

MALACAÑANG  
MANILA

ADMINISTRATIVE ORDER NO. 36

DISMISSING FROM THE SERVICE ATTY. ENGELBERTO T. DE CASTRO,  
REGISTER OF DEEDS OF OLONGAPO CITY

1990 MAR 12 10 11 AM

This is an administrative case against Atty. Engelberto T. de Castro, Register of Deeds of Olongapo City, for Dishonesty.

The case arose from an undated telegram and letter-protest dated January 12, 1990, of Olongapo City Mayor Richard Gordon, opposing the appointment of respondent De Castro as Register of Deeds of Olongapo City, who has since assumed his position as such pursuant to the appointment extended him by the then President on December 5, 1989, for alleged involvement in the mass fraudulent registration of voters while then Election Registrar of Olongapo City in 1987.

In a preliminary inquiry conducted by the Justice Department, it was found that, based on the circumstances surrounding respondent's appointment as Register of Deeds of Olongapo City, a *prima facie* case exists against him for Dishonesty. Thus, on February 27, 1990, he was formally charged with Dishonesty for having deliberately withheld and omitted certain facts material in the evaluation of his qualifications in relation to his application for appointment to the position of Register of Deeds.

In his letter-reply of March 15, 1990, respondent denied the charge as baseless and claimed that it was intended merely to harass him. He alleged that when he was interviewed by then Justice Secretary Sedfrey Ordoñez, he confided his employment history, including his employment with the COMELEC, and the criminal complaints previously filed against him. He then opted for a formal investigation, which was promptly conducted by the Department of Justice.

After due hearing, the Investigating Committee created under Department of Justice Circular No. 42, dated March 6, 1990, found the charge against respondent to be amply substantiated, based on the following factual findings:

- (a) In Item No. 20 of the Personal Data Sheet (CSC Form 212), requiring the disclosure of his previous and current employment history, respondent failed to reveal his previous employment with the COMELEC as against the documented fact of record that he was appointed as Election Registrar IV of Olongapo City in 1987.

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- (b) In the Bio-Data enclosed to his letter-application, dated November 20, 1989, respondent likewise did not state the fact of his prior employment as COMELEC Election Registrar of Olongapo City in 1987.
- (c) In Item No. 25 of the Personal Data Sheet (CSC Form 212), which requires an answer to the question "Do you have any pending administrative/criminal case? If you have, give particulars", respondent wrote "NONE". The records disclose that the following criminal complaints were previously filed against him to wit: 1) I.S. No. 1860-72 (for Estafa); 2) I.S. No. 2089-79 (Estafa); and 3) I.S.No. 1306-76 (for Robbery With Force and Intimidation Against Persons), all before the Office of the Prosecutor of Olongapo City. While all the above-mentioned cases had been dismissed, respondent failed to reveal the facts and circumstances thereof, which are material in the evaluation of his character and fitness for the position he applied for, considering that the criminal offense of estafa involves moral turpitude and that the dismissal thereof did not amount to the acquittal of respondent.
- (d) In Item No. 26 of the Personal Data Sheet (CSC Form 212), which requires a categorical answer to the question, "Have you ever been retired, dismissed, forced to resign from any employment for reasons other than lack of funds or dropped from the roll?", respondent replied "No". The records, however, show that he was appointed Election Registrar IV under probationary status on August 19, 1987, and the COMELEC *en banc*, in its Minute Resolution No. 87-1568, dated December 9, 1987, had resolved to drop respondent from the rolls of Comelec employees for his continuous defiance of an order directing him to report to the COMELEC Regional Office in San Fernando, Pampanga.

Based on the foregoing, the Acting Secretary of Justice, in a letter to this Office, dated July 31, 1991, recommended that respondent be dismissed from the service for deliberately concealing material facts about his previous employment and criminal record to mislead the appointing authority that he has an unblemished employment record and possesses the requisite integrity and qualifications required for appointment to the position of Register of Deeds, which concealment of material facts is tantamount to dishonesty.

After careful review, we find Atty. De Castro guilty of dishonesty in not disclosing his previous employment with COMELEC and his subsequent dropping from its rolls. However, we find that the non-disclosure of the prior criminal charges filed against De Castro to be justified. The Personal Data Sheet asked for "any

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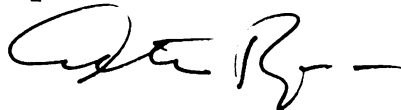
pending administrative/criminal case". At the time he filled-up his Personal Data Sheet, indeed, De Castro had no pending criminal case. The last charge having been dismissed thirteen years before he filled-up CSC Form No. 212.

**WHEREFORE**, and as recommended by the Acting Secretary of Justice, Atty. Engelberto T. De Castro is hereby **DISMISSED** from the service as Register of Deeds of Olongapo City, effective fifteen (15) days after receipt by respondent of a copy of this Order.

DONE in the City of Manila, this 9th day of February in the year of Our Lord, Nineteen Hundred and Ninety-Three.



By the President:



**ANTONIO T. CARPIO**

Chief Presidential Legal Counsel