

SECOND DIVISION

[G.R. NO. 150091, April 02, 2007]

**YOLANDA O. ALFONSO, PETITIONER, VS. OFFICE OF THE
PRESIDENT AND PHIL-VILLE DEVELOPMENT AND HOUSING
CORPORATION, RESPONDENTS.**

DECISION

CARPIO MORALES, J.:

The present controversy traces its roots to the purportedly irregular issuance of several transfer certificates of title (TCTs), which has resulted in two sets of derivative titles, one set bearing the date of registration of Original Certificate of Title (OCT) No. 994 as May 3, 1917; the other, as April 19, 1917. OCT No. 994 is one of five OCTs covering the vast Maysilo estate.

In the midst of this land-titling irregularity, petitioner Yolanda O. Alfonso (petitioner), then the register of deeds of Caloocan City, was found administratively liable for allegedly "acquiescing" to the change of the date of the registration of OCT No. 994 from May 3, 1917 to April 19, 1917, and for making it appear that there were two OCT Nos. 994. Consequently, she was dismissed from government service for grave misconduct and dishonesty.

Petitioner has come to this Court to seek a reversal of the Court of Appeals (CA) Decision^[1] of July 27, 2001 and its Resolution^[2] of September 21, 2001 in CA-G.R. SP No. 61082, affirming the dismissal ordered by herein public respondent Office of the President (OP).

From the labyrinthine twists and turns that the facts have taken, the following are relevant to the disposition of this administrative case:

OCT No. 994 was issued by the Register of Deeds of Rizal in the name of Maria de la Concepcion Vidal pursuant to the December 3, 1912 Decision of then Judge Norberto Romualdez in C.L.R. Case No. 4429. In accordance with this decision, the Court of Land Registration issued on April 19, 1917 Decree No. 36455, which was received for transcription by the Registry of Deeds of Rizal on May 3, 1917. OCT No. 994 covered 34 lots located in Caloocan City with an aggregate area of 13,312,618.89 square meters.^[3]

In an Order of May 25, 1962, the then Court of First Instance of Pasig, Rizal, in Civil Case No. 4557, "In Re: Petition for Substitution of Names," directed the Register of Deeds of Rizal to cancel the name of Maria de la Concepcion Vidal in OCT No. 994 and to substitute the names of her alleged grandchildren/heirs: Bartolome Rivera, Eleuteria Rivera (Rivera), Josefa R. Aquino, Gregorio R. Aquino, Rosauro Aquino, Pelagia R. Angeles, Modesta R. Angeles, Venancio R. Angeles, Felipe R. Angeles and Fidela R. Angeles.^[4]

An action for partition and accounting was subsequently filed by the alleged heirs sometime in 1965 before the Regional Trial Court (RTC), Caloocan City, against Isabel Gil de Sola, et al. Then RTC Branch 120 Judge Fernando A. Cruz granted the action for partition in a Decision of December 29, 1965, which became final and executory per the court's certification of June 7, 1966.^[5]

Three commissioners were appointed by the Caloocan RTC to submit their recommendations on the partition prayed for. It appeared, though, that the commissioners failed to comply with their duties, prompting the registered owners to file a motion to cite them in contempt of court, on which no action was shown to have been taken.^[6]

In the meantime, the different lots of OCT No. 994 were acquired by several persons and/or entities, which led to the issuance of several TCTs. Three of these titles, TCT Nos. 270921,^[7] 270922^[8] and 270923^[9] covering Lots 1-G-1, 1-G-2 and 1-G-3, were issued to private respondent Phil-Ville Development and Housing Corporation (Phil-Ville) on September 15, 1993. On Phil-Ville's TCTs, it was stated that OCT No. 994 was registered on May 3, 1917, and that the same was a transfer from TCT No. C-14603/T-73.^[10]

On May 22, 1996, Rivera, one of the substituted owners of OCT No. 994, filed with the Caloocan RTC, Branch 120, in Civil Case No. C-424, a motion for partition and segregation of lots 23-A, 24, 25-A, 26, 28, 29 and 31 (covering an area of 1,572,324.45 square meters), praying that the lots be awarded in her favor and titled in her name.^[11]

By Order of September 9, 1996, Judge Jaime D. Discaya approved the recommendation^[12] made by the court-appointed commissioners that Lots 23, 28-A-1 and 28-A-2 be segregated from OCT No. 994, and ordered the Register of Deeds of Caloocan City "to issue new certificates of title in the name of Eleuteria Rivera x x x."^[13] In the court's Order of September 17, 1996, the surrender of the owner's duplicate certificate of title of OCT No. 994 "if the same is no longer available, lost or otherwise" was dispensed with.^[14]

It appears that another order of November 28, 1996^[15] was issued by Judge Discaya directing petitioner to implement the September 9, 1996 Order for the issuance of the three new certificates of title in the name of Rivera.

