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new appointment. I expected that the matter should have been brought to my attention and probably I could have taken steps towards her relief and separation from the service. She was therefore, in my view, never discharged from the service and consequently she may not be termed a 'former employee'. From this perspective no written consent or approval need be secured from the Land Registration Authority for Ms. Salazar to keep custody of blank title-forms. That duty attached to the position she had assumed.

'Before the loss of the judicial forms, there was no controversy in the Land Registration Authority regarding her employment status. In fact, I had reliable information that Ms. Salazar was slated for appointment to the position of Land Registration Examiner in this Registry (Kaloocan) which would in effect supersede and cure whatever defects or flaws her previous appointment may have.

'The loss of the judicial forms in her possession supervened and the whole thing just appeared to me as unfortunate. x x x the loss of the forms is the sole responsibility of Ms. Salazar and this she readily admits and promises to make all amends. I allowed her to work under circumstances I found justifiable (Record, pp. 28-30).

"It is not disputed that Ms. Salazar, formerly Special Deputy Register of Deeds II of Malabon, whose services had been terminated as early as 01 June 1986 pursuant to Executive Order No. 649 (Reorganizing the Land Registration Commission) was still reporting to the said Registry and discharging the functions of her former position as of 27 June

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1991, or for a period of five (5) years without authority from the Administrator.

"The sole issue then in this case is whether or not Respondent is administratively liable for allowing Ms. Salazar to report to the Registry and conduct herself as if she were employee thereat by continuing to perform her former functions of Special Deputy Register of Deeds which resulted in the loss of valuable documents.

"In his transmittal letter dated 8 July 1992, Administrator Bonifacio recommends that Respondent, who is scheduled to retire compulsorily on 8 February 1993 should be found guilty only of negligence and penalized with one (1) one month suspension from office without pay.

"There is, however, ample evidence to show that Respondent is liable for conduct grossly prejudicial to the best interest of the service.

"Considering the lapse of an unreasonable length of time that Ms. Salazar had been allowed to 'work' at the said Registry without an appointment, specifically, for a period of five (5) years, it is hard to believe that Respondent did not know the true status of Ms. Salazar's employment. It was plain that Ms. Salazar had been terminated during the office-wide reorganization in 1986, as certified to by Atty. Rosalina Alonso, Acting Chief, Personnel Management Division of the Land Registration Authority (Record, p. 15 and TSN, p.16). It was just as clear that she was never reappointed, despite her and Respondent's expectations. As admitted by Respondent: 'I have done this in good faith expecting that in a matter of days her appointment would be approved with retroactive effect.; (Underscoring ours). As it happened, the matter of days turned into years.

"It was Respondent's primary responsibility as Head of the Registry to supervise his employees and to ensure their

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compliance with civil service laws, rule and regulations. Respondent cannot avoid this responsibility but simply saying that he 'lost track of the matter' or that there was no communication from the head office for Ms. Salazar to discontinue her service. Respondent was not without any recourse or means to directly verify from Central Office. That Respondent did not do so within a period of five (5) years is a highly unusual omission which may no longer be deemed only negligence. It is also quite incredible that Ms. Salazar continued to serve as an employee of the said Registry without compensation for a period of five (5) years, considering that the basis for collecting salary is a duly issued appointment.

"It is easy to see that Respondent favored Ms. Salazar's continued employment in the Registry. By his admission, he 'allowed her (to) continue taking custody of blank title forms while waiting for her reappointment so that the continuity of the operation of the registry will not be deferred.' (TSN, p. 36). He repeatedly affirms faith and trust in Ms. Salazar's performance of vital office functions, speaking highly of her in terms of efficiency and honesty. (TSN, p. 36). As a result of his biased judgment, he completely ignored the obvious fact that Ms. Salazar had already been separated from the service.

It is noted that on 20 June 1989, a complaint was filed with the Office of the Ombudsman against Ms. Salazar by Mr. Ariston Paragas. In his letter, Mr. Paragas states: 'As a citizen, I am requesting that your office verify the activities of a certain Ms. Virginia Salazar in the Registry of Deeds of Caloocan City, who according to reliable information is not even an employee of the said office. x x x' (Record, p.19). In reply to the Order dated 22 August 1990 of the Office of the Ombudsman, directing Respondent to explain this matter, Respondent stated that as far as he was concerned, 'Ms. Salazar is a permanent employee.' This statement is patently false and absolutely without basis.

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Respondent further states that he should not be the one to initiate Ms. Salazar's ouster from office. Again, Respondent conveniently forgot that it was no longer necessary to oust Ms. Salazar from the service for the simple reason that she was not in the service.

In passing, it may be relevant to recall that Ms. Salazar whom respondent alleged to be trustworthy as an employee was previously the subject of an administrative case for gross negligence filed in connection with the loss of judicial forms. The decision dated 29 November 1986 on the said case warned Ms. Salazar to be more circumspect in the discharge of her duties.' (Record, p. 42). Notwithstanding her exoneration from the charge of gross negligence in that case, she appears to have a marked propensity to lose valuable office documents in her custody. This evidently belies her alleged trustworthiness.

Under the circumstances, we are convinced that Respondent did willfully and deliberately permit Ms. Salazar to work in the said Registry without proper appointment. His liability stems not from simple negligence but from his conduct grossly prejudicial to the best interest of the service that, he was responsible for the highly anomalous, irregular and illegal perpetual in office of Ms. Salazar which resulted in the loss in her possession of the seventeen (17) sets of Judicial Forms and other land titles and valuable documents.

In view of the foregoing, we recommend that Atty. Francisco G. Romero be found guilty of conduct grossly prejudicial to the best interest of the service with the mitigating circumstance of length of service. We also take note that he is due for compulsory retirement on 8 February 1993. Accordingly, we recommend that, as penalty he should be fined equivalent to his six (6) months' salary pursuant to the provisions of CSC Memorandum Circular No. 30, s. 1989."

/N

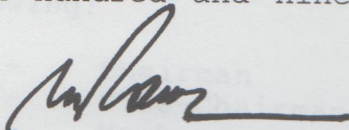
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After circumspect study, I am in complete accord with the above findings and recommendation of the Secretary of Justice.

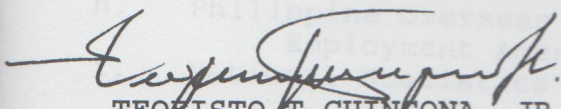
It was established that respondent allowed Ms. Virginia C. Salazar, a former employee of the Kalooacan City Registry of Deeds, to discharge the duties of custodian of blank title forms, without the written consent or approval of the LRA, resulting in the loss of seventeen (17) sets of Judicial Forms 109 and 109-D with Serial Nos. 1933454 to 1933470, inclusive, and other land titles and documents. By his omission, respondent had not only caused damage to the government but, more importantly, had placed the Office where he works in a bad light, thus casting a dense pall of doubt on his integrity to discharge the functions of his Office. By any standard, respondent had miserably failed to observe the injunctions attached to his Office by allowing a former and without prior authority from the LRA administration. Hence, the penalty recommended by the Secretary of Justice is but proper.

**WHEREOF**, Atty. Francisco G. Romero is hereby found guilty of Conduct Grossly Prejudicial to the Best Interest of the Service and, as recommended, is hereby meted the penalty of fine equivalent to six (6) months salary, effective upon receipt of copy hereof.

**DONE** in the City of Manila, this <sup>18<sup>th</sup></sup> day of **NOVEMBER** in the year of Our Lord nineteen hundred and ninety three.

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By the President:

  
TEOFISTO T. GUINGONA, JR.  
Executive Secretary  
