

SECOND DIVISION

[G.R. Nos. 192698-99, April 22, 2015]

**RAYMUNDO E. ZAPANTA, PETITIONER, VS. PEOPLE OF THE
PHILIPPINES, RESPONDENT.**

D E C I S I O N

MENDOZA, J.:

Before the Court is a petition for review on *certiorari* seeking to reverse and set aside the October 29, 2009 Decision^[1] and the June 10, 2010 Resolution^[2] of the Sandiganbayan Fifth Division (*Sandiganbayan*), in Criminal Case Nos. 27502 and 27503, which found accused-petitioner Raymundo E. Zapanta (*Zapanta*) and his co-accused, Atty. Aludia P. Gadia (*Atty. Gadia*), guilty beyond reasonable doubt of the crimes of Violation of Section 3(e) of Republic Act (R.A.) No. 3019, otherwise known as the Anti-Graft and Corrupt Practices Act; and Infidelity in the Custody of Documents, defined and penalized under Article 226 of the Revised Penal Code (RPC).

The Antecedents

Zapanta, together with Atty. Gadia, was indicted for the crime of Violation of Section 3(e) of R.A. No. 3019 in the Information, docketed as Criminal Case No. 27502, the accusatory portion of which reads:

That [on] or about August 2000, in Davao City, Philippines, and within the jurisdiction of this Honorable Court, the above named accused ALUDIA P. GADIA, a high ranking public officer, being then the Registrar of Deeds, and RAYMUNDO E. ZAPANTA, vault/records keeper, both of the Registry of Deeds, Davao City, conspiring and confederating with one another, with manifest partiality, evident bad faith or gross inexcusable negligence, did then and there, willfully, unlawfully and feloniously cause the issuance of TCT NO. T-285369, **deleting the encumbrance annotated in TCT No. T-256662**, from where the former title was derived, thereby affording unwarranted benefits to First Oriental Ventures, Inc., the owner of TCT No. T-285369, to the damage and prejudice of Manuel Ang, Sr., the mortgagee in TCT No. 256662 in the amount of FIVE HUNDRED THOUSAND PESOS (P500,000.00).

CONTRARY TO LAW.^[3]

[Emphasis Supplied]

In Criminal Case No. 27503, Zapanta and Atty. Gadia were charged with the crime of Infidelity in the Custody of Documents under Article 226 of the RPC. The accusatory portion of the Information states:

That [on] or about August 2000, in Davao City, Philippines and within the jurisdiction of this Honorable Court, the above named accused ALUDIA P. GADIA, a high ranking public officer, being then the Registrar of Deeds and RAYMUNDO E. ZAPANTA, Vault/Records Keeper, both of the Registry of Deeds, Davao City, conspiring and confederating with one another, did then and there, willfully, unlawfully and feloniously **cause the removal and disappearance of TCT No. 256662**, which public document is under their custody and officially entrusted to them, thereby causing damage to the mortgagee of TCT No. 256662, in the amount of FIVE HUNDRED THOUSAND PESOS (P500,000.00) which amount is duly annotated in TCT No. 256662.

CONTRARY TO LAW.^[4]

[Emphasis Supplied]

On June 18, 2002, the Sandiganbayan issued the Hold Departure Order and the Order of Arrest against Atty. Gadia and Zapanta. Both accused posted bail for their provisional liberty.^[5] On October 13, 2003, Atty. Gadia was arraigned and she pleaded "Not Guilty" to the charges. Zapanta also pleaded "Not Guilty" to the charges when arraigned on November 12, 2003. After pre-trial was terminated, trial on the merits ensued.

The prosecution presented private complainant Dr. Manuel T. Ang, Sr. (*Dr. Ang*), PO3 Steve Bohol Dela Cruz (*PO3 Dela Cruz*) and Atty. Asteria E. Cruzabra (*Atty. Cruzabra*).

Dr. Ang was a physician who was also engaged in a lending and investment business using the business name Cebu Sterling Lending Investors, Inc. (*CSLII*). He recalled that sometime in January 1996, a certain Erlinda Galvez-Sultan applied for a loan in the amount of P500,000.00 and offered to mortgage a 27,442 square-meter lot covered by Transfer Certificate of Title (*TCT*) No. T-256662 in the names of Zenaida Galvez-Lamparero, Nelia Galvez Comendador, Ricardo Galvez, Pancho Galvez, Ismael Galvez, Erlinda Galvez-Sultan, Olympio Galvez, and Edwin Galvez (*Zenaida Galvez-Lamparero, et al.*), to secure the said loan. TCT No. T-256662 was registered at the Registry of Deeds of Davao City (*RD*) and was duly signed by Atty. Gadia, the Register of Deeds.

