

[ADMINISTRATIVE ORDER NO. 354, August 07, 1997]

DISMISSING THE ADMINISTRATIVE CASE FILED AGAINST ATTY. TURIANO U. TAMAYO, REGISTER OF DEEDS FOR DAGUPAN CITY

This refers to Administrative Case No. 93-1 filed by the Land Registration Authority (LRA) against Atty. Turiano U. Tamayo, Register of Deeds of Dagupan City, for abuse of authority, dishonesty and grave misconduct.

On November 10, 1992, complainant Eladio Sison filed before the LRA a letter-complaint against respondent Atty. Tamayo for denying the registration/annotation of the Alias Writ of Attachment issued by the court in Civil Case No. 16930 against a certain piece of land owned by Johnny Gutierrez and covered by TCT No. 56404.

On October 22, 1992, Deputy Sheriff Romulo Jimenez presented for annotation the aforesaid writ together with the Notice of Attachment issued on the same date over TCT Nos. 56403, 56404 and 56405, all in the name of Gutierrez, and a copy of the Cancellation of Mortgage, dated October 15, 1992, issued by the Development Bank of the Philippines over TCT No. 56404. This was denied by respondent on the ground that the writ was defective in form. Respondent then advised the Deputy Sheriff to secure from the court another order with specific reference to TCT No. 56404.

On October 23, 1992, Julian Ong Cuna, General Manager of New Dagupan Metro Gas Corporation, went to respondent's office and presented his Affidavit of Adverse Claim for annotation on TCT No. 56404. Finding the document to be in order, respondent annotated the said affidavit on TCT No. 56404. Later that day, the Deputy Sheriff returned with a new court order. Consequently, respondent instructed his employees to cause the entry of the court order in the Primary Entry Book and type the necessary annotations on TCT No. 56404 (Entries Nos. 155511 and 155512).

However, when TCT No. 56404 and its supporting documents were forwarded to respondent for signature, it was discovered that the court order referred to TCT No. 55404 in the name of Geneva Coquia, a stranger, and not to TCT No. 56404. Likewise, it appears that the court order was not signed by the issuing judge nor authenticated by the Clerk of Court. By reason thereof, respondent ordered the Deputy Sheriff to return with the correct court order.

In the meantime, respondent approved the inscription of the Notice of Attachment on TCT Nos. 56403 and 56405 but wrote "denied" on Entries Nos. 155511 and 155512. Thereafter, complainant withdrew his documents.

On October 26, 1992, respondent annotated on TCT No. 56404 the Deed of Absolute Sale executed by spouses Johnny and Aida Gutierrez in favor of the New Dagupan Metro Gas Corporation as Entry No. 155544. Subsequently, TCT No. 56404 was cancelled and a new title, TCT No. 59188, was issued in the name of New Dagupan Metro Gas Corporation. However, on that same day, the order, dated October 23,