Petitioner thus issued TCT Nos. C-314535^[16] for Lot No. 28-A-1, C-314536^[17] for Lot No. 28-A-2, and C-314537^[18] for Lot No. 23, based on the technical descriptions mentioned in the September 9, 1996 Order, and all in the name of Rivera. It was uniformly stated in these TCTs that Rivera's titles were derived from OCT No. 994, which was registered on the "19th day of April" in the year 1917.

Upon learning of this development, Phil-Ville requested then Land Registration Authority (LRA) Administrator Reynaldo Y. Maulit to investigate the discrepancies in the date of registration of OCT No. 994, as reflected in its TCTs and those of Rivera.^[19] Phil-Ville invited attention to petitioner's letter of September 20, 1996 informing

it that there was only one OCT No. 994, which was transcribed or registered on May 3, 1917, as well as to the LRA Administrator's certification of October 31, 1996 confirming that OCT No. 994 was issued on May 3, 1917.

Phil-Ville maintained that the issuance of the three TCTs in favor of Rivera was "highly irregular as they cover[ed] lots already owned by Phil-Ville, LCM Theatrical Enterprises and Bonifacio Shopping Center, Inc."

Phil-Ville's letter-complaint led to the conduct of an inquiry by the Senate Committees on Justice and Human Rights, and on Urban Planning, Housing and Resettlement. On May 25, 1998, the joint committees submitted Senate Committee Report No. 1031^[20] which found, among other things, that (1) "there is only one Original Certificate of Title (OCT) No. 994 and this was issued or registered on May 3, 1917," (2) OCT No. 994 dated April 19, 1917 is "non-existent" for being "a fabrication perpetrated by Mr. Norberto Vasquez, Jr. [(Vasquez, Jr.)], former Deputy Registrar of Deeds of Caloocan City," and (3) petitioner "acted maliciously, fraudulently and in bad faith, when she signed the TCTs issued in the name of Rivera which bear a wrong date of registration x x x." The Senate committees recommended that administrative cases be filed against petitioner, Vasquez, Jr. and "all those involved in illegal and irregular land titling."

On the basis of Senate Committee Report No. 1031 and Phil-Ville's complaint, the LRA initiated Administrative Case No. 98-07 for grave misconduct and dishonesty against petitioner and Vasquez, Jr. who, as directed, filed separate explanations/comments to the charges against them.

During the pre-trial conferences, the parties presented documentary evidence and marked their exhibits, and a pre-trial Order was issued on September 3, 1998.^[21]

At the scheduled start of the formal hearing on September 6, 1998, the parties agreed to dispense with the presentation of oral evidence, in lieu of which they filed their respective memoranda. The case was then considered submitted for resolution.

On February 4, 1999, the LRA, through then Administrator Alfredo R. Enriquez, issued a Decision adopting in toto the findings and recommendation of LRA Hearing Officer Atty. Rhandolfo Amansec, as follows:

Consequent to the foregoing findings, the inescapable conclusion is that the issuance by respondent Norberto Vasquez, Jr. of the Dimson titles which bear a wrong date of registration of OCT 994 constitute Grave Misconduct, and his subsequent insistence that April 19, 1917 is the correct date of registration of OCT 994 constitute[s] Dishonesty in the service. On the other hand, respondent Atty. Yolanda Alfonso's acquiescence in the alteration of the date of registration of OCT No. 994 in the titles of Eleuteria Rivera as well as her act of deliberately ignoring the safeguards enunciated under the law, specially her failure to require the presentation of a subdivision plan duly approved by the Land Registration Authority or by the Land [M]anagement Bureau, for the titles of Eleuteria, are sufficient basis to find her guilty of Grave Misconduct.

Considering the pervasive adverse consequences of respondents' acts, which impaired the very integrity of the Torrens System which they are

duty bound to protect, the extreme penalty of dismissal is hereby recommended for both respondents Atty. Yolanda O. Alfonso and Mr. Norberto Vasquez, Jr.^[22] (Underscoring supplied)

Subsequently, the records of Administrative Case No. 98-07 were elevated to the Department of Justice (DOJ) for review. On June 14, 1999, then Justice Secretary Serafin R. Cuevas recommended to the OP that petitioner, a presidential appointee, "be found guilty of Grave Misconduct and Dishonesty" and be "dismissed from the service."^[23] Pertinent portions of the letter-recommendation read:

Respondent Alfonso maintains that the said alteration of the date of registration of OCT 994 was the sole responsibility of respondent Norberto Vasquez, Jr. who ordered the alteration pursuant to the Supreme Court decision in Metropolitan Waterworks and Sewerage System vs. The Court of Appeals, et al., GR No. 103556, 17 November 1992. She claims that the preparation of transfer certificates of titles is essentially a mechanical endeavor with the typist automatically adopting the entries in the titles to be canceled. To examine the entry according to her is no different from proof reading which can be best left to subordinates citing the case of *Arias v. Sandiganbayan* [180 SCRA 309]. To further support her claim of innocence in the alteration, respondent Alfonso said that upon discovery thereof, she issued several memoranda requiring her subordinates who have participated in the Rivera titles to explain why the alteration was made. It should be noted however that the memoranda were issued after she signed the Rivera titles.

It is true that respondent Alfonso could not be faulted for carrying over to TCT No. 312804 an erroneous date of registration of OCT 994 inasmuch as the title from which it was derived from likewise bear the said erroneous date of registration. However, the mere fact that she consented to the acquisition of the property by and signed and issued on 12 August 1996 TCT 312804 in the name of her children adopting 19 April 1917 as the date of registration of OCT 994 knowing the same to be erroneous as shown by her 20 March 1996 referral of Ms. Roqueta Dimson's application for issuance of certificate of title citing therein the LRA Verification Committee report is a clear case of dishonesty, malice and bad faith. This is also a clear violation of the Code of Conduct for Public Officials and Employees prohibiting government officials and employees from having any interest in a transaction requiring their approval.

x x x x

Moreover, respondent Alfonso also violated the provisions of Sections 50, 58 and 92 of P.D. 1529 for failure to require the presentation of (1) the subdivision plan duly approved by the Land Registration Authority or by the Land Management Bureau; and (2) proof of payment of estate of inheritance tax.

The non-presentation of the owner's duplicate of OCT 994 has been satisfactorily explained by respondent Alfonso as the said presentation was dispensed with by an order of the court.

For her failure to require the presentation of a subdivision plan for the three titles of Eleuteria Rivera, respondent Alfonso claims that inasmuch as the issuance of the titles is pursuant to a court order, Sections 50 and 58 of P.D. 1529 do not apply. Said contention of respondent Alfonso is without merit as said sections apply as long as the title to be issued covers only a portion of a bigger tract of land. The presentation of a duly approved subdivision plan is necessary in order to delineate the particular portion of the lot being covered by the new title. Had respondent Alfonso required the presentation of an approved subdivision plan, she could have discovered the defects in the titling of the Rivera property and could have manifested the same in court.

As to the question regarding the presentation of proof of payment of inheritance tax, respondent Alfonso claims that no inheritance tax is due on the estate simply because there is no inheritance involved as the titles were issued pursuant to a court order in a judicial partition and the adjudicatee Eleuteria Rivera is very much alive at the time of issuance. Again, this deserves scant consideration. It does not matter whether Eleuteria Rivera is alive or not because the subject matter of inheritance tax is not the estate of Eleuteria Rivera but the transfer of property covered by the subject titles by way of inheritance from the predecessor and alleged parent Maria Concepcion Vidal to the heir who is Eleuteria Rivera.

x x x x (Emphasis and underscoring supplied)

On November 29, 1999, the OP issued Administrative Order (A.O.) No. 99,^[24] ordering the dismissal of petitioner. It found that petitioner had undermined the integrity of the Torrens system by disregarding certain provisions of the law and had virtually compelled certain individuals holding separate titles to litigate to protect their rights. In addition, it was noted that petitioner "*prima facie* appears to have exacted a substantial sum from one Danilo Bonifacio to expedite the release [of] a certificate of title."^[25]

Petitioner filed a motion for reconsideration before the OP but the same was denied by Resolution of September 8, 2000.^[26]

In due time, petitioner appealed the decision of the OP, as embodied in A.O. No. 99, to the CA. She contended that the order of dismissal had no factual and legal bases and that she was not afforded due process especially because issues and matters, which were not agreed upon in the pre-trial conferences and subsequently embodied in the pre-trial order, were admitted and considered.

On July 27, 2001, the CA issued the assailed Decision discrediting petitioner's claim that she was denied due process, it noting that during the hearing of her administrative case before the LRA, she was given the chance to explain her side, and to submit voluminous documents in her defense, which documentary evidence the DOJ and the OP considered in arriving at their decisions.

Its own examination of the records, the CA added, did not justify a departure from