

**&NBSP;**

**[ G.R. No. 102259, August 25, 2000 ]**

**SALVADOR S. ESQUIVIAS, PETITIONER, VS. HON. OMBUDSMAN,  
ROLANDO Q. VERGARA AND ELENA G. DOMALAON,  
RESPONDENTS.**

**D E C I S I O N**

**PARDO, J.:**

The case before the Court is a special civil action for *certiorari* assailing the resolution of the Ombudsman dismissing for insufficiency of evidence the charges of violation of Republic Act No. 3019, Section 3 (e) and Act 496, Section 51 leveled against Rolando G. Vergara, deputy Register of Deeds of Sorsogon and Elena G. Domalaon.<sup>[1]</sup>

We deny the petition for it is patently devoid of merit.

The facts are as follows:

On March 20, 1987, petitioner Salvador S. Esquivias filed with the Office of the Ombudsman, through the Provincial Fiscal of Sorsogon, as deputized Tanodbayan prosecutor, an affidavit/ complaint charging Rolando Q. Vergara, deputy Register of Deeds of Sorsogon, and Elena G. Domalaon with violation of Republic Act No. 3019,<sup>[2]</sup> Section 3 (e), and Act No. 496,<sup>[3]</sup> Section 51.

The complaint was based on the ground that on December 28, 1977, petitioner executed a deed of absolute sale of a parcel of land covered by Original Certificate of Title No. P-10445 of the Register of Deeds of Sorsogon, situated in Sta. Barbara, municipality of Bulusan, province of Sorsogon, for a consideration of P2,000.00, which he sold to Jose G. Domalaon, Romulo G. Domalaon, Emma G. Domalaon, Margarita Dematera Domalaon, and Rosario Domalaon-Gapas.

When the vendees failed to pay petitioner the consideration of the sale, on August 3, 1981, he cancelled and nullified the same.

On February 19, 1985, Elena Domaloan borrowed the original title of the property from petitioner's wife on the pretext that she had a buyer, and once in possession of the title, succeeded in registering the cancelled deed of sale with the Registry of Deeds with the cooperation of deputy Register of Deeds Vergara. A new title was issued in the names of Jose G. Domalaon et al., the persons named in the deed. Allegedly, deputy Registrar Vergara ignored the affidavit of cancellation of the deed of sale, in violation of Act No. 496, Section 51 and also in violation of Rep. Act No. 3019, Section 3 (a), (e) and (j), for which he is charged in the affidavit-complaint together with Elena G. Domaloan.

After preliminary investigation, at which respondents Rolando Vergara and Elena Domalaon submitted their counter-affidavits, on December 8, 1987, the deputized