

Malacañang

Manila

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 12

REMOVING MR. ALFREDO TAD-Y FROM OFFICE AS REGISTER OF DEEDS OF NEGROS OCCIDENTAL AND BACOLOD CITY.

Mr. Alfredo Tad-y, Register of Deeds of Negros Occidental and Bacolod City, is charged with (1) negligence in connection with the registration of falsified duplicate certificates of title and (2) violation of the Land Registration Law for delivering owner's duplicate certificates of title to a person who was not the registered owner of the properties covered by said titles or authorized by the owners to receive the same. The respondent waived his right to a formal investigation, and on the basis of his answer-explanation to the complaint, the Commissioner of Land Registration found him guilty only of the first charge and recommended that he be reprimanded and warned. However, the Department of Justice found respondent guilty of both charges and recommended his separation from the service.

I

As to the first charge of negligence, the record shows that on May 21, 1958, respondent registered a deed of mortgage, the accompanying owner's duplicate of the original certificate of title (No. P-3010) to the land covered thereby being falsified. It appears in said deed and title that the mortgagor and owner was Nicasio Singson, married to Belena Bañez, with postal address at Kabankalan, Negros Occidental, and that the property was situated in Barrio Pugad. However, in the corresponding original title on file in his office, the registered owner is Ricardo Claveria, married to Florencia Amar, with postal address at Inapoy, Kabankalan, and that the property described therein is situated in Barrio Orong.

On the same date respondent registered another deed of mortgage. Again, the owner's duplicate of the original certificate of title (No. P-2942) presented was falsified. In said deed and title the mortgagor and owner was Teofilo Ramos, married to Salvacion Roa, and that the property was situated in Barrio Saise, municipality of Kabankalan. In the corresponding original title on file, the registered owner is Amado Baylon, married to Adela Jabagat, and that the property embraced therein is located at Barrio Orong of said municipality.

The respondent admits that he failed to detect the above-mentioned discrepancies but claims that he exercised due diligence when he accepted

Tad-y, Alfredo

for registration the deeds of mortgage. According to him, he verified whether the numbers of the titles presented tallied with those of the originals on file, whether the correct title numbers appeared in the instruments and whether the requirements of law and regulations for their registration had been complied with. After this verification, he did not examine further the details of the titles and deeds as they were supposed to have been carefully checked by the annotation clerks, examiner and acting deputy register of deeds. He further explains that he had always been examining documents meticulously before signing them but because of the volume of work then pending when the incidents happened, he had to relax his vigilance in order to expedite registration, relying "on the accuracy, experience, faithfulness, and dependability of the employees."

Respondent's explanation is not satisfactory. It is without doubt that the owner's duplicates of original certificates of title Nos. P-3010 and P-2942 were falsified by altering the names of the registered owners and their spouses and the location of the properties appearing thereon. Under LRC Circular No. 6 dated September 10, 1954, registers of deeds and their personnel were required to take proper precautions in the examination of certificates of title accompanying instruments presented for registration, seeing to it that they are the exact duplicates of the originals in their offices. Had respondent been more careful and had he complied strictly with the provisions of said circular, which was issued precisely to curb reported cases of forged certificates of title in circulation, by comparing the names of the registered owners appearing on the owner's duplicates with those on the originals, instead of merely checking the title numbers, he could have discovered the discrepancies.

II

Regarding the other charge of violation of the Land Registration Act, it appears that on several occasions during the months of March, April and May 1958 land titles were delivered to one Miguel Urbanoza who was not the owner thereof nor authorized by the registered owners to receive them, two of which titles treated above were later falsified.

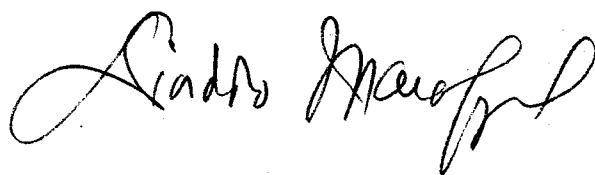
Respondent avers that it was his order to his employees to deliver papers and titles only to registrants or owners or their duly authorized representatives; and that in any event the person to whom the titles involved were delivered was an employee of the assessor's office known to the Registry who was verbally authorized by the patentees or owners of the certificates to receive said titles. Respondent's explanation is also unsatisfactory, the delivery being in violation of Sections 41 and 122 of the Land Registration Act, which wrongful delivery made possible the commission of the falsifications complained of. The desire to expedite delivery did not justify the failure to make sure that they were delivered to their rightful owners.

In view of the foregoing, I find the respondent guilty on both counts.

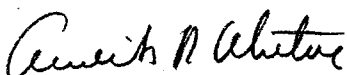
Respondent not only failed to notice that the names of the owners in the falsified duplicate certificates of title were different from those in the originals filed in his office but also made the falsifications possible by allowing the delivery of the duplicate certificates subsequently falsified to one who was neither their owner nor duly authorized to receive them. His inability to note such a glaring discrepancy as the difference in the names of the owners amounts to reckless negligence, seriously reflecting on his supervision over his subordinates and on his own efficiency. Such neglect cannot be mitigated by the volume of work in his office because it was his primary duty to check the identity of the duplicate certificates of title presented to him with the originals on file. The gross negligence thus incurred by him and the attendant injury to private parties warrant drastic disciplinary action against him, his good faith and previous record of efficient service notwithstanding.

WHEREFORE, Mr. Alfredo Tady is hereby removed from office as Register of Deeds of Negros Occidental and Bacolod City, effective upon receipt of a copy of this order.

Done in the City of Manila, this 3rd day of April, in the year of Our Lord, nineteen hundred and sixty-two, and of the Independence of the Philippines, the sixteenth.



By the President:


AMELITO R. MUTUC
Executive Secretary