

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 349

**IMPOSING THE PENALTY OF FINE EQUIVALENT TO ONE (1) MONTH SALARY ON ATTY. ANTONIA B. CABUCO, FORMER REGISTER OF DEEDS FOR CAVITE TO BE DEDUCTED FROM HER RETIREMENT BENEFITS**

This refers to the administrative complaint filed against Atty. Antonia B. Cabuco, former Register of Deeds for Cavite and other registry employees for Gross Negligence for the <sup>(1)</sup> cancellation of TCT No. T-35339 in the name of Felicisima Q. Espiritu and <sup>(2)</sup> issuance, in lieu thereof, of TCT No. T-315909 in the name of Vilma Diaz.

In her letter-complaint, dated 26 November 1991, Mrs. Felicisima Q. Espiritu alleged that when her husband Teofilo D. Espiritu died on June 5, 1977, complainant and her children extrajudicially settled their properties including the parcels of land covered by TCT No. T-35339 which they sold and transferred to co-heirs Rodolfo Q. Espiritu, Teofilo Q. Espiritu and Danilo Q. Espiritu. The title has neither been transferred nor mortgaged, sold, encumbered to anybody else and that the owner's duplicate of TCT No. 35339 is still in her possession. Further, complainant averred that in the early part of November 1991, her children learned that a case had been filed with the Regional Trial Court of Cavite, Branch 21, for the issuance of a Writ of Possession filed by a certain Vilma Diaz, docketed as Civil Case No. 573-91. Thereafter, they discovered that their properties were mortgaged in favor of Vilma Diaz without their knowledge and consent; that the deed of mortgage which was purportedly signed by "spouses Felicisima Espiritu and Teofilo Espiritu" on June 22, 1988 had been entered into when her husband had been dead for eleven (11) years; and, that the anomaly had been initiated by unscrupulous persons who falsified their title and replaced (kasado) it with a look alike copy to the damage and prejudice of their family.

For her defense, respondent, maintains that the issuance of TCT No. T-315909 in the name of Vilma Diaz was based on several documents which were all duly registered on both the owner's duplicate as well as the original of TCT No. T-35339 in the name of Felicisima Espiritu.

*M*

IN REPLYING, PLEASE CITE

PFVR Letter # L971003



L971003 *m*

The Land Registration Authority (LRA) dismissed the complaint without prejudice pending the decision in Civil Case No. 573-91 for Declaration of Nullity of the Deed of Real Estate Mortgage, Foreclosure of Real Estate Mortgage and the Transfer Certificate of Title No. 315909.

Complainant's subsequent request for reconsideration and further investigation was denied by the Authority which considered the case closed and terminated. Complainant then appealed the case to the Department of Justice, which referred the matter to the Land Registration Authority "for appropriate action." Acting on the said referral, the LRA conducted a fact-finding investigation which found all those involved in the transaction, including respondent herein, negligent for their failure to detect the falsity of the owner's duplicate of TCT No. 35339 and recommended the filing of the appropriate charges against them.

Subsequently, in view of the reconveyance of the property to her, complainant filed a "Pag-Uurong ng Demanda" dated November 13, 1995 which was made as basis for the filing by the parties of a Joint Motion to Dismiss dated November 25, 1995. In view thereof, and considering that respondent had already retired from the service effective January 16, 1995 the LRA recommended the dismissal of the instant case.

The Department of Justice does not agree with the recommendation of the Authority, stating that while respondent claimed that her "approval for the registration x x x is purely ministerial", she likewise implied that the Register of Deeds may re-examine the documents already examined by the Deeds Examiner "if there is an apparent defect on the title." As Register of Deeds, she should be very familiar with the judicial forms used for the certificates of title such that the apparent defects in the "owner's certificate" presented by Vilma Diaz should not have escaped her attention. As mentioned by Investigator Enrique M. Basa in his report dated June 10, 1993, it was "very obvious on its face alone that it is not the duplicate reproduction of the original of TCT No. T-35339 based on the following:

1. The typewritten entries on the spurious (Diaz) owner's copy show distinctive variance on several lines of the typewritten entries in the original title.
2. The title form (Jud. Form 109) is intended to be used for original copy of a title.



3. The words "OWNER'S DUPLICATE COPY" is not stamped on its face.

Further, respondent cannot put all the blame to her subordinates. As a matter of fact, it is more appropriate to say that the buck stops at her office and in line with the principle of command responsibility, she should be held accountable for the shortcomings of the personnel under her supervision.

After a careful evaluation of the records of the case, this Office concurs with the findings and recommendation of the Secretary of Justice.

**WHEREFORE**, premises considered and as recommended by the Secretary of Justice, Atty. Antonia B. Cabuco, former Register of Deeds for Cavite is found guilty of Simple Neglect of Duty and is hereby imposed the penalty of fine equivalent to one (1) month salary to be deducted from her retirement benefits.

Let the Office of the Land Registration Authority which is investigating the administrative case with respect to the other registry employees, be furnished a copy of this Administrative Order.

**DONE** in the City of Manila, this 17<sup>th</sup> day of July in the year of Our Lord, Nineteen Hundred and Ninety-Seven.



By the President:



**RUBEN D. TORRES**  
Executive Secretary

3EL/FBC