Dr. Ang agreed to extend the loan and, on January 29, 1996, caused the annotation of the real estate mortgage in favor of CSLII at the back of TCT No. T-256662 in the office of the RD. Later, Dr. Ang was informed that the mortgaged property had been the subject of a sale transaction; that TCT No. T-256662 was already cancelled; and that two new derivative titles were issued bearing the same technical description as that of TCT No. T-256662. On August 24, 2000, to check the veracity of the report, Dr. Ang made a formal request to the RD for the issuance of a certified true copy of the original copy of TCT No. T-256662 which was in the custody of the said office. He reiterated his request on October 23, 2000.

Zapanta told Dr. Ang that the original copy of TCT No. T-256662 could not be located in the particular volume where it was filed in the vault of the RD. Dr. Ang made a follow-up on his request for three consecutive days, but to no avail. Suspecting an irregularity, Dr. Ang filed a complaint before the Presidential Anti-

Organized Crime Task Force (*PAOCTF*), Davao Satellite Office, and requested for an investigation. Results of the investigation confirmed that the original copy of TCT No. T-256662 was missing from the vault of the RD. Dr. Ang then filed a complaint against Atty. Gadia and Zapanta before the Office of the Ombudsman (*Ombudsman*).^[6]

PO3 Dela Cruz was the Chief Investigator of the Legal Department, Davao City Police Station in 2000, after serving as the Chief Investigator of the PAOCTF, Davao Satellite Office, from 1988 to 1991. He narrated that after conducting an investigation in connection with the complaint filed by Dr. Ang, he prepared his Investigation Report/Memorandum and submitted the same to the Ombudsman. In the said report, he highlighted the commission of irregularities by Zapanta and Atty. Gadia, and recommended the filing of appropriate administrative and criminal charges against the two. He came to know of the existence of TCT No. T-285369, the derivative title of TCT No. T-256662, when it was showed to him by Dr. Ang during the preliminary investigation proceedings before the Ombudsman. He noticed that the signatures of Atty. Gadia appeared on all the pages of TCT No. T-285369 and that it was registered in the name of First Oriental Property Ventures, Inc. (*FOPVI*) whose president was former Congresswoman and Governor, Atty. Corazon N. Malanyaon (*Atty. Malanyaon*).^[7]

Atty. Cruzabra, the Acting Register of Deeds of Davao City, testified that while both criminal cases were awaiting trial, she conducted an investigation regarding the missing title in compliance with the directive of the Office of the Administrator of the Land Registration Authority (*LRA*), dated October 13, 2003. She instructed the employees of the office to look for the missing original copy of TCT No. T-256662. She specifically asked the vault keeper, Zapanta, and the records officer, who were tasked with the safekeeping of the documents in the office, about the missing title but she was told that the same was nowhere to be found inside the vault.

In her letter-report,^[8] dated November 25, 2003, addressed to Administrator Benedicto Ulep of the LRA, Atty. Cruzabra stated that the missing TCT No. T-256662 was found in the "pending transactions" steel cabinet located outside the vault but within the premises of the office of the RD. She observed that the original copy of TCT No. T-256662 did not bear any signs of cancellation. She added that another certificate of title, TCT No. T-285369, was also found within the "pending transaction" files together with TCT No. T-256662.

Atty. Cruzabra explained that TCT No. T-285369 was issued in lieu of TCT No. T-256662 and was registered in the name of FOPVI. She opined that TCT No. T-285369 was spurious because: 1] TCT No. T-256662 had never been cancelled; 2] the Deed of Absolute Sale^[9] executed between the original owners, Zenaida Galvez-Lamparero, *et al.*, and FOPVI (*subject deed of sale*), which could have been the basis for cancellation of TCT No. T-256662, was not registered and annotated at the back of the latter title; and 3] the encumbrance in favor of CSLII was not carried over to TCT No. T-285369. She concluded that the issuance of TCT No. T-285369 was without any legal basis. TCT No. T-285369 was registered with the RD on May 28, 1997 and was signed by Atty. Gadia.^[10]

In her defense, Atty. Gadia countered that she was no longer the Register of Deeds of Davao City on August 24, 2000, when Dr. Ang requested for a certified true copy

of the original copy of TCT No. T-256662. She admitted that, as the Register of Deeds, she signed TCT No. T-256662 as well as the encumbrances annotated at the back page. She also admitted that she signed the derivative title TCT No. T-285369 on May 28, 1997, which bore the following certification: *"This certificate is a transfer from Transfer Certificate of Title No. T-256662 which is cancelled by virtue hereof in so far as the above described land is concerned."*

She further testified that the original copies of the certificates of title were kept in a vault and the person in charge was the vault keeper. The chief of the vault keeper was the records officer. She named two (2) vault keepers, Zapanta and Mrs. Dimaquias, but the one in charge was Zapanta. She claimed that she had nothing to do with the removal and disappearance of the original copy of TCT No. T-256662. She identified Epimaco Gambong (*Gambong*) as the examiner who inspected the subject deed of sale and its attachments, for registration. Incidentally, Gambong had already passed away at the time of the trial.

