

## SECOND DIVISION

[ G.R. No. 234260, July 01, 2020 ]

**TEODORO C. LINSANGAN, PETITIONER, VS. OFFICE OF THE  
OMBUDSMAN AND LEONARDO O. ORIG, RESPONDENTS.**

### DECISION

**INTING, J.:**

*As a public official, he cannot be expected to "personally examine every single detail, painstakingly trace every step from inception, and investigate the motive of every person involved in a transaction before affixing his signature as the final approving authority."*<sup>[1]</sup>

This is a Petition<sup>[2]</sup> for Review on *Certiorari* under Rule 45 of the Rules of Court seeking to reverse and set aside the Decision<sup>[3]</sup> dated April 7, 2011 and the Resolution<sup>[4]</sup> dated August 17, 2017 of the Court of Appeals in CA-G.R . SP No. 140439. The CA affirmed the Decision<sup>[5]</sup> dated January 9, 2015 of the Office of the Ombudsman (Ombudsman), which found Atty. Teodoro C. Linsangan (petitioner) guilty of Gross Neglect of Duty and imposed the penalty of dismissal from the service.

#### *The Antecedents*

On July 31, 2008, Leonardo O. Orig (Orig) and his sister-in-law, Lourdes P. Francisco. went to the Registry of Deeds of Cabanatuan City to verify the existence of three Original Certificates of Title (OCT) with Nos. 19327, 19062, and 16947, as well as Transfer Certificate of Title (TCT) No. 13764. Orig's request for verification did not yield positive results and despite demands, no positive feedback came from the Registry of Deeds.<sup>[6]</sup>

Soon after, they went back to the Registry of Deeds where Orig was issued a certification signed by petitioner, the then Registrar of Deeds, verified by Vault Keeper Emilio De Guzman (De Guzman) and checked by the Officer-in-Charge of the Records Section, Marlon B. Romero (Romero). The Certification <sup>[7]</sup> stated that OCT Nos. 19327, 19062, and 16947, and TCT No. 13764 could not be located despite diligent efforts. The; were recorded severely mutilated and torn beyond recognition as per inventory dated 1982.<sup>[8]</sup>

Unconvinced, Orig personally verified the existence of the certificates of title by checking the list of lost and missing titles in the custody of Romero. when they could not find the title numbers of the certificates of title they were looking for, Romero allegedly inserted the title numbers on the list. In his Reply, Orig attached the machine copies of OCT Nos. 19062 and 19327. He claimed that the existence of the

certificates of title in the files of the Register of Deeds proved that the certification issued by petitioner was false and his issuance thereof constitutes gross negligence.<sup>[9]</sup>

In his defense, petitioner averred that he assumed office only on October 1, 1986, and he was not yet the Registrar of Deeds when the inventory of lost titles was prepared.<sup>[10]</sup>

In a letter dated March 11, 2013, the Acting Registrar of Deeds for the Province of Nueva Ecija, Atty. Fidel G. Ortaleza, revealed that petitioner was already dismissed from service since April 25, 2012 after being found guilty of grave misconduct in a separate case filed against him.<sup>[11]</sup> Meanwhile, in his rejoinder, petitioner stated that he has retired from the service on January 6, 2013, but he admitted that the certification issued to Orig contained an erroneous fact. He blamed De Guzman and Romero for the error. He defended that when the infractions consist in the reliance in good faith, albeit misplaced, by a head of office on a subordinate upon whom the primary responsibility rests, absent a clear case of conspiracy, the head of the office should not be held liable.<sup>[12]</sup>

#### *Ruling of the Ombudsman*

In the Decision<sup>[13]</sup> dated January 9, 2015, the Ombudsman found petitioner guilty of gross neglect of duty, and meted out the penalty of dismissal from the service.<sup>[14]</sup> It ruled that the nature of petitioner's duties required him to examine and verify with greater detail the documents which he is made to approve.<sup>[15]</sup> Unfortunately for petitioner, he failed to do his duties when he merely relied on the representations of his subordinates without checking and verifying the documents. As a public servant, petitioner must be aware that he is bound by virtue of his office to exercise prudence, caution, and attention in the discharge of his duties.<sup>[16]</sup> In falling short of this mandate, the Ombudsman found petitioner guilty of gross neglect of duty, thus:

WHEREFORE, respondents Atty. Teodoro C. Linsangan, Registrar of Deeds, and Marlon B. Romero, OIC, Records Sections, both of the Office of the Registry of Deeds, Cabanatuan City, Nueva Ecija, are hereby found GUILTY of *Gross Neglect of Duty*, and are hereby meted with the penalty of DISMISSAL FROM THE SERVICE, with forfeiture of all retirement benefits, cancellation of civil service eligibility, and with prejudice to re-employment in any branch or instrumentality of the government, including any government-owned or controlled corporation.

Since the penalty of Dismissal can no longer be enforced against respondents Linsangan and Romero, the penalty shall be converted into a FINE in an amount equivalent to their respective last salaries for one (1) year payable to the Office of the Ombudsman, and may be deductible from their respective retirement benefits, accrued leave credits, or any receivable from their respective offices, with the corresponding accessory penalties of forfeiture of all retirement benefits. cancellation of civil service eligibility, and with prejudice to re-employment in any branch or

instrumentality of government, including any government-owned or controlled corporation.

