

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 38

REVOKING ADMINISTRATIVE ORDER NO. 152 CONCERNING MR. ANGEL V. CAMPOY, CITY JUDGE OF DUMAGUETE CITY.

By virtue of Administrative Order No. 152 dated December 3, 1965, Mr. Angel V. Campoy was removed from office as Judge of Dumaguete City for having been found guilty of falsifying a public document in order to acquire a piece of land.

The respondent has sought reconsideration of the decision, and the Department of Justice recommends favorable action thereon, as the evidence is insufficient to support the finding that respondent was guilty of falsification, in which I concur.

Respondent's removal under the aforesaid administrative order was premised on the following findings:

" . . . It appears that on June 3, 1959, respondent prepared a document entitled 'Extra-judicial Settlement and Sale' where Sixto Abol and his seven (7) children, one of them Esperanza Abol, agreed, among other things, to sell to respondent a piece of land owned by them in common, identified as Lot No. 2566, situated at Sibulan, Negros Oriental, and covered by Original Certificate of Title No. O-V-691. In view of Esperanza's refusal to sell her share of the land and to sign the document transferring the property to respondent, the latter deleted her name appearing on the deed of conveyance already signed by her father and six (6) others to make it appear that the latter were the only co-owners of Lot No. 2566, filled the blank spaces of the acknowledgment of the deed reserved for the residence certificates of the vendors with those issued to persons other than the vendors and had it ratified before a notary public.

"On June 11, 1959, respondent presented the falsified deed of conveyance in the Office of the Register of Deeds in Dumaguete City, on the strength of which Original Certificate of Title No. O-V-691 was cancelled and Transfer Certificate of Title No. T-7272 issued to the seven (7) co-owners, with Esperanza

Abol excluded. On the same day, Transfer Certificate of Title No. R-7276 cancelling Transfer Certificate of Title No. 7272 was issued in the name of respondent as registered and sole owner of Lot No. 2566."

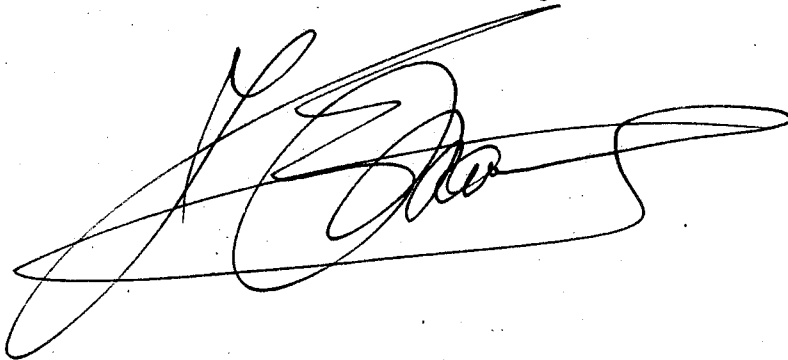
Although it is undisputed that respondent cancelled the name of Esperanza Abol in the document in question and initialed the cancellation, there is no evidence to show that he thereby intended to make it appear that Esperanza Abol was not a co-owner of the land referred to in the instrument. Respondent's intention, it is inferred, in cancelling her name was to make clear her failure to sign the document, which cancellation, after all, did not alter the document in any material way. Moreover, there is evidence to show that the cancellation was at her own request, as she was promised by her father a larger share in a bigger property owned in common by her with her father and brothers. If it were respondent's intention, as previously found, to conceal the fact that Esperanza Abol was a co-owner of the property conveyed and to facilitate its sale to him through a flawless document, it would have been convenient for him to prepare another document without her name. The fact that he used the same document with Esperanza's name merely cancelled and initialed by him lends credence to his declaration that Esperanza agreed to forego her share in that property for the reason already stated.

Evidence is likewise insufficient to support the finding that respondent filled the blank spaces of the acknowledgment of the deed reserved for the residence certificates of the vendors and had the same ratified or acknowledged before a notary public. Although reliance was placed on the testimony of the notary public who was a witness for complainant, the witness did not state that he saw respondent fill up the aforesaid blank spaces, but merely assumed that he did because he sent the document. Apparently, the notary public had to find a scapegoat for his own neglect in ratifying the document without verifying the genuineness of the entries regarding the residence certificates of the parties executing the document. Hence, his testimony imputing the wrongful act to respondent should be considered with caution.

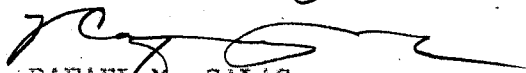
In the light of the foregoing, I am satisfied that ample basis exists for granting the petition for reconsideration. Wherefore, Administrative Order No. 152 dated December 3, 1965, is hereby reconsidered and revoked and respondent exonerated of the charge.

Done in the City of Manila, this 14th day of March ,

in the year of Our Lord, nineteen hundred and sixty-seven.

A large, highly stylized handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke at the end.

By the President:

A smaller, more fluid handwritten signature in black ink, appearing to start with a large 'R' and ending with a horizontal flourish.

RAFAEL M. SALAS
Executive Secretary