

MALACAÑANG

Manila

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 165

DISMISSING VICENTE C. RENOMERON FROM OFFICE AS REGISTER OF DEEDS OF TACLOBAN CITY.

This is an administrative case against Register of Deeds Vicente C. Renomeron of Tacloban City filed by Atty. Fernando T. Collantes, counsel for V & G Better Homes Subdivision, Inc., (hereinafter referred to as V & G) for -

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"1. Neglecting or refusing inspite repeated requests and without sufficient justification, to act within reasonable time the registration of 163 Deeds of Absolute Sale With Assignment and the eventual issuance and transfer of the corresponding 163 transfer certificates of title to the GSIS, for the purpose of obtaining some pecuniary or material benefit from the person or persons interested therein.

"2. Conduct unbecoming of a public official

"3. Dishonesty

"4. Extortion

"5. Directly receiving pecuniary or material benefit for himself in connection with pending official transaction before him.

"6. Causing undue injury to a party, the GSIS/ Government through manifest partiality, evident bad faith or gross inexcusable negligence.

"7. Gross ignorance of the law and procedure."

This case came about as a result of the alleged irregular actuations of respondent relative to the applications of V & G for registration of 163 pro forma Deeds of Absolute Sale with Assignment.

In his affidavit, dated May 29, 1987, in support of his sworn letter-complaint of the same date, Atty. Collantes detailed the circumstances surrounding the registration aforementioned. Some highlights:
(a) that as early as January 15, 1987, V & G requested respondent

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to act on certain registrable sales documents, followed by another request on February 16, 1987 for the latter to approve or deny registration of the uniform deeds of absolute sale with assignment;

(b) that no action was taken by respondent on said requests, except, among others, to require V & G to submit proof of real estate tax payment and to clarify certain details surrounding the transaction;

(c) that despite compliance with the desired requirements, respondent caused the stoppage of registration, pending fulfillment by V & G of a certain "special arrangement" imposed by respondent whereby V & G shall provide respondent with a weekly round trip ticket accommodation from Tacloban to Manila and P2,000.00 pocket money per trip, or in lieu thereof, the sale of respondent's Quezon City house and lot by V & G or GSIS representatives;

(d) that on May 19, 1987, respondent intimated to Atty. Collantes that he will favorably act on the 163 registrable documents provided he (Atty. Collantes) execute clarificatory affidavits and send the money to pay the round trip plane ticket;

(e) that the plane fare amounting to P800.00 was in fact sent to respondent thru respondent's niece but without the pocket money of P2,000.00; and

(f) that because of V & G's failure to deliver the P2,000.00 for pocket money in addition to the plane fare, respondent exacted additional registration requirements, prompting Atty. Collantes in his letter of May 20, 1987, to challenge respondent to act on all pending applications for registration within twenty-four (24) hours.

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As records show, respondent formally denied, on May 22, 1987, registration of the transfer of 163 certificates of titles from V & G to GSIS on the uniform ground that the deeds of absolute sale with assignment are ambiguous as to the parties involved and subject matter thereof. Dissatisfied, Atty. Collantes moved to reconsider said denial on May 26, 1987, stressing that:

"Moreover, since the year 1973 continuously up to December 1986 for a period of nearly fifteen (15) years or for a sum total of more than 2,000 same set of documents which have been repeatedly and uniformly registered in the Office of the Register of Deeds of Tacloban City under Attys. Modesto Garcia and Pablo Amascual, Jr. it is only during the incumbency of Atty. Vicente C. Renomeron, that the very same documents of the same tenor have been refused or denied registration. . . "

On the following day (May 27, 1987), respondent elevated the matter en consulta to the Administrator, National Land Titles and Deeds Registration Administration (NLTDRA), who in a Resolution (Consulta No. 1579) of July 27, 1987, ruled that the questioned documents are registrable.

Meanwhile, or on June 4, 1987, Atty. Collantes, evidently exasperated by respondent's conduct, filed before the NLTDRA the instant administrative complaint supported by his aforementioned affidavit of May 29, 1987, charging respondent with the offenses specified and quoted at the outset hereof.

Informed of the charges, NLTDRA Administrator Teodoro G. Bonifacio, through a letter of June 29, 1987, directed respondent to explain in writing why no administrative disciplinary action should be taken against him on account thereof. Respondent was further asked whether he elects to submit his case on the basis of his answer or be heard in a formal investigation should one be deemed necessary.

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In his Answer, dated July 9, 1987, respondent denied the charges levelled against him and claimed that, as a rule, he acted first on documents received earlier by the Registry. According to respondent, the Registry received 82 of the 163 Deeds of Absolute Sale with Assignment on January 15, 1987, and he acted on them on February 16, 1987, by suspending or temporarily denying the registration thereof, subject to the submission of documentary requirements. The Registry received the second batch of 81 documents on May 4, 1987, and he acted on them on the same day by likewise suspending the registration thereof. Respondent further denied the charges of extortion and of directly receiving pecuniary or material benefit for himself in connection with the official transactions pending before him for action.

Respondent likewise waived his right to a formal investigation and submitted the case for appropriate action. Notwithstanding such waiver, NLTDRA Administrator Teodoro G. Bonifacio assigned Atty. Leonardo Da Jose to hear the case. During the hearing, Atty. Renomeron reiterated his waiver of his right to a formal investigation. Thus, both parties submitted the case for resolution based on the pleadings.

