

[ADMINISTRATIVE ORDER NO. 78, July 27, 1999]

IMPOSING THE PENALTY OF DISMISSAL FROM THE SERVICE WITH FORFEITURE OF BENEFITS ON ATTY. MANUEL L. ALMARIO, REGISTER OF DEEDS OF OCCIDENTAL MINDORO

This refers to Administrative Case No. 95-8 against Atty. Manuel L. Almario, Register of Deeds of Occidental Mindoro (now, resigned) for grave misconduct.

The case stemmed from the complaint-affidavit dated July 5, 1995, of Rodolfo A. Plopinio, Assistant General Manager of Jopson Livestock Integrated Resources, Inc. (JALIRI, for short), alleging that action on certain documents presented in the Registry of Deeds of Occidental Mindoro has been unreasonably delayed owing to JALIRI's refusal to accede to the demands of Almario and his subordinate for "grease money" to facilitate the processing of the three (3) Deeds of Sale JALIRI submitted for registration. In the same affidavit, complainant alleged having requested the National Bureau of Investigation (NBI)-Special Task Force to conduct an entrapment operation against Almario et al.

On July 11, 1995, the NBI carried out the entrapment operation. Official NBI report disclosed that complainant, under the pretense of having voluntarily acceded to the demands, handed an envelope containing P4,000.00 (four P1,000 bills) marked money to respondent who then counted the money and placed it inside the center drawer of his table. Whereupon, complainant went out of the office and signaled the NBI agents, who immediately entered, seized and detained Almario and one Guillermo Contura. After conducting routine examination, Almario was found positive for fluorescent specks and smudges on his fingers. Accordingly, he was arrested for bribery and the corresponding administrative charges filed against him.

As complainant alleged in his affidavit, the processing of nine (9) titles submitted by JALIRI for transfer to its subdivision lot buyers in the latter part of 1994 took three months and that the release of the titles was purposely delayed because the complainant did not accede to the demand of respondent to shell out P4,000.00 as grease money to expedite the signing and release thereof. Subsequently, or on May 17, 1995, complainant submitted another three (3) titles for processing, but no action was done up to the date of the entrapment on July 11, 1995.

For his part, respondent maintained that the entrapment was motivated by malice, vengeance or personal ill-will; that his act of receiving the money does not constitute grave misconduct because it was done out of generosity "to accommodate Mr. Plopinio", giving as his reasons: (1) the cashier was no longer around at the time the money was given to him, and (2) Mr. Plopinio was in hurry to leave because his wife was to give birth. He denied the claim of deliberate delay in the processing of complainant's documents. According to him, the registration would not have been possible because the requirements had not been complied with — the transfer taxes