

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 28

FINDING THE LATE ATTY. TITO R. CAÑEDO, JR., FORMER REGISTER OF DEEDS OF AGUSAN DEL SUR, GUILTY OF GRAVE MISCONDUCT AND DISHONESTY (ILLEGAL EXACTION).

This refers to the administrative case against Atty. Tito R. Cañedo, Jr., Register of Deeds of Agusan del Sur, for grave misconduct and dishonesty (illegal exaction).

Records show that the case arose from the telegram of Atty. Ceferino Paredes, Jr., Provincial Attorney of Agusan del Sur, dated March 13, 1978, informing the Land Registration Commission of certain acts of respondent consisting of, among others, the following:

- 1) Issuing several co-owner's copies of titles in his name, and using them in obtaining loans from several banks;
- 2) Illegally transferring unclaimed titles to certain persons, then subsequently transferring them to his name and using them as collateral in his business with Sea Commercial, Davao City;
- 3) Requiring transacting public to pay by money order payable to him for alleged processing fees without issuing official receipts;
- 4) Failure to comply with the mandatory provision requiring documentary and science stamps to be affixed to the documents in his office; and
- 5) Exacting from a certain registrant the amount of ₱1,000.00 for facilitating the registration of documents and issuance of the certificate of title.

The Acting Commissioner of Land Registration in an Assignment Order, dated March 20, 1978, directed Atty. Domingo Cristobal of the Commission to conduct a fact-finding investigation on the matters alleged in the aforesaid telegram of Atty. Paredes. Atty. Cristobal conducted a fact-finding investigation. In his written Report and Recommendations, he recommended as follows:

"In view of the foregoing circumstances and findings which undoubtedly provide clear and strong evidence to support the charges of Atty. Ceferino Paredes, Jr., against Register of Deeds Tito R. Cañedo, Jr., it is most respectfully recommended to the Honorable Acting Commissioner

that formal administrative charges be filed immediately against Tito Cañedo, Jr. It is further recommended that certified xerox copies of all titles and documents involved in the case be forwarded this Commission and the original thereof on file in the Registry be safeguarded against tampering and loss. As an alternative, however, his resignation filed under Letter of Instruction No. 11, be recommended for acceptance to the President."

Accordingly, the Acting Commissioner of Land Registration Commission filed the corresponding charges against Atty. Tito R. Cañedo, Jr., and directed the latter to explain within 72 hours from receipt of the communication why no administrative disciplinary action should be taken against him for grave misconduct, illegal exaction and dishonesty.

On May 11, 1978, the Acting Land Registration Commissioner received another letter from Atty. Ceferino Paredes, Jr., dated May 8, 1978, informing him that Atty. Tito R. Cañedo, Jr., had committed falsification of public documents in his official capacity as chief by causing the issuance of several certificates of title covering several parcels of land which comprised a substantial portion of Barangay Mate, San Francisco, Agusan del Sur without any lawfully issued patents upon which to base the issuance of the titles. The Acting Commissioner in his letter dated May 24, 1978, directed respondent to submit his answer to their charges.

Respondent Tito R. Cañedo, Jr., submitted his answers on June 17, 1978 and June 27, 1978, respectively, where he denied culpability by either shifting the blame to the witnesses against him or to his subordinates in the office and some personnel in the Bureau of Lands, or by denying having any knowledge and information sufficient to form a belief as to the truth of the allegations against him.

With the issues joined, an investigation was then conducted and, on August 20, 1980, the hearing officer found the respondent guilty of the following:

1. By issuing a second owner's duplicate of Transfer Certificate of Title No. T-2192 in the name of Tito R. Cañedo, Jr., without any order of the Court and knowing fully well that the first owner's duplicate of the same title is existing and is mortgaged to the Rural Bank of Bayugan, and thereafter, he mortgaged the second owner's duplicate to the Rural Bank of Talacogon;

2. By issuing a second owner's duplicate of Transfer Certificate of Title No. T-2758 without any order from the Court;
3. By registering three (3) Deeds of Transfer executed by the Rubis family in favor of Shirley Silva involving Transfer Certificates of Title Nos. 7957, 7955 and 7958 (without payment of the necessary documentary and science stamps taxes thereon); and
4. By demanding from registrant Lino Pa-alan the amount of ₱1,000.00 as consideration for facilitating the registration of his documents and issuance of his certificate of title."

