

MALACAÑANG  
MANILA

ADMINISTRATIVE ORDER NO. 45

IMPOSING A FINE EQUIVALENT TO TWO (2) MONTHS'  
SALARY ON ATTY. VICENTE N. COLOYAN, FORMER  
ACTING REGISTER OF DEEDS OF QUEZON CITY

This refers to the administrative case (Adm. Case No. 87-11) filed by Honorio B. Brutus against Atty. Vicente N. Coloyan, former Acting Register of Deeds of Quezon City, for Grave Misconduct and Dishonesty.

The antecedent facts are stated in the letter, dated January 11, 1990, of the Administrator of the Land Registration Administration (now National Land Titles and Deeds Registration Administration), as follows:

"xxx [O]n 27 November 1980, a certain Antonio Enriquez presented for registration in the Registry of Deeds of Quezon City, under Entries Nos. 1489 and 1490, a consolidated-subdivision plan Pcs-04-000356, together with the letter dated 25 November 1980 of complainant Honorio Brutus requesting the subdivision of the two parcels of land (into 162 sub-lots) covered by TCTs Nos. 37643 and 57917, both in the name of Lorenzo T. Oña allegedly purchased by 'Hillcrest Housing Association of the Poor', payable for a period of 5 years. According to the complainant, he also enclosed in his letter a 'Contract of Sale' executed by Lorenzo Oña and 'Hillcrest Cooperative, Inc.' (represented therein by complainant) on 15 August 1979 affecting TCTs Nos. 37917 and 57642. The sale appears not absolute but merely a contract to sell as shown by the following condition stated therein:

'That upon full payment of the aforesaid balance, the party of the first party (Lorenzo T. Oña) will execute the corresponding Deed of Absolute Sale.'

Instead of merely annotating the plan and contract of sale at the back of TCTs Nos. 37642 and 57917, the Registry erroneously prepared 162 certificates of title all in the name of 'Hillcrest Housing Association, Inc.'

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For unknown reason, these titles were left unsigned by the Register of Deeds at that time."

The records further show that, when respondent assumed office as Acting Register of Deeds of Quezon City in March 1981, he found the said certificates of title unsigned. Whereupon, he affixed his signature thereon, indicated the date, "July 6, 1981", and thereafter caused the release of the owner's duplicate certificates to Lorenzo Oña.

During the fact-finding investigation, respondent admitted that he gave due course to plan 04-000356 and signed the corresponding 162 certificates of title, indicating below his signatures "July 6, 1981" as the actual date of signing without reviewing the supporting documents thereon; that thereafter, he released the owner's duplicates to Lorenzo Oña; that when he realized his error, he recalled all the erroneous titles from Oña and *motu proprio* caused the correction of the name of the registered owner appearing on the titles from Hillcrest Housing Association, Inc. to Lorenzo T. Oña. Moreover, respondent explained that it was the typist who erred in preparing the certificates of title, possibly believing that Hillcrest Housing Association, Inc., was the owner of the lots inasmuch as it was the name appearing on the letterhead of complainant's basic letter, dated 25 November 1980, requesting that individual titles be issued for the lots.

On the basis thereof, the LRA administrator, in a letter, dated 17 July 1987, directed respondent to show cause why no administrative charges should be filed against him for Grave Misconduct and Dishonesty. Respondent did not answer the charges and failed to appear at the formal investigation of the case, despite due notices to him.

After considering the evidence on record, the LRA administrator found respondent guilty of "Negligence" for his issuance of the 162 certificates of title, all in the name of Hillcrest Housing Association, Inc., and "Misconduct" for the substitution of the name of the registered owner in the titles without any court order, in violation of Section 108 of P.D. 1529, which provides that "no erasure, alteration, or amendment shall be made upon the registration book after entry of a certificate of title xxx by the Register of Deeds, except by order of the proper Court of First Instance (Regional Trial Court)".

Thus, in a letter, dated January 11, 1990, to the Department of Justice, the LRA Administrator, informing that respondent had earlier applied for RETIREMENT and ceased to discharge his duties effective April 1, 1988, recommended that a penalty of fine equivalent to his one (1) year salary be imposed upon him.

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Upon review thereof, the Secretary of Justice, in a letter dated July 14, 1992, observed:

"That respondent has been remiss in the performance of his duties is readily apparent from the record and requires little elaboration. Suffice it to say that in the issuance of a certificate of title, or any type of certification for that matter, a public official is expected to exercise due diligence and prudence in ensuring that all the legal requirements are met and that all supporting documents are in order. The responsibility of a Register of Deeds, as in this case, is more exacting than that of an ordinary public official. Any irregular or anomalous titling of real property could create serious conflicts and sow confusion among claimants thereof. Consequently, such an error, could weaken the Torrens System and undermine public confidence thereon.

Respondent's defense that he did not participate in the preparation of the certificates as they had been prepared before he assumed office deserves scant consideration. By respondent's own admission, he did affix his signatures on the certificates. The fact also remains that he caused the release of said certificates.

On the other hand, respondent's actuations could hardly constitute dishonesty and misconduct. The evidence indicates that when respondent realized he had committed mistake, he took it upon himself to correct the error in the most expeditious manner. The most obvious and expedient way to him was to recall the certificates and correct the names typed thereon. While it is clear that he failed to follow the provisions of P.D. No. 1529, requiring a court order as a prerequisite to amend or alter certificates of title, it cannot be said that he was guided by improper motives. Hence, we fail to see any evidence of dishonest intentions. Likewise, we do not find evidence of misconduct in respondents actuations."

Accordingly, the Secretary of Justice recommended that respondent be found guilty of "simple negligence" and fined in an amount equivalent to his two (2) months' salary.

After a review of the records, and in the light of the findings and recommendation of the Secretary of Justice, the

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evidence presented suffices to support respondent's guilt of simple negligence.

WHEREFORE, respondent Atty. Vicente N. Coloyan is hereby found GUILTY of simple negligence and FINED in an amount equivalent to his two (2) months' salary to be deducted from his retirement benefits due from the government.

DONE in the City of Manila, this 19th day of March in the year of Our Lord, Nineteen Hundred and Ninety-Three. M



By the President:



ANTONIO T. CARPIO

Chief Presidential Legal Counsel