

[ADMINISTRATIVE ORDER NO. 97, November 28, 1993]

IMPOSING A FINE ON FRANCISCO ROMERO, REGISTER OF DEEDS OF KALOOKAN CITY

This refers to the administrative complaint filed by administrator Teodoro G. Bonifacio of the Land Registration Authority (LRA) against Atty. Francisco G. Romero, Register of Deeds of Kalookan City, for Conduct Prejudicial to the Best Interest of the Service.

In his letter of September 22, 1992, the Secretary of Justice, in relation to the above-complaint, submitted his report and recommendation, which reads:

"The show-cause directive dated 21 August 1991, signed by Administrator Teodoro G. Bonifacio of the land Registration Authority charges that Respondent allegedly allowed Ms. Virginia C. Salazar, a former employee, to discharge duties in (your) Registry as custodian of blank title forms without the written consent or approval of this Authority, which resulted in the loss in her possession of seventeen (17) sets of Judicial Forms 109 and 109-D with Serial Nos. 1933454 to 1933470, inclusive, and other land titles and documents."

"The alleged circumstances surrounding the loss of the aforesaid judicial forms and other documents are narrated by Ms. Salazar in her affidavit dated 25 June 1991, as follows:

'That on Friday, June 21, 1991, I took along with me for homework Saturday and Sunday some documents and titles in order to relieve me of some backlog; x x x

'That bad luck intervened as I lose said documents and titles to a dishonest taxi driver who failed to return the documents inspite of return addresses indicated in the documents; x x x (Record, p. 26).

"In his answer dated 2 September 1991, Respondent explains the reasons why he allowed Ms. Salazar to discharge the functions of custodian of blank title forms at the Kalookan City Registry of deeds as follows:

'Ms. Salazar who enjoyed preferential re-employment status under the reorganization law was extended a new appointment as Land Registration Examiner in the Registry of Deeds of Malabon then stationed also in Caloocan City, effective June 1, 1986. Pending approval of her new appointment, I allowed her to continue performing her duties among which is the custody of blank title forms. I have done

this in good faith expecting that in a matter of days her appointment would be approved with retroactive effect.

'It turned out later from statements made by Ms. Salazar herself and other sources that her appointment papers were mislaid somewhere and steps were taken to have the same reconstituted and submitted anew. I lost track of the matter and because there was no communication from the head office for Ms. Salazar to discontinue her service, she just kept on rendering services in the Registry of Deeds of Kalookan City. I allowed her services mitigated the acute lack of manpower in the Registry.

X X X

'I have to state in this connection that I do not feel competent to declare the removal of Ms. Salazar from the service. It was a higher authority that admitted her into the service, so also must her removal be from the higher authority. I was neither furnished a copy of the notice supposedly terminating her services nor informed of the impediment to her new appointment. I expected that the matter should have been brought to my attention and probably I could have taken steps towards her relief and separation from the service. She was therefore, in my view, never discharged from the service and consequently she may not be termed a 'former employee.' From this perspective no written consent or approval need be secured from the Land Registration Authority for Ms. Salazar to keep custody of blank title-forms. That duty attached to the position she had assumed.

'Before the loss of the judicial forms, there was no controversy in the Land Registration Authority regarding her employment status. In fact, I had reliable information that Ms. Salazar was slated for appointment to the position of Land Registration Examiner in this Registry (Kaloocan) which would in effect supersede and cure whatever defects or flaws her previous appointment may have.

'The loss of the judicial forms in her possession supervened and the whole thing just appeared to me as unfortunate. x x x the loss of the forms is the sole responsibility of Ms. Salazar and this she readily admits and promises to make all amends. I allowed her to work under circumstances I found justifiable (Record, pp. 28-30).

"It is not disputed that Ms. Salazar, formerly Special Deputy Registry of Deeds II of Malabon, whose services had been terminated as early as 01 June 1986 pursuant to Executive Order No. 649 (Reorganizing the Land Registration Commission) was still reporting to the said Registry and discharging the functions of her former position as of 27 June 1991, or for a period of five (5) years without authority from the Administrator.