

# MALACAÑANG

Manila

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 143

SUSPENDING AVITO S. SACLAUSO, REGISTER OF DEEDS OF THE PROVINCE OF ILOILO.

This is an administrative case for grave misconduct/dishonesty against Atty. Avito S. Saclauso, Register of Deeds of Iloilo and former Acting Register of Deeds of Iloilo City.

Records show that, in a letter of March 13, 1986, a certain Atty. Gregorio G. Tronco, for and in behalf of Ms. Romana Fernandez, sought the investigation of the alleged "anomalous and fraudulent manner" by which Original Certificate of Title (OCT) No. RO-69 was reconstituted by respondent, then the Acting Register of Deeds of Iloilo City. Atty. Tronco specifically questioned (1) the issuance of the reconstituted certificate of title in the name of Mr. Bernardo Sioson and not in the name of Ms. Teodora Sioson, the registered owner of the land covered by OCT No. RO-69 and (2) the transcription of the reconstituted title in the Registration Book of the Iloilo City Registry of Deeds on April 23, 1984, or six (6) months before the issuance by the Regional Trial Court of Iloilo City of the order of October 19, 1984, directing the reconstitution of said title.

Consequently, on March 31, 1987, the National Land Titles and Deeds Registration Administration (NLTDRA), through its Administrator, Teodoro G. Bonifacio, directed Atty. Grace H. Estrella of the NLTDRA Inspection and Investigation Division to conduct a factual investigation of the circumstances surrounding the irregular reconstitution of OCT No. RO-69 in the name of Bernardo Sioson.

In her Investigation Report of May 13, 1987, Atty. Estrella stated that, on November 23, 1984, Mr. Bernardo Sioson presented to respondent, then the Acting Register of Deeds of Iloilo City, the order, dated October 19, 1984, of the Regional Trial Court (RTC) of Iloilo City in Cadastral Case No. 7 directing respondent, upon receipt of the report and recommendation of the Land Registration Commission and payment of legal fees, to reconstitute the original copy of OCT No. RO-69 covering Lot No. 380 of the Cadastral Survey of Iloilo Cad. No. 24, AD-06-00622 situated in the District of Arevalo, Iloilo

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City, and registered in the name of Teodora Sioson, as the basis for the reconstitution of said OCT was the Plan and Technical Description duly approved by the Bureau of Lands. Said Investigation Report further disclosed that Mr. Gerardo C. Tohay, Records Officer II in the Registry of Deeds of Iloilo City, examined the document and forwarded the same to respondent with a recommendation for its registration. On April 23, 1984, respondent caused the reconstitution of OCT No. RO-69 in the name of Mr. Bernardo Sioson, signed the same, and released it to the said Mr. Sioson.

On the basis of the aforesaid Investigation Report, NLTDR Administrator Bonifacio formally charged respondent with grave misconduct/dishonesty on June 10, 1987.

In his answer of June 29, 1987, respondent attributed the issuance of the reconstituted title in the name of Mr. Bernardo Sioson to mere oversight. He averred that, in most cases for the reconstitution of certificate of title, the petitioner and the registered owner of the land covered by the certificate sought to be reconstituted are usually one and the same person and that, in the review of the documents, he (respondent) must have been misled by the name "Bernardo Sioson" appearing in the title of Cadastral Case No. 7 in the court order dated October 19, 1984 and in the undated Entry of Judgment issued by the RTC Branch Clerk of Court. Respondent further explained that the reconstituted title was actually issued on April 23, 1985, and not on April 23, 1984, more than two (2) months after February 4, 1985, when the court order, dated October 19, 1984, became final and executory, and he attributed the mistake to a "simple typing error".

No formal investigation was conducted in the instant administrative charge, as respondent opted to waive his right thereto and, instead, submitted his case for resolution on the basis of his Answer.

After due evaluation, NLTDR Investigator Estrella, in her subsequent Report of November 28, 1987, found that, with regard to the erroneous issuance of the reconstituted title in the name of Bernardo Sioson, respondent was not motivated by any personal interest or intention to favor a third party. She likewise opined that the date "April 23, 1984" appearing in OCT No. RO-69 is a typographical error and should read "April 23, 1985". She also found worthy of belief respondent's explanation that his erroneous issuance of the reconstituted title in the name of Bernardo Sioson and not in the name of Teodora Sioson was due to oversight. She

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thus recommended that respondent be found guilty merely of the lesser offense of gross negligence and be meted the penalty of six (6) months' suspension from office, which recommendation was concurred in by the NLTDRA Administrator in his letter of February 15, 1988 to the Secretary of Justice.

Nonetheless, the Honorable Secretary of Justice made the following comments/observations and recommendation:

"The foregoing notwithstanding, respondent Saclauso cannot be said to be entirely free from fault for the reason that the errors he committed related to factual information verifiable from the documents presented to him. However, there is no showing that he deliberately committed the errors and that he committed them for pecuniary consideration to favor a particular party. He appeared to have acted in good faith.

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"Considering, therefore, that this administrative case constitutes respondent Saclauso's first offense; that he has been in the government service for eighteen (18) years; and that he committed the errors in good faith, respondent Saclauso may be found guilty of the less grave offense of gross negligence and the penalty of suspension for one (1) month without pay prescribed by the provisions of Civil Service Commission Memorandum Circular No. 8, series of 1970, may be imposed upon him.

"Accordingly, it is respectfully recommended that the respondent, Atty. Avito S. Saclauso, be found guilty of gross negligence and that the penalty of suspension for one (1) month without pay be imposed upon him."

After a careful review, I concur in the findings of the Secretary of Justice that respondent Saclauso is guilty of the offense of gross negligence, instead of the more serious offense of grave misconduct/dishonesty. However, I find the penalty recommended by the Secretary of Justice to be not commensurate with the nature of the offense committed by the respondent. The issuance of land titles

and the transcription thereof in the Registration Book are among the principal duties of a Register of Deeds which require utmost care and diligence as property rights, if not the integrity of the entire land registration system itself, are involved therein.

WHEREFORE, in view of the foregoing, respondent Atty. Avito S. Saclauso is hereby suspended from office as Register of Deeds of Iloilo for six (6) months without pay and allowances, effective upon receipt of a copy thereof.

SO ORDERED.

Manila, Philippines

October 17, 1989

*Prayon B. Aquino*

By the President:

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

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