



**MALACAÑANG  
MANILA**

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 205

REMOVING MR. PEDRO V. ESPIRITU FROM OFFICE AS JUSTICE OF THE PEACE OF HABITAC AND STA. MARIA, LAGUNA.

This is an administrative case against Justice of the Peace Pedro V. Espiritu of Habitac and Sta. Maria, Laguna, for alleged involvement in the falsification of a public document.

Respondent was previously prosecuted criminally for the same act but was acquitted for insufficiency of evidence. Having been suspended from office because of said criminal case, he requested reinstatement and payment of salary during the period of his suspension. As Mr. Espiritu was not categorically absolved from the crime and as an acquittal of a public officer or employee in a criminal case constitutes no bar to the institution of administrative proceedings against him, the Secretary of Justice took no action on the petition and instead instructed a District Judge of Laguna to make a thorough investigation to determine whether respondent had a hand in the alleged falsification of a deed of sale.

The investigation discloses that during the Japanese occupation the spouses Valeriano Papera and Laura Lagradilla sold to Severo Valdepeñas for 135,000, payable in two installments, their land in Lumban, Laguna, covered by Transfer Certificate of Title No. 17900. When the balance of the purchase price was paid, the condition of the time was unsettled and no one could prepare the deed of sale; so it was agreed between the parties to defer the formal execution of the document. As a token of good faith, the vendors delivered to Valdepeñas their title and copy of the tax declaration of the property.

After liberation Papera asked for 1500 from Valdepeñas as additional consideration for the sale of the property. When the latter could not give the amount, Papera offered the land in question to Lorenzo Dagle who agreed to buy it and asked respondent to prepare the deed of sale. However, Dagle desisted upon learning that the land was sold to Valdepeñas during the occupation. The following day respondent asked Valdepeñas to bring to his house the title and tax declaration of Valeriano Papera, misrepresenting that the latter had agreed to convey the property to him and had requested the respondent to prepare the corresponding document. Relying on this misrepresentation,

*Handwritten note:* R. O. 11.

Valdepeñas delivered Transfer Certificate of Title No. 17900 and the tax declaration covering the property to the respondent who thereupon prepared in typewritten form two sets of a deed of absolute sale of real estate consisting of one original and three carbon copies each.

On August 28, 1945, respondent, Valdepeñas and an unknown couple went to the office of Atty. Tirso Caballero in Pagsanjan, Laguna, for the ratification of the deed of sale already bearing the signatures of the supposed vendors and the witnesses. When Mr. Caballero asked for the vendors, the respondent pointed to the couple who were with him at the time and he also indicated Severo Valdepeñas as the vendee. Upon respondent's assurance that the signatures on the document were all genuine, Atty. Caballero ratified the instrument.

The following day respondent, accompanied by Valdepeñas, presented to the office of the Register of Deeds of Laguna the deed of absolute sale together with the owner's duplicate of Transfer Certificate of Title no. 17900 for the registration of the deed and the issuance of a new title in Valdepeñas' name. As the original of said title on file in his office had been burned, the Register of Deeds told respondent to first reconstitute judicially the original title before the sale could be registered, which respondent did on the basis of the Paperas' duplicate title. In the petition filed with the Court of First Instance of Laguna it was prayed that once the original title was reconstituted, the same be cancelled and in lieu thereof a new title be issued in the name of Severo Valdepeñas based on the deed of sale purportedly executed in his favor by Valeriano Papera and Laura Lagradilla, a copy of which was attached to the petition. On November 29, 1945, the petition was granted as prayed for.

On December 11, 1945, Valeriano Papera filed a motion for reconsideration of the court order granting the petition for reconstitution, alleging that the deed of sale mentioned in the petition was a forgery. On February 19, 1946, the order of November 29, 1945, was set aside and the reception of the evidence of the parties was reset for March 22, 1946, on which date the court issued an order upholding that of November 29, 1945, and denying the petition for reconsideration. However, it observed that Papera could immediately file an action for the annulment of the deed of sale and have a notice of lis pendens annotated on the transfer certificate of title which might be issued in Valdepeñas' name.

whereupon, Valeriano Papera and Laura Lagradilla filed Civil Case No. 8077 of the Court of First Instance of Laguna against Severo Valdepeñas and the Register of Deeds of Laguna for the nullification of the deed of sale in question, the return to them by defendants of their title, etc. After due trial, Judge Nicasio Yutco rendered judgment holding the deed of sale a forgery and declaring it null and void, sentencing Severo Valdepeñas to pay to the plaintiffs damages in the sum of P1,200 and ordering the Register of Deeds to deliver to the plaintiffs their title. The Judge also directed the Provincial Fiscal to investigate and prosecute Valdepeñas and respondent for the crime of falsification or for having presented in court a falsified document.

Severo Valdepeñas appealed from the decision in Civil Case No. 8077 without, however, impugning the finding of fact made by the trial court that the deed of sale in question was a forgery. The criminal case against respondent, which was tried by Judge Jose Bandoza, did not prosper for the reason already given at the outset, while Valdepeñas was never prosecuted for alleged insufficiency of evidence against him.

In the light of the foregoing, it will be seen that the respondent is guilty of a highly reprehensible conduct which, although not committed in connection with the performance of his official duties, necessarily reflects adversely on his fitness to remain in the public service, particularly in the judicial branch of the Government.

Wherefore, and upon the recommendation of the Secretary of Justice and the District Judge who investigated the case, Mr. Pedro v. Espiritu is hereby removed from office as justice of the peace of Sabitac and Sta. Maria, Laguna, effective as of the date of his preventive suspension, with prejudice to reinstatement in the public service.

Done in the City of Manila this 30th day of June, in the year of Our Lord nineteen hundred and fifty-six, and of the Independence of the Philippines, the tenth.

By the President:

  
FORTUNATO DE LEON  
Executive Secretary

