

MALACAÑANG
Manila

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 78

**IMPOSING THE PENALTY OF DISMISSAL FROM THE SERVICE WITH
FORFEITURE OF BENEFITS ON ATTY. MANUEL L. ALMARIO,
REGISTER OF DEEDS OF OCCIDENTAL MINDORO**

This refers to Administrative Case No. 95-8 against Atty. Manuel L. Almario, Register of Deeds of Occidental Mindoro (now, resigned) for grave misconduct.

The case stemmed from the complaint-affidavit dated July 5, 1995, of Rodolfo A. Plopinio, Assistant General Manager of Jopson Livestock Integrated Resources, Inc. (JALIRI, for short), alleging that action on certain documents presented in the Registry of Deeds of Occidental Mindoro has been unreasonably delayed owing to JALIRI's refusal to accede to the demands of Almario and his subordinate for "grease money" to facilitate the processing of the three (3) Deeds of Sale JALIRI submitted for registration. In the same affidavit, complainant alleged having requested the National Bureau of Investigation (NBI)-Special Task Force to conduct an entrapment operation against Almario et al.

On July 11, 1995, the NBI carried out the entrapment operation. Official NBI report disclosed that complainant, under the pretense of having voluntarily acceded to the demands, handed an envelope containing P4,000.00 (four P1,000 bills) marked money to respondent who then counted the money and placed it inside the center drawer of his table. Whereupon, complainant went out of the office and signaled the NBI agents, who immediately entered, seized and detained Almario and one Guillermo Contura. After conducting routine examination, Almario was found positive for fluorescent specks and smudges on his fingers. Accordingly, he was arrested for bribery and the corresponding administrative charges filed against him.

As complainant alleged in his affidavit, the processing of nine (9) titles submitted by JALIRI for transfer to its subdivision lot buyers in the latter part of 1994 took three months and that the release of the titles was purposely delayed because the complainant did not accede to the demand of respondent to shell out P4,000.00 as grease money to expedite the signing and release thereof. Subsequently, or on May 17, 1995, complainant submitted another three (3) titles for processing, but no action was done up to the date of the entrapment on July 11, 1995.

For his part, respondent maintained that the entrapment was motivated by malice, vengeance or personal ill-will; that his act of receiving the money does not constitute grave misconduct because it was done out of generosity "to accommodate Mr. Plopinio",



PJEE Hologram # 6479

giving as his reasons: (1) the cashier was no longer around at the time the money was given to him, and (2) Mr. Plopinio was in hurry to leave because his wife was to give birth. He denied the claim of deliberate delay in the processing of complainant's documents. According to him, the registration would not have been possible because the requirements had not been complied with – the transfer taxes for the three Deeds of Sale having been paid only on July 31, 1995. To support his claim, he submitted (1) an affidavit dated July 24, 1995, executed by Ms. Wilma Bernardo, Cashier of said Registry, stating that she was requested by respondent to compute the taxes to be paid by JALIRI; and (2) a letter dated July 10, 1995, addressed to complainant, informing him that the registration of the documents submitted for registration is denied after having been found to contain deficiencies.

However, in the Land Registration Administration (LRA) investigator's report dated January 13, 1997, it was shown that no action whatsoever was made on the papers of JALIRI from the time the same were presented to the Registry on May 17, 1995 up to the date of the entrapment operation on July 11, 1995, which thereby suggests that the processing of the three (3) deeds of sale of JALIRI submitted for registration was purposely delayed to exact grease money from the complainant. Moreover, the following subsequent factual events tend to confirm respondent's culpability: (1) On May 15, 1997, he tendered his resignation as Register of Deeds which was approved by then LRA Administrator Reynaldo Y. Maulit; (2) On June 5, 1997, the Regional Trial Court (Branch 44) at Mamburao, Occidental Mindoro, issued a decision in Criminal Case No. Z-875, finding accused Atty. Mauel L. Almario guilty beyond reasonable doubt of the crime of direct bribery under paragraph 2 of Article 220 of the Revised Penal Code; and (3) On July 16, 1998, the LRA Administrator (Alfredo R. Enriquez) issued a decision, disposing of the administrative case against Cortuna, finding him (Cortuna) guilty of grave misconduct for which he was meted the penalty of dismissal from the service with forfeiture of benefits.

After review of the aforementioned administrative case against respondent, the Justice Secretary found him liable for grave misconduct and recommended that he be dismissed from the service with forfeiture of benefits.

The recommendation is well taken, considering the following apt observations of the Secretary of Justice, thus:

“It is axiomatic in the law on registration that if the document is registrable, it should be given due course; otherwise, the registrant should be notified in writing setting forth the defects of the instrument or legal grounds relied upon and advising him that if he is not agreeable to the ruling, he may without withdrawing the documents elevate the matter en consulta to the Authority (Section 117, P.D. 1529). Resondent's claim therefore that he did not act on the papers of JALIRI - from 17 May 1995 when the documents were presented u to 11 July 1995 when the entrapment was conducted – because



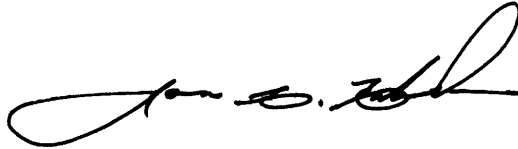
PJEE Hologram # 6480




complainant has not completed the requirements for registration is without merit. Besides, the motive/intention for the delay which was to extract grease money was established during the entrapment when respondent accepted the marked money.”

WHEREFORE, all the foregoing considered, respondent Manuel L. Almario is hereby found guilty of grave misconduct and the penalty of dismissal with forfeiture of whatever benefits to which he may be entitled is hereby **IMPOSED**.

Done in the City of Manila, Philippines, this 27th day of July in the year of Our Lord nineteen hundred and ninety nine.



By the President:


RONALDO B. ZAMORA
Executive Secretary

