

[G.R. No. 183507, February 24, 2010]

**OFFICE OF THE OMBUDSMAN (MINDANAO), PETITIONER, VS.
ASTERIA E. CRUZABRA, RESPONDENT.**

D E C I S I O N

CARPIO MORALES, J.:

Anwar Mohamad Abdurasak and Jovina Tama Mohamad Abdurasak via a petition filed before the Office of the Register of Deeds of General Santos City sought the inclusion of the name "Ali Mohamad Abdurasak" in Transfer Certificates of Title Nos. T-89456 and T-89458.

Without authority from General Santos City Register of Deeds Asteria E. Cruzabra (respondent), land registration examiner Bienvenido Managuit (Managuit) acted on the petition by instructing the office clerk to type the name "Ali Mohamad Abdurasak" on the face of the titles.

Due to the unauthorized intercalation, one Datu Sarip E. Andang^[1] filed a *criminal* complaint against respondent, as register of deeds, for falsification of public documents and usurpation of official functions before the Office of the Ombudsman for Mindanao (petitioner).

In her Counter-Affidavit, respondent alleged that, *inter alia*, the intercalation was without her authority and it occurred outside her cubicle; that upon learning about it, she did not correct the same for to do so would subject her or the author thereof to a charge of falsification of public documents; and that the proper parties to question the intercalation are those whose interests on the titles were prejudiced thereby.^[2]

Ombudsman Prosecutor Liza C. Tan found no probable cause to charge respondent with usurpation of official functions and accordingly ordered the withdrawal of the Information for falsification of public documents which apparently had been filed earlier. On her recommendation, however, an *administrative* case for simple misconduct was filed against respondent.^[3]

The Office of the Ombudsman for Mindanao (petitioner), through Deputy Ombudsman's Antonio E. Valenzuela's Order^[4] of May 18, 2004, found respondent liable for neglect of duty and accordingly imposed on her the penalty of **suspension for one (1) month without pay**, pursuant to Section 46, Book V, Title I of Executive Order No. 292 (the Administrative Code of 1987).

On appeal by respondent, the Court of Appeals, by Decision^[5] of December 14, 2007, reversed petitioner's decision, it finding that respondent was not negligent. It admonished her, however. Thus the appellate court ratiocinated:

As Registrar of Deeds, the primary duties and responsibilities, among other things, of [respondent] are: (1) *directs and supervises the activities of the Registry of Deeds Office*; (2) *reviews deeds and other documents for conformance with legal requirements for registration*; and (3) *approves registration of documents and justifies disapproved cases*. x x x.

x x x The land registration examiner, Bienvenido Managuit himself admitted that . . . he personally ordered the typing of the name "Ali Mohamad Abdurasak" on the face of the titles, without referring the said petition to [respondent] for review and proper disposition being the head of office. This fact **negates** the imputation of neglect of duty which, as defined, is the failure of an employee to give proper attention to a task expected of him, signifying "disregard of a duty resulting from carelessness or indifference (*Office of the Ombudsman v. Court of Appeals*, G.R. No. 167844, Nov. 22, 2006)."

x x x x

While We are convinced that [respondent] is **not negligent** in the performance of her official duties and responsibilities as Registrar of Deeds, We however **admonish** her to be very careful, using prudence and caution in the management of the affairs in her Office in order to preserve the public's faith and confidence in the government. (emphasis and underscoring supplied)

Its motion for reconsideration having been denied, petitioner filed the present Petition for Review on Certiorari, maintaining that it did not err in finding respondent administratively guilty of neglect of duty and that its Order "imposing upon respondent the penalty of suspension for one (1) month without pay is final, executory and unappealable."^[6]

The Court finds for petitioner.

In administrative and quasi-judicial proceedings, the quantum of proof required for a finding of guilt is only substantial evidence, "that amount of relevant evidence that a reasonable mind might accept as adequate to support a conclusion, even if other minds, equally reasonable, might conceivably opine otherwise."^[7]

In the present case, petitioner's Order of May 18, 2004 finding respondent administratively liable for neglect of duty, which "implies the failure to give proper attention to a task expected of an employee arising from either carelessness or indifference,"^[8] was adequately established by substantial evidence.

That it is the duty and responsibility of respondent, as register of deeds, to **direct and supervise the activities of her office** can never be overemphasized. Whether respondent exercised prudence and vigilance in discharging her duties, she has not shown.

Respondent's guilt of neglect of duty becomes more pronounced as note is taken of