Atty. Gadia further averred that the subject deed of sale was not registered because there were some requirements that had not been submitted, particularly the owner's duplicate copy of TCT No. T-256662. She admitted to have written the following notation on the routing slip attached to the subject deed of sale: *"Pls. don't deliver the title unless requirements are complied."* She would usually write such cautionary notice because it always took some time before the registering parties could complete the submission of the required documents. Atty. Gadia explained that there were occasions when she had to leave her station for some meetings in Manila or to report to Region XI where she was the Regional Register of Deeds, and so as not to prejudice the public for want of signature, she would usually sign the title but cautioned the examiner not to release or deliver the title until all the requirements were completed.

According to her, TCT No. T-285369 should not have been delivered because certain requirements were still lacking. She asserted that transactions, which were not completed or transactions in which the requirements were not complied with, were filed in the "pending transaction" cabinets. She denied knowledge of the circumstances surrounding the issuance of TCT No. T-285369 despite her signature on it.^[11]

Zapanta, on the other hand, proffered the defense of denial. He alleged that he was the vault keeper of the RD, whose duty was to safeguard the archives and the original copies of certificates of title. He claimed that the original copy of a title could be pulled out from the vault upon the written request of the examiner or records officer, indicating the title and volume numbers. The said officer would then take custody of the same until the transaction would be finished. He stated that Atty. Gadia, being the Register of Deeds, could also order the pull out of the documents from the vault. He denied participation in the removal and disappearance of the original copy of TCT No. T-256662 from the vault. He insisted that he did not participate in the processing of TCT No. T-285369. He pointed out that aside from him, three utility workers were allowed by his office to pull out titles from the vault. His only link to the missing title incident was that he was the one who helped Jimboy Ibañez, the person approached by Dr. Ang, to look for the missing title. He assured Dr. Ang that he would continue to look for it. He denied that he conspired with Atty. Gadia in the commission of the crimes charged.^[12]

On rebuttal, the prosecution presented two additional witnesses, namely, Jorlyn B. Paralisan (*Paralisan*) and Johanessa Maceda (*Maceda*).

Paralisan testified that she was the Land Registration Examiner from March 1992 until March 1998. The primary function of an examiner was to determine whether the requirements for registration were complete. The documents that must be presented for the registration of a sale of real property were the transfer tax fee, realty tax certification, capital gains tax certification, deed of sale and the owner's duplicate copy of the certificate of title. She said that if the requirements were incomplete, the documents so far submitted shall be placed in the files for "pending transactions" until full compliance was made by the registering party. Paralisan added that the Register of Deeds reviewed the findings of the examiner and signed the title or document only after the latter was satisfied as to the completeness of the requirements. As the Register of Deeds of Davao City, Atty. Gadia was tasked, among others, to review deeds and other documents for compliance with the legal requirements of registration.

According to Paralisan, her office has adopted the following regular procedural steps in the registration of land titles and deeds: 1) the presenting party would first bring the deed of sale and its attachments to the entry clerk, who would stamp the corresponding entry number, as well as the date and time of receipt; 2) the submitted documents would then go to the cashier for payment of registration and other fees; 3) thereafter, the documents would be handed to a Records Officer II who would assign an examiner for examination; 4) if the documents were complete, the same would go to the administrative officer for assignment of title, otherwise, the documents would be forwarded to Records Officer II for stamping of the words, "pending document"; 5) for complete documents, the administrative officer would assign a new title for typing by the office typist; 6) the document would afterwards be returned to the Records Officer II, who would assign another examiner for the cancellation of the mother title; 7) after the proper cancellation of the mother title, the new title and other pertinent documents would then be submitted to the Register of Deeds for review, examination and signature; 8) then the documents would go to Record Officer I, who would release the owner's duplicate copy of the title to the presenting party and forward the original copies of the new title and the cancelled title to the vault keeper for archiving. The above procedure was sanctioned by the Manual for Registration of Land Titles and Deeds of the LRA.

Continuing her testimony, Paralisan recalled that when she examined the documents for registration in 1997, the reference and assessment slip/routing slip did not contain any handwritten notations. After noting the attached documents to the subject deed of sale, she wrote down on the slip, "*Pls. submit owner's copy of TCT,*" and forwarded all the documents to the administrative officer. She claimed that because the documents were incomplete, the title should be kept in the "pending transaction" cabinet by Records Officer II, who was Maceda at the time in 1997.

Paralisan further stated that it was vault keeper Brigido Musqueta who found the missing original copy of TCT No. T-256662 in the "pending transaction" files. Upon inspection of the documents, she noticed that the entry number and the date "5-28-1997" were handwritten on the face of the reference and assessment slip/routing slip.^[13] She found it odd that the date of registration, May 28, 1997, was the same as the date written on the reference and assessment slip. Furthermore, the name