In his undated "Investigation Report" signed on November 4, 1987, Atty. Da Jose recommended, for insufficiency of evidence, the dropping of the charges of (1) dishonesty; (2) causing undue injury to a party through manifest partiality, evident bad faith or gross inexcusable negligence; and (3) gross ignorance of the law and procedure. He further opined that the first charge of neglecting or refusing, in spite repeated requests and without sufficient justification, to act within a reasonable time on the registration of the documents involved for the purpose of obtaining some pecuniary or material benefit from the person or persons interested therein, already absorbs the charges of conduct unbecoming of a public official, extortion and directly receiving some pecuniary or material benefit for himself in connection with the pending official transactions before him.

However, said investigating officer found sufficient evidence to establish that respondent committed the acts imputed to him under the first charge and that the latter should be liable for grave misconduct for which he should be meted the penalty imposable for said offense in its medium degree, i. e., forced resignation without prejudice to reinstatement.

In a letter of February 22, 1988, NLTDR Administrator Teodoro G. Bonifacio transmitted to the Secretary of Justice the aforesaid Investigation Report, together with the records of the case, with the comment that:

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"I agree with the findings of the Investigator that respondent failed to act with dispatch (either to deny or admit registration) on the documents of complainant, as mandated by Section 10 of P.D. 1529. It took him quite sometime (from 15 January to 23 May 1987), before he actually denied registration of the documents, thereby delaying further the registration process thereof. It appears, however, from the records that complainant failed to substantiate by convincing evidence that the delay was 'for the purpose of obtaining some pecuniary or material benefit from the person or persons interested therein,' as alleged in his sworn complaint.

"In view thereof, it is recommended that respondent Vicente C. Renomeron should be found guilty only of simple neglect of duty; and this being his first offense on record, he should be reprimanded to act with dispatch on documents presented for registration and be warned that a repetition of similar infraction will be dealt with more severely."

In his letter to me, dated August 14, 1989, then Secretary of Justice Sedfrey A. Ordoñez, after due investigation of the charges, found respondent guilty of grave misconduct and recommended that he be meted the penalty of dismissal from the service, with forfeiture of leave credits and retirement benefit as well as with prejudice to reemployment in the government service, instead of mere reprimand with warning, as recommended by the NLTDR Administrator. The former Justice Secretary stressed that:

"Our study and consideration of the records of the case indicate that ample evidence supports the Investigating Officer's findings that the respondent committed grave misconduct.

"The respondent unreasonably delayed action on the documents presented to him for registration and, notwithstanding representations by the parties interested for expeditious action on the said documents, he continued with his inaction.

"The records indicate that the respondent eventually formally denied the registration of the documents involved; that he himself elevated the question on the registrability of the said documents to Administrator Bonifacio after he formally denied the registration thereof; that the Administrator then resolved in favor of the registrability of the said documents in question; and that, such resolution of the Administrator notwithstanding, the respondent still refused the registration thereof but demanded from the parties interested the submission of additional requirements not adverted to in his previous denial.

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"In relation to the alleged 'special arrangement,' although the respondent claims that he neither touched nor received the money sent to him, on record remains uncontroverted the circumstance that his niece, Ms. de la Cruz, retrieved from him the amount of P800.00 earlier sent to him as plane fare, not in the original denomination of P100.00 bills but in P50.00 bills. The respondent had ample opportunity to clarify or to countervail this related incident in his letter dated 5 September 1987 to Administrator Bonifacio but he never did so.

"x x x We believe that, in this case, the respondent's being new in office cannot serve to mitigate his liability. His being so should have motivated him to be more aware of applicable laws, rules and regulations and should have prompted him to do his best in the discharge of his duties."

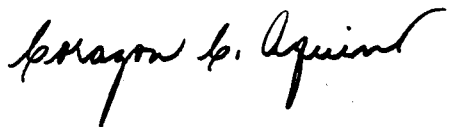
After careful study, I concur in the findings and recommendation of the Secretary of Justice. Respondent's adamant refusal to register the 163 Deeds of Absolute Sale with Assignment of Rights, despite the NLTDRA Resolution in Consulta No. 1579 vouching for their registrability, which resolution in effect partakes of a lawful order from a superior, all the more fortifies the unwholesome impression that he was motivated by an interest to gain, thus casting serious doubt

on his integrity as a public official. For so acting in the manner as he did, I am persuaded to conclude that respondent had, indeed, condescended to agree to or imposed the "special arrangement" alluded to in the complaint, which renders him totally undeserving of being retained any further in the government service.

Moreover, the fact that respondent, as he claims, is a neophyte in the Office of the Register of Deeds, he having been appointed to said position barely three (3) months at the time of the questioned transactions, is too shallow and thin a thread to proffer as an excuse for mitigating the offense he had committed. On the contrary, being relatively new in said office, respondent should have exerted his level best in discharging his duties as register of deeds so as to beget no suspicion or misgiving on his actuations.

WHEREFORE, and as recommended by the Secretary of Justice, Atty. Vicente C. Renomeron is hereby DISMISSED as Register of Deeds of Tacloban City, with forfeiture of leave credits and retirement benefits, as well as with prejudice to reemployment in the government service, effective upon receipt of a copy of this Order.

Done in the City of Manila, this 3rd day of May, in the year of Our Lord, nineteen hundred and ninety.



By the President:



CATALINO MACARAIG, JR.
Executive Secretary