

[ADMINISTRATIVE ORDER NO. 28, June 10, 1987]

FINDING THE LATE ATTY. TITO R. CAÑEDO, JR., FORMER REGISTER OF DEEDS OF AGUSAN DEL SUR, GUILTY OF GRAVE MISCONDUCT AND DISHONESTY (ILLEGAL EXACTION).

This refers to the administrative case against Atty. Tito R. Cañedo, Jr., Register of Deeds of Agusan del Sur, for grave misconduct and dishonesty (illegal exaction).

Records show that the case arose from the telegram of Atty. Ceferino Paredes, Jr., Provincial Attorney of Agusan del Sur, dated March 13, 1978, informing the Land Registration Commission of certain acts of respondent consisting of, among others, the following:

- 1) Issuing several co-owner's copies of titles in his name, and using them in obtaining loans from several banks;
- 2) Illegally transferring unclaimed titles to certain persons, than subsequently transferring them to his name and using them as collateral in his business with Sea Commercial, Davao City;
- 3) Requiring transacting public to pay by money order payable to him for alleged processing fees without issuing official receipts;
- 4) Failure to comply with the mandatory provision requiring documentary and science stamps to be affixed to the documents in his office; and
- 5) Exacting from a certain registrant the amount of P1,000.00 for facilitating the registration of documents and issuance of the certificate of title.

The Acting Commissioner of Land Registration in an Assignment Order, dated March 20, 1978, directed Atty. Domingo Cristobal of the Commission to conduct a fact-finding investigation on the matters alleged in the aforesaid telegram of Atty. Paredes. Atty. Cristobal conducted a fact-finding investigation. In his written Report and Recommendation, he recommended as follows:

"In view of the foregoing circumstances and findings which undoubtedly provide clear and strong evidence to support the charges of Atty. Ceferino Paredes, Jr., against Register of Deeds Tito R. Cañedo, Jr., it is most respectfully recommended to the Honorable Acting Commissioner that formal administrative charges be filed immediately against Tito Cañedo, Jr. It is further recommended that certified zerox copies of all titles and documents involved in the case be forwarded this Commission and the original thereof on file in the Registry be safe-guarded against

tampering and loss, As an alternative, however, his resignation filed under Letter of Instruction No. 11, be recommended for acceptance to the President.”

Accordingly, the Acting Commissioner of Land Registration Commission filed the corresponding charges against Atty. Tito R. Cañedo, Jr., and directed the latter to explain within 72 hours from receipt of the communication why no administrative disciplinary action should be taken against him for grave misconduct, illegal exaction and dishonesty.

On May 11, 1978, the Acting Land Registration Commissioner received another letter for Atty. Ceferino Paredes, Jr., dated May 8, 1978, informing him that Atty. Tito R. Cañedo, Jr., had committed falsification of public documents in his official capacity as chief by causing the issuance of several certificates of title covering several parcels of land which comprised a substantial portion of Barangay Mate, San Francisco, Agusan del Sur, without any lawfully issued patents upon which to base the issuance of the titles. The Acting Commissioner in his letter dated May 24, 1978, directed respondent to submit his answer to their charges.

Respondent Tito R. Cañedo, Jr., submitted his answers on June 17, 1978 and June 27, 1978, respectively, where he denied culpability by either shifting the blame to the witnesses against him or to his subordinates in the office and some personnel in the Bureau of Lands, or by denying having any knowledge and information sufficient to form a belief as to the truth of the allegations against him.

With the issues joined, an investigation was then conducted and, on August 20, 1980, the hearing officer found the respondent guilty of the following:

1. By issuing a second owner's duplicate of Transfer Certificate of Title No. T-2192 in the name of Tito R. Cañedo, Jr., without any order of the Court and knowing fully well that the first owner's duplicate of the same title is existing and is mortgaged to the Rural Bank of Bayugan, and thereafter, he mortgaged the second owner's duplicate to the Rural Bank of Talacogon;
2. By issuing a second owner's duplicate of Transfer Certificate of Title No. T-2758 without any order from the Court;
3. By registering three (3) Deeds of Transfer executed by the Rubis family in favor of Shirley Silva involving Transfer Certificates of Title Nos. 7957, 7955 and 7958 (without payment of the necessary documentary and science stamps taxes thereon); and
4. By demanding from registrant Lino Pa-alan the amount of P1,000.00 as consideration for facilitating the registration of his documents and issuance for his certificate of title.”

The hearing officer recommended that the penalty of dismissal from the service be imposed on respondent.

The Acting Commissioner of Land Registration concurred in the above findings and recommended that respondent be found guilty of grave misconduct and dishonesty (illegal exaction) and penalized with dismissal from the service. Upon review, the