

[ADMINISTRATIVE ORDER NO. 41, February 26, 1993]

DISMISSING ATTY. MOSIB ALI BUBONG, REGISTER OF DEEDS OF MARAWI CITY, FROM THE SERVICE FOR CAUSE

This refers to the administrative case No. 88-29 for Grave Misconduct filed by Major Omar P. Ali against Atty. Mosib Ali Bubong, Register of Deeds of Marawi City.

In his report of September 8, 1992, the Secretary of Justice informed this Office that:

"Complainant charges respondent with the following acts constituting grave misconduct:

- a) illegal exaction;
- b) indiscriminate issuance of TCT No. 2821 in the name of Mona Abdullah, et al.; and
- c) manipulating the criminal complaint filed against Hadji Adbullah, et al., for violation of the Anti-Squatting Law.

"Allegedly, on the first charge, illegal exaction was committed by respondent in that:

'[W]hen I [complainant] registered the Deed of Sale between Philippine Amanah Bank and me with the Register of Deeds, Atty. Bubong demanded P800.00 cash. He issued an official receipt amount to P221.50. I [complainant] do not know where the rest of [my] payment [went].

'I [complainant] registered the Deed of Sale between me and Ibrahim Miguel, Atty. Bubong demanded P1,000.00 cash. I negotiated and [Atty. Bubong] accepted P800.00. No receipt was issued.

'I [complainant] registered my lot at Madaya Lilod, Marawi City, thru my brother-in-law, Hadji Ibrahim Miguel. [Atty. Bubong] demanded P500.00 [from] Hadji Miguel. No receipt was issued.'

"Relative to the second charge, complainant avers that despite the existence of TCT No. T-2807 covering Lot No. 36-A-3 in his name, Atty. Bubong 'indiscriminately' issued another title (TCT No. 2821) in favor of his first degree cousins, Matabae Abdullah Datu, et al. Said title was allegedly used by his relatives as their defense in the anti-squatting case the complainant filed against them.

"The third charge is based on the alleged preparation by Atty. Bubong of the appeal of his relatives in the anti-squatting case. Allegedly, the appeal can only be prepared by somebody who has access to the records in the Registry of Deeds.

"In addition, in a follow-up letter dated 22 April 1989, complainant accused respondent of infidelity in the custody of documents and commission of various irregularities in connection with the loss of the Primary (Entry) Book and Entries Nos. 2778, 2728, and 2730 to make it appear that there was no deed of conveyance which serves as the basis for the issuance of TCT No. 1582.

"Respondent submitted his Answer dated 25 November 1988 wherein he expressed his desire to 'submit the case for appropriate action on the basis of [his] answer and the supporting papers' at the same time praying that the complaint be dismissed. Notwithstanding, a formal investigation was conducted. The investigator recommended the dismissal of the complaint 'for lack of merit and evidence' to which the Administrator agreed.

"Records reveal the following:

"For the registration of the following documents the respective amounts were paid:

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| a. | Deed of Sale between complainant and the Philippine Amanah Bank (Official Receipt No. 6385390) | P331.50 |
| b. | Deed of Sale between complainant and Ibrahim Miguel (Official Receipt No. 6385524) | P102.00 |
| c. | Free Patent No. (XII-3) 006655 (Official Receipt No. 6385541) | P73.50 |

"It appears that Lot No. 36-A-3 of subdivision plan (LRC) Psd-231948 was originally covered by TCT No. T-26-B in the name of Serad Abdullah and his brothers. Somehow this title (TCT No. T-26-B) was replaced by TCT No. 1582 in the name solely of Serad Abdullah. The latter allegedly executed a Deed of Sale in favor of his son, Camar Abdullah, by virtue of which Deed, TCT No. 1588 was issued in place of TCT No. 1582. On 29 June 1981 Camar Abdullah mortgaged the said title to the Philippine Amanah Bank which was foreclosed. Complainant Omar Ali, as the highest bidder, acquired the property and TCT No. T-2807 was issued to him by respondent replacing TCT No. T-1586.

"In November 1987, upon his return from a military assignment, complainant Omar Ali discovered that the residential house he built on the land he purchased (covered by TCT No. 2807) was burned and the lot was occupied by, among others, respondent's uncle (Serad Abdullah) and daughters, who are his first degree cousins. Thus, he filed a case for anti-squatting. The case was resolved in his favor by the fiscal. However, on appeal to this Department, the case was dismissed on the ground that