

EN BANC

[A.M. OCA IPI No. 10-177-CA-J, April 12, 2011]

RE: COMPLAINT OF CONCERNED MEMBERS OF CHINESE GROCERS ASSOCIATION AGAINST JUSTICE SOCORRO B. INTING OF THE COURT OF APPEALS

R E S O L U T I O N

BRION, J.:

We pass upon the unsigned letter complaint for administrative action and disbarment sent by the Concerned Members of Chinese Grocers Association (CGA) to the Office of Chief Justice Corona against Court of Appeals Justice Socorro B. Inting on November 25, 2010 for gross neglect of judicial duties in deciding Case No. P-08-132 GLRO CA.D Record No. 84, entitled "*In Re: Petition for Issuance of a New Owner's Duplicate Copy of Transfer Certificate of Title No. 42417 of the Registry of Deeds of Manila*" while she was still Presiding Judge of the Regional Trial Court, Branch IV, Manila. Specifically, the complainants allege that Justice Inting acted with gross negligence when she turned a blind eye to the suspicious circumstances surrounding the petitioner in the case, Romualdo dela Cruz, and granted the petition.

Factual Antecedents

The CGA is the owner of a parcel of land with an area of 315 square meters located in Manila, registered under Transfer Certificate of Title (TCT) No. 42417.

Sometime in 2008, Romualdo dela Cruz (dela Cruz) filed a petition for the issuance of a new owner's duplicate copy of TCT No. 42417, claiming that the old owner's duplicate copy had been misplaced. This petition was assigned to the sala of then Judge Inting, presiding Judge of Branch IV, RTC Manila.

In the petition, dela Cruz claimed that: (a) the Office of the Register of Deeds had already been notified of the loss through an Affidavit of Loss; (b) TCT No. 42417 issued in the name of the CGA is still valid and subsisting; (c) copies of the Notice of Hearing have been duly posted, as evidenced by the Sheriff's Certificate of Posting; and (d) **dela Cruz's interest in filing this petition is based on his right as a vendee of the property**, as evidenced by the **Deed of Absolute Sale dated August 19, 2008**, allegedly executed between CGA, represented by Ang E. Bio, and dela Cruz.^[1]

On June 16, 2009, Justice Inting issued an order granting dela Cruz's petition. The dispositive portion of this Order stated:

WHEREFORE, the Register of Deeds of Manila is hereby ordered upon payment of the prescribed fees of his office to **issue a new owner's duplicate of Transfer Certificate of Title No. 42417 in lieu of the lost one** which is hereby cancelled and declared of no further force and effect and to annotate on said title a memorandum of the issuance of a new owner's copy thereof in lieu of the lost one upon Order of the Court and to deliver said new owner's copy of the title to the petitioner or his counsel or duly authorized representative provided that **such new owner's copy of the title to be issued shall be made subject to the same terms and conditions as the original** thereof and that no document or transaction registered or pending registration in his office shall be adversely affected thereby.

SO ORDERED.

Since no motion for reconsideration or notice of appeal was filed challenging Justice Inting's June 16, 2009 Order within the reglementary period provided by law, the order became final and executory, and the new owner's duplicate title was given to dela Cruz.

The Letter Complaint

In their letter complaint dated November 15, 2010, the Concerned Members of CGA claimed that Justice Inting acted with gross neglect when she granted dela Cruz's petition for the issuance of a new owner's duplicate copy of TCT No. 42417. To recall, dela Cruz filed the petition as the alleged vendee of the property. However, the complainants point out that **the Deed of Absolute Sale dated August 15, 2008**, the basis for dela Cruz's interest and right to file the petition, should have aroused Justice Inting's suspicion as **it was allegedly signed on behalf of CGA by Ang E. Bio, who died on August 28, 2001**. The complainants also found it suspicious that Justice Inting did not question dela Cruz on the particulars of the sale - *i.e.*, what the basis was of Bio's authority to represent CGA in the sale, whether dela Cruz had paid the applicable taxes in relation to the alleged sale, and why the land was sold for only P5,500,000.00 when it was worth at least P50 million -before granting the petition. The complainants further faulted Justice Inting for not asking dela Cruz why he, and not CGA, filed the petition.

Justice Inting's Comment

On December 7, 2010, the Court *en Banc* issued a resolution requiring Justice Inting to comment on the letter complaint within ten (10) days from notice of the resolution.

Responding to our Order, Justice Inting filed a letter with the Court on January 28, 2011 asking for an additional thirty (30) days to file her comment. The Court *en Banc* resolved to grant this request in its February 1, 2011 resolution.

In her comment filed on February 23, 2011, Justice Inting averred that there was nothing suspicious in dela Cruz filing the petition as a vendee since Section 109 of Presidential Decree No. 1529 (Property Registration Decree) allows another person in interest to file a petition for the issuance of a new owner's duplicate title. She

further explained that on May 8, 2009, the Acting Chief of the Clerks of Court Division issued a Notice of Hearing addressed to dela Cruz, the Register of Deeds of Manila and the CGA, setting the case for hearing on June 3, 2009. The court's process server also posted this Notice of Hearing on May 13, 2009 at three conspicuous public places in Manila. However, **no representative of CGA appeared to participate in the proceedings or oppose the petition at the initial hearing on June 3, 2009.** Accordingly, Justice Inting allowed dela Cruz to present his evidence *ex-parte* before Atty. Cheryl Morales, the Chief of the Clerks of Court Division of the Land Registration Authority. Based on the evidence presented, consisting of the notarized Deed of Absolute Sale between CGA and dela Cruz, and the Affidavit of Loss registered with the Register of Deeds and annotated at the back of the original title in the possession of the Register of Deeds of Manila, and given CGA's lack of opposition, Justice Inting granted the petition.

Justice Inting further emphasized that she did not transfer title over the land to dela Cruz; rather, **she merely issued an order granting the issuance of a new owner's duplicate copy of TCT No. 42417, with the same terms and conditions as the original.** She also denied the complainants' claim that she knew dela Cruz prior to this case, stressing the fact that she only met dela Cruz when he appeared before her court with his attorney to comply with the petition's jurisdictional requirements.

Justice Inting also questioned the complainants' failure to take the necessary remedial actions against the order, such as filing a petition for relief of judgment within the reglementary period, as well as their failure to file any criminal action against dela Cruz, the instigator of the alleged fraudulent sale.

OUR RULING

The only issue we have to resolve is whether Justice Inting, in granting dela Cruz's petition, is guilty of misconduct. To answer this question, we examine the procedure in petitions for the issuance of new duplicate certificates of title.

The applicable law is Section 109 of Presidential Decree (P.D.) No. 1529 (Property Registration Decree), which states:

Section 109. *Notice and replacement of lost duplicate certificate.* - In case of loss or theft of an owner's duplicate certificate of title, due notice under oath shall be sent by the owner or by someone in his behalf to the Register of Deeds of the province or city where the land lies as soon as the loss or theft is discovered. If a duplicate certificate is lost or destroyed, or cannot be produced by a person applying for the entry of a new certificate to him or for the registration of any instrument, a sworn statement of the fact of such loss or destruction may be filed by the registered owner or **other person in interest** and registered.

Upon the petition of the registered owner or other person in interest, the court may, after notice and due hearing, direct the issuance of a new duplicate certificate, which shall contain a memorandum of the fact that it is issued in place of the lost duplicate certificate, but shall in