

MALACAÑANG

Manila

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 41

DISMISSING ATTY. MOSIB ALI BUBONG, REGISTER OF DEEDS OF MARAWI CITY, FROM THE SERVICE FOR CAUSE

This refers to the administrative case No. 88-29 for Grave Misconduct filed by Major Omar P. Ali against Atty. Mosib Ali Bubong, Register of Deeds of Marawi City.

In his report of September 8, 1992, the Secretary of Justice informed this Office that:

"Complainant charges respondent with the following acts constituting grave misconduct:

- a) illegal exaction;
- b) indiscriminate issuance of TCT No. 2821 in the name of Mona Abdullah, et al.; and
- c) manipulating the criminal complaint filed against Hadji Abdullah, et al., for violation of the Anti-Squatting Law.

"Allegedly, on the first charge, illegal exaction was committed by respondent in that:

'[W]hen I [complainant] registered the Deed of Sale between Philippine Amanah Bank and me with the Register of Deeds, Atty. Bubong demanded ₱800.00 cash. He issued an official receipt amount to ₱221.50. I [complainant] do not know where the rest of [my] payment [went].

'I [complainant] registered the Deed of Sale between me and Ibrahim Miguel, Atty. Bubong demanded ₱1,000.00 cash. I negotiated and [Atty. Bubong] accepted ₱800.00. No receipt was issued.

'I [complainant] registered my lot at Madaya Lilod, Marawi City, thru my brother-in-law, Hadji Ibrahim Miguel. [Atty. Bubong] demanded ₱500.00 [from] Hadji Miguel. No receipt was issued.'

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"Relative to the second charge, complainant avers that despite the existence of TCT No. T-2807 covering Lot No. 36-A-3 in his name, Atty. Bubong 'indiscriminately' issued another title (TCT No. 2821) in favor of his first degree cousins, Matabae Abdullah Datu, et al. Said title was allegedly used by his relatives as their defense in the anti-squatting case the complainant filed against them.

"The third charge is based on the alleged preparation by Atty. Bubong of the appeal of his relatives in the anti-squatting case. Allegedly, the appeal can only be prepared by somebody who has access to the records in the Registry of Deeds.

"In addition, in a follow-up letter dated 22 April 1989, complainant accused respondent of infidelity in the custody of documents and commission of various irregularities in connection with the loss of the Primary (Entry) Book and Entries Nos. 2778, 2728, and 2730 to make it appear that there was no deed of conveyance which serves as the basis for the issuance of TCT No. 1582.

"Respondent submitted his Answer dated 25 November 1988 wherein he expressed his desire to 'submit the case for appropriate action on the basis of [his] answer and the supporting papers' at the same time praying that the complaint be dismissed. Notwithstanding, a formal investigation was conducted. The Investigator recommended the dismissal of the complaint 'for lack of merit and evidence' to which the Administrator agreed.

"Records reveal the following:

"For the registration of the following documents the respective amounts were paid:

- a. Deed of Sale between complainant and the Philippine Amanah Bank (Official Receipt No. 6385390) P331.50
- b. Deed of Sale between complainant and Ibrahim Miguel (Official Receipt No. 6385524.. P102.00

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- c. Free Patent No. (XII-3) 006655
(Official Receipt No. 638554I)....P73.50

"It appears that Lot No. 36-A-3 of subdivision plan (LRC) Psd-231948 was originally covered by TCT No. T-26-B in the name of Serad Abdullah and his brothers. Somehow this title (TCT No. T-26-B) was replaced by TCT No. 1582 in the name solely of Serad Abdullah. The latter allegedly executed a Deed of Sale in favor of his son, Camar Abdullah, by virtue of which Deed, TCT No. 1588 was issued in place of TCT No. 1582. On 29 June 1981 Camar Abdullah mortgaged the said title to the Philippine Amanah Bank which was foreclosed. Complainant Omar Ali, as the highest bidder, acquired the property and TCT No. T-2807 was issued to him by respondent replacing TCT No. T-1586.

"In November 1987, upon his return from a military assignment, complainant Omar Ali discovered that the residential house he built on the land he purchased (covered by TCT No. 2807) was burned and the lot was occupied by, among others, respondent's uncle (Serad Abdullah) and daughters, who are his first degree cousins. Thus, he filed a case for anti-squatting. The case was resolved in his favor by the fiscal. However, on appeal to this Department, the case was dismissed on the ground that 'there is no deed of conveyance which serves as the basis for the issuance of TCT No. 1582 in the name of Serad Abdullah [et al. , to Serad Abdullah alone]. TCT No. T-26-B in the name of Serad Abdullah and his brothers did not show any such transfer/conveyance. In fact, TCT No. T-26-B and T-2821 [in favor of respondent's relatives] appear to be existing and uncanceled.

"In a Report dated 8 November 1991, the LRA Inspection and Investigation Team opined that:

'[W]ithout the assistance of the respondent, the complaint he [complainant] filed against [respondent's] relatives would have prospered. In fact, the same was already resolved by the Marawi City Fiscal's Office but the appeal to the Secretary of Justice saved the day for them. Of course, complainant was right, the defense of the respondents in the Anti-Squatting case was actually thought of by respondent Bubong;

that obviously Bubong was actually acting as counsel and giving advice to his relatives on the side. It is but natural for him to do so since his relatives were not represented by counsel.'

