

[ADMINISTRATIVE ORDER NO. 349, July 17, 1997]

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 (1) cancellation of TCT No. T-35339 in the name of Felicisima Q. Espiritu and (2) 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.

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