

REPRIMANDING MR. FERNANDO Y. AMAT, PROVINCIAL FISCAL OF AURORA PROVINCE IN HIS CAPACITY AS EX-OFFICIO REGISTER OF DEEDS OF THE SAME PROVINCE.

ADMINISTRATIVE ORDER NO. 138, September 16, 1989

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This is an administrative case against Fernando Y. Amat, Provincial Fiscal and Ex-Officio Register of Deeds of Aurora Province filed by Atty. Aurea Aragon-Casiano for alleged gross ignorance of the law, inefficiency, incompetence, irregularity in the performance of official duties, dishonesty, conduct prejudicial to the best interest of the service, and violation of the Anti-Graft and Corrupt Practices Act.

Records show that, in a letter-complaint of January 17, 1985, filed with the National Land Titles and Deeds Registration Administration, Aurea Aragon-Casiano charged respondent fiscal with having connived, on March 18, 1982, with Notary Public Alexander T. Peñaranda in causing (1) the cancellation of Certificate of Title No. 760 in the name of Ladislao Aragon covering a parcel of land situated in Baler, Aurora, and (2) the issuance of new Transfer Certificates of Title Nos. T-9591, T-9592 and T-9593 in the names of Bonaparte Palispis,— Isidro Aragon and Melecia Aragon, respectively, without requiring the presentation and surrender of the owner's duplicate of Certificate of Title No. 760, as required under Sections 41 and 53 of the Property Registration Decree. Respondent was also charged with having received P500.00 per lot in consideration of his favorable action.

In support thereof, complainant alleged that one of the basis for the cancellation of Certificate of Title No. 760 and the issuance of new titles were falsified documents of partition and sale. One of the partition documents was allegedly prepared by respondent Amat and Peñaranda.

On February 7, 1985, then Acting Land Registration Commissioner Oscar R. Victoriano required the respondent to reply to the charges. Respondent filed his Answer on February 26, 1985 wherein he admitted signing the new Transfer Certificates of Title without the owner's duplicate of Certificate of Title No. 760 being presented to him allegedly after being informed that the same was left in the Registry because it was "already torn to pieces". Respondent, however, denied having received any monetary consideration for the questioned transaction.

Thereafter, the Acting Land Registration Commissioner requested the Ministry (now Department) of Justice to undertake administrative proceedings against respondent. The Commissioner explained that, while the acts and/or omission complained of appear to have been committed or omitted by respondent in his capacity as Ex-Officio Register of Deeds, his position as Provincial Fiscal could not be dissociated from and would necessarily be affected by any adverse findings or decision that may be rendered against him.

After due investigation, the Minister (now Secretary) of Justice found respondent guilty of neglect of duty for failure to require the presentation and surrender of the owner's duplicate of Certificate of Title No. 760 prior to its cancellation and the issuance of new transfer certificates of title in favor of other individuals. As regards the complaint that respondent was allegedly bribed to perform the acts complained of, the same was dismissed for lack of evidence. Similarly, with respect to the allegation that respondent acted improperly in registering the Deed

of Partition dated March 16, 1982 (Exh. "5"), the then Minister of Justice brushed aside the same, noting that "the document, on its face, merely shows that the respondent signed it as a witness" and that it is hard to assume from said fact "that respondent had a hand in the preparation of the document."

Consequently, the then Justice Minister recommended that respondent be reprimanded and warned that his commission of the same will be dealt with more severely.

After reviewing the case, I concur with the findings of the Secretary of Justice but disagree with his recommended penalty. No graver offense could perhaps be committed by a Register of Deeds than to issue new certificates of title which cancel an existing one without requiring the presentation of the owner's duplicate thereof. Such an omission on the part of the respondent cannot be excused even by his alleged heavy workload as Provincial Fiscal since it undermines the very foundation and integrity of the land registration system. Respondent's negligence in this respect becomes even more condemnable, for, as found by the Secretary of Justice, had only respondent took the pain of verifying the original of Certificate of Title No. 760 which was on file with the Registry, he could have seen that at the back thereof there appears an unsigned annotation concerning the loss and destruction of the owner's duplicate certificate of the same title.

WHEREFORE, Provincial Fiscal FERNANDO Y. AMAT, in his capacity as Ex-Officio Register of Deeds of Aurora Province, is hereby FINED in an amount equivalent to this SIX (6) MONTHS' salary as of the date of the filing of the instant complaint against him.

Done in the City of Manila, this 16th day of September in the year of Our Lord, nineteen hundred and eighty-nine.

(Sgd.) CORAZON C. AQUINO
President of the Philippines

By the President:
(Sgd.) CATALINO MACARAIG, JR.
Executive Secretary

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