The hearing officer recommended that the penalty of dismissal from the service be imposed on respondent.

The Acting Commissioner of Land Registration concurred in the above findings and recommended that respondent be found guilty of grave misconduct and dishonesty (illegal exaction) and penalized with dismissal from the service. Upon review, the Minister of Justice affirmed the findings and recommendation on respondent's guilt and dismissal from the service.

While this case was under consideration in this Office, respondent died on May 9, 1983. Consequently, his son, Atty. Tito Cañedo III, requested that the instant case be dropped to enable respondent's surviving heirs to avail of whatever benefits the deceased may be entitled under existing laws.

In our 2nd Indorsement to the Ministry (now Department) of Justice, dated April 29, 1986, for an updated comment and recommendation on the administrative case against respondent, Minister (now Secretary) Neptali A. Gonzales recommended that the case at bar be decided on the merits notwithstanding the death of the respondent on May 9, 1983, considering that the penalty of dismissal from the service as recommended by the Ministry in its 1st Indorsement, dated November 27, 1980, carries with it certain administrative disabilities affecting whatever benefits there may be accruing to the heirs of the said respondent. The Justice Minister likewise reiterated his recommendation for the dismissal of the respondent from the service for the reasons set forth in his 1st Indorsement.

On the propriety of proceeding with the instant administrative case, considering that the respondent had died in the meantime, the Supreme Court has held that an administrative complaint should be resolved notwithstanding the death of the respondent during the pendency of the administrative case to

the end that respondent's heirs may not be deprived of any retirement gratuity and other accrued benefits that they may be entitled to receive as a result of respondent's death in office, as against a possible forfeiture thereof should his guilt be established at the investigation. (Hermosa vs. Paraiso, Adm. Case No. P-189, February 14, 1975, 62 SCRA 361.)

We find no reversible error in the findings of the hearing officer, as subsequently concurred in by the Commissioner of Land Registration and the Minister of Justice. Absent any taint of irregularity, the findings of fact of the Land Registration Commission officials must be upheld, such officials being in a better position to consider and evaluate the evidence in the light of the authority vested in them by law. (Ganitano vs. Secretary of Agriculture and Natural Resources et al, L-21167, March 31, 1966, 16 SCRA 543, 546-547). Moreover, the records are replete with documentary and testimonial evidence which after a meticulous and circumspect evaluation conclusively sustain the findings of guilt of respondent.

The mere fact that respondent had been absolved from the criminal complaint against him based on the same set of facts due to the motion of the prosecuting fiscal to drop the case, did not necessarily absolve the respondent in the administrative case. The acquittal of an accused in a criminal case is no bar to his conviction in the administrative charges filed against him based on the same facts which failed to sustain conviction in the former, in view of their differences in objectives and the quantum of evidence required in each. (Manikad et al., vs. Tanodbayan, et. al. L-65097, Feb. 20, 1984, 127 SCRA 724, 729.)

In the case at bar, the hearing officer was so persuaded by the overwhelming documentary and testimonial evidence presented by the prosecution that he was constrained to conclude that the guilt of the respondent has been proven beyond reasonable doubt. Though, as aforesated, in administrative cases it is enough that substantial evidence is obtained showing the culpability of the respondent. Substantial evidence is more than a mere scintilla. It means such relevant evidence as a reasonable mind might accept as evidence to support a conclusion. (Ang Tibay vs. CIR, 40 O.G. 7th Sup. 129.)

WHEREFORE, I hereby find the late Atty. Tito R. Cañedo, Jr., former Register of Deeds of Agusan del Sur, guilty of grave misconduct and dishonesty (illegal exaction). Accordingly, his heirs are disqualified from claiming retirement and other benefits under existing laws and regulations.

Done in the City of Manila, this 10th day of June, ,
in the year of Our Lord, nineteen hundred and eighty-seven.

Porayon B. Aquino

By the President:

Catalino Macaraig, Jr.
CATALINO MACARAIG, JR.
Deputy Executive Secretary