"In respondent's sworn Counter-Affidavit dated 17 August 1989 which he submitted to the Office of the Ombudsman in OMB-3-89-0468, he alleged, however, that 'TCT No. T-2821 covers another parcel of land designated as Lot No. 36-A of the subdivision plan Psd. 12-002171, situated in Dansalan, Marawi City, containing an area of 168 sq. m.. Based on the documents filed and registered in our Registry and which documents are our basis for the issuance of the two titles, (TCT No. T-2087 and TCT No. T-2821), it is therefore crystal clear that these two titles cover two diametrically different lots.

"In connection with the last charge of infidelity in the custody of documents, there appears in the records Exhibits 25 to 28 relating to the loss of, among others, Primary Books through a robbery that occurred on 21 December 1986 in the Registry of Deeds.

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"Relative to the charge of illegal exaction, there is nothing in the records which tends to support the allegation of complainant that respondent demanded and, in fact, received P800.00 in the first two (2) transactions relative to the registrations of the Deeds of Sale and P500.00 in the third.

"It has not been refuted that, in the first transaction, it was not even respondent, but Mr. Moncado B. Dimaporo, who received the amount and issued the corresponding receipt (Official Receipt No. 6385390) for the amount of P331.50 reflected therein. Since it was Mr. Dimaporo who attended to the complainant in this particular transaction, it was remotely possible for respondent to have demanded at that time the amount of P800.00 from complainant.

"Furthermore, Official Receipt Nos. 6385524 and 6305541 in the amounts of P102.00 and P73.50 belie complainant's / 1

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allegations that no receipts were issued in the last two transactions.

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"There is no dispute that respondent issued both Transfer Certificates of Title (TCT) Nos. T-2807 and T-2821. The first certificate was issued on 5 January 1987 while the second on 3 March 1987.

"It appears indubitably that Psd 12-002171, one of the documents which supports the issuance of TCT No. T-2821, covers a lot subject of the anti-squatting case, located in Midsayap, Cotabato, contrary to respondent's claim that the same covers a land situated at Dansalan, Marawi City. Respondent's relatives in the anti-squatting case even executed a counter-affidavit that the subject land covered by TCT No. T-2807 is their own as evidenced by TCT No. T-2821. When confronted with the glaring inconsistency of the location of the same lot but covered by two (2) titles, respondent claimed that it was not his responsibility to ascertain the authenticity of documents presented to him.

"Although he claims that TCT No. T-2821 was based on Psd-12-002171 while TCT No. T-2807 on Psd-231948 and, therefore, the two titles cover two different parcels of land, respondent never mentioned this in his letter dated 3 June 1991 to the LRA Investigation Officer. Instead, he concluded therein that complainant was a 'purchaser in bad faith.' If this conclusion of respondent were to be believed, his issuance of TCT No. T-2807 as a consequence of the alleged issuance of TCT No. T-1582 without any basis would then be highly questionable.

"Assuming that there were indeed no documents to support the issuance of TCT No. T-1582 which makes its spurious title then respondent seriously erred in issuing TCT No. T-2807.

"Indeed, respondent's allegations are so confused. There is no conclusion other than that he has imprudently issued TCT No. T-2821.

"Moreover, TCT No. T-1586 (issued in lieu of TCT No. T-1582) from which TCT

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No. 2807 was derived had been mortgaged with the Philippine Amanah Bank. It is the standard operating procedure for banks to verify and check the authenticity of titles being mortgaged to it before entering into a contract of mortgage.

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"There is no doubt that respondent, as stated in the report, assisted his relatives who were the respondents in the anti-squatting case considering that the defenses raised in the appeal were matters which could only be known to someone who has access to the records in the Registry. As a matter of fact, the appeal in the anti-squatting case went as far back as the mother title verifying in the process all the supporting documents for every title issued. This only shows that this defense was belatedly conceived by respondent to help his relatives in the anti-squatting case.

"As regards the last charge of infidelity in the custody of documents, complainant would have us believe that respondent manipulated the loss of the Primary Book containing Entries 2728, 2729 and 2730. While it is true that this was lost through the burglary that occurred on 21 December 1986, the documents represented by the entries mentioned were still available on file. That the loss was deliberately manipulated by respondent has not been established. On the other hand, the burglary is supported by several documents submitted by respondent which have not been refuted."

Hence, the Secretary of Justice recommended as follows:

"ACCORDINGLY, it is respectfully recommended that respondent Atty. MOSIB ALI BUBONG be:

(1) exonerated of the charges of illegal exaction and infidelity in the custody of the documents; and

(2) found guilty of grave misconduct in: /

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(a) the imprudent issuance of TCT No. T-2821; and

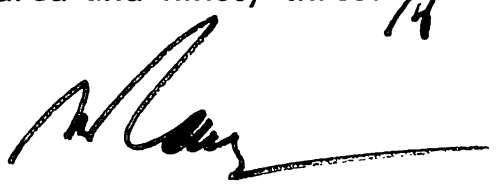
(b) manipulating the criminal complaint for violation of the Anti-Squatting Law.

"As a penalty for the above offenses, it is respectfully recommended that respondent, Atty. Mosib Ali Bubong, be dismissed from the service."

I agree in toto with the Secretary of Justice.

WHEREFORE, Atty. Mosib Ali Bubong, Register of Deeds of Marawi City, is hereby dismissed from the service for cause, effective fifteen (15) days after receipt by respondent of a copy of this Order.

DONE in the City of Manila, this 26th day of February , in the year of Our Lord, nineteen hundred and ninety-three. 14



By the President:



ANTONIO T. CARPIO
Chief Presidential Legal Counsel