Respondents Emilio De Guzman, Vault Keeper, and Lorna De Jesus, Bindery Helper, also of the Office of the Registry of Deeds, Cabanatuan City, Nueva Ecija, are hereby found GUILTY of Simple Neglect of Duty, and are hereby meted with the penalty of SUSPENSION from the government for one (1) month without pay.

SO ORDERED.<sup>[17]</sup>

#### *Ruling of the CA*

In the Decision promulgated on April 7, 2017, the CA affirmed the decision of the Ombudsman insofar as petitioner is concerned. The CA ruled that petitioner's contention that he merely relied on the signatures of his subordinates appearing in the certification cannot exculpate him of his liability.<sup>[18]</sup> Thus:

WHEREFORE, the Petition for Review is DENIED for lack of merit. The Decision dated 9 January 2015 of the Ombudsman in OMB-L-A-12-0389-G, in so far as petitioner Teodoro C. Linsangan is concerned, is AFFIRMED[.]

SO ORDERED.<sup>[19]</sup>

Petitioner then filed a Motion for Reconsideration<sup>[20]</sup> of the CA's Decision dated April 7, 2017. However, in the Resolution<sup>[21]</sup> dated August 17, 2017, the CA denied the motion. It reiterated that: (1) petitioner's duties required him to examine and verify with greater detail the documents which he is made to approve;<sup>[22]</sup> (2) his execution of the certification pertaining to the non-existence of the subject certificates of title showed that petitioner willfully and knowingly attested to the truth and veracity of the facts contained therein;<sup>[23]</sup> and (3) if he had only exercised reasonable diligence, he would have known that these certificates of title were not in the list of missing or mutilated titles prepared in 1982.<sup>[24]</sup> For petitioner's failure to exert any effort to verify if the titles were indeed in the files of his agency, there was clearly gross neglect of duty on his part.<sup>[25]</sup>

#### *Issues*

Hence, this petition raising the following issues for the Court's consideration:

1. WHETHER THERE IS GROSS NEGLIGENCE ON PETITIONER'S PART;
2. WHETHER THE PENALTY IMPOSED WAS TOO HARSH;
3. WHETHER THE COMPLAINT AGAINST PETITIONER SHOULD BE DISMISSED CONSIDERING THAT ORIG, THE COMPLAINANT, HAS NO PERSONAL INTEREST ON THE MATTER; AND

#### 4. WHETHER PETITIONER'S CONSTITUTIONAL RIGHT TO SPEEDY DISPOSITION OF THE CASE WAS VIOLATED.

Petitioner asserted that the primary responsibility to make a verification whether a title is intact, missing or misplaced, rests upon his subordinates, De Guzman and Romero. As the head of the Registry of Deeds, he merely relied on them in good faith since they themselves signed the certification in their individual capacities.<sup>[26]</sup> To him, the penalty imposed by the Ombudsman was too severe and not commensurate to his infractions.<sup>[27]</sup> Petitioner, likewise, asserted that Orig has no interest on the certificates of title in question since the Certification dated August 22, 2008 was issued to his sister-in-law and not to him. He merely accompanied her and, therefore, he has no legal standing to file this Administrative case.<sup>[28]</sup> Lastly, petitioner pointed out that the complaint was filed with the Land Registration Authority (LRA) on November 14, 2008 and was later filed with the Ombudsman on July 10, 2012.<sup>[29]</sup> He claimed that the duration of investigation before the LRA and the proceedings before the Ombudsman which covered almost six years violated his right to the speedy disposition of his case.<sup>[30]</sup>

In its Comment,<sup>[31]</sup> the Ombudsman maintained that petitioner cannot simply blame his subordinates for the erroneous statement in his certification. He should have checked and verified the supporting documents before giving his imprimatur thereto. Petitioner's reliance on the representations of his subordinates, coupled by his failure to check and verify the supporting documents necessary before the issuance of the certification, demonstrate his administrative guilt for gross neglect of duty.<sup>[32]</sup>

#### *The Court's Ruling*

The petition has merit.

Contrary to the ruling of the CA, the Court holds that petitioner can invoke the protective mantle of the doctrine laid down in *Arias v. Sandiganbayan*<sup>[33]</sup> (*Arias*). The CA presumed petitioner's liability in view of his position as the head of the Registry of Deeds of Nueva Ecija. It held that petitioner should have exercised a higher degree of circumspection and, necessarily, go beyond or countercheck the works of his subordinates.

The Court does not agree with the CA.

*Arias* teaches that heads of office could rely to a reasonable extent to their subordinates. The ratio, which is applicable here, was explained in the following manner:

We would be setting a bad precedent if a head of office plagued by all too common problems - dishonest or negligent subordinates, overwork, multiple assignments or positions, or plain incompetence - is suddenly swept into a conspiracy conviction simply because he did not personally examine every single detail, painstakingly trace every step from inception, and investigate the motives of every person involved in a transaction before affixing his signature as the final approving authority.