Consequently, a portion of said documents was taken by agents of the NBI for examination, and findings of the Bureau indicated that all the documentary stamps affixed to the documents in question "(were) not genuine".

The respondent was further charged by complainant of having approved the registration of documents of the PN Roa Realty and PHIVIDEC with affixed documentary stamps worth about P1,000.00 and P3,000.00, even after the Office of the Register of Deeds had already received a copy of the circular containing the provisions of Presidential Decree No. 1045, withdrawing from circulation and declaring without value all existing documentary and science stamps in denominations of ten pesos and above, and requiring that:

"Sec. 2. Documentary or science stamps taxes of ten pesos or more shall be paid to any authorized personnel of the Bureau of Internal Revenue or to the tellers of any commercial bank, or to such other banks as may hereinafter be authorized to accept payment of internal revenue taxes, who shall issue the corresponding Official Receipts therefor."

The respondent vehemently denied all the charges against her. She branded the complaint as a "fabricated imputation of a crime" designed to bring about her relief as Acting Register of Deeds so that the complainant and his cohorts could freely and easily pursue their illegal activity of selling fake documentary stamps to registrants.