

[ADMINISTRATIVE ORDER NO. 99, November 29, 1999]

**IMPOSING THE PENALTY OF DISMISSAL FROM THE SERVICE ON
ATTY. YOLANDA O. ALFONSO, REGISTER OF DEEDS, CALOOCAN
CITY**

This refers to the administrative complaint initiated by Administrator Alfredo R. Enriquez, Land Registration Authority (LRA), against ATTY. YOLANDA O. ALFONSO and MR. NORBERTO VASQUEZ, JR., Register of Deeds and Deputy Register of Deeds of Caloocan City, respectively, for, among other charges, grave misconduct and dishonesty relative to their alleged participation in the land titling irregularities affecting properties located within the Maysilo Estate, covered by Original Certificate of Title (OCT) No. 994. The charges stemmed from Senate Committee Report No. 1031 and the letter-complaints of Phil-Ville Development and Housing Corporation (Phil-Ville, for short) dated 7 June 1997 and 2 December 1997.

Respondents were directed to show cause why no administrative action should be taken against them. Pending investigation, respondents were relieved of their assignments and were ordered to report to the Clerks of Court Division of the LRA.

To expedite the proceedings, the parties agreed to submit the case for resolution after the issues were simplified, facts stipulated and evidence admitted. The parties also submitted their respective memoranda.

Inasmuch as Deputy Register of Deeds Norberto Vasquez, Jr. is not a presidential appointee, only the complaint against respondent Alfonso shall be resolved.

I. Per Senate Committee Report No. 1031, respondent Alfonso issued Transfer Certificate of Title (TCT) Nos. 314535, 314536 and 314537 in the name of Eleuteria Rivera which bear a wrong date of registration of OCT No. 994 on September 12, 1996, notwithstanding the following:

a. She had previously issued certificates of title in the name of other individuals derived from OCT No. 994 dated May 3, 1917.

b. She had in fact questioned the falsity of April 19, 1917 as the date of registration of OCT No. 994.

c. There are perceptible erasures in the said TCTs in the name of Eleuteria Rivera in the space on which April 19, 1917 was written, apparently removing the date May 3, 1917.

d. She has knowledge of the report of the LRA Verification Committee as manifested by her referral on March 20, 1996 of the application of Ms. Roquieta Dimson for a new certificate of title.

"The LRA Verification Committee has previously reported that the issuance of titles in the name of Jose Dimson was irregular and the titles issued were void ab initio, since the properties covered by said titles are already titled properties."

e. On May 2, 1996, she wrote a letter to the Administrator, thru the Director of the Legal Affairs Department, expressing her concern on the request for annotation of *lis pendens* by Ms. Roquieta Dimson on Mt. Carmel Farms Inc's title derived from OCT No. 994, which request is predicated on the Supreme Court ruling in *MWSS vs. Court of Appeals* which stated that there are two OCT No. 994 issued on Maysilo Estate dated March 3, 1917 and April 19, 1917.

f. On September 15, 1993, she issued TCT Nos. 270921, 270922 and 270923 in the name of Phil-Ville wherein she certified that said land was originally registered on the 3rd day of May 1917 in the Registration Book of the Register of Deeds of Rizal as OCT No. 994 pursuant to Decree No. 36455.

g. On August 12, 1996, she issued TCT No. C-312804 in the name of her children, namely: Arnold, Rachel, Yvette, Dennis and Cherry wherein she certified that said land was originally registered on the 19th day of April 1917. The lot registered in the name of her children came from Norma Dimson Tirado, daughter of Jose B. Dimson, whose title she already knew was void ab initio.

h. On September 20, 1996, in her reply to the query of Ms. Cecilia Que Yabut, Managing Director of Phil-Ville, respondent Alfonso stated that OCT No. 994 was issued pursuant to Decree No. 36455 dated April 19, 1917; that the date of transcription of said decree at the Office of the Register of Deeds of Pasig, Rizal was May 3, 1917; that as far as their record is concerned, there is only one OCT 994 on file with said registry and that the same can be verified from the OCT No. 994 on file at the Caloocan registry.

II. *As per letter-complaints of Phil-Ville* —

1. Respondent Alfonso issued TCT Nos. 314535, 314536 and 314537 in the name of Eleuteria Rivera wherein she (Alfonso) certified that OCT No. 994 was originally registered on April 19, 1917 contrary to her letter to Phil-Ville dated September 20, 1996 and to then LRA Administrator Maulit dated March 31, 1996, respectively, which states that OCT No. 994 was originally registered on May 3, 1917. Furthermore, Phil-Ville claims that the Eleuteria Rivera titles overlap titled properties owned by LCM Theatrical Enterprises covered by TCT No. 111236 and Bonifacio Center, Inc. covered by TCT No. 103548;

2. Respondent Alfonso issued TCT No. 314537 in the name of Eleuteria Rivera for Lot 23, allegedly a portion of Maysilo Estate in the absence of the following:

a. The presentation of a subdivision plan duly approved by the LRA or by the Lands Management Bureau prior to the issuance of the subject title in violation of Sections 50 and 58 of Presidential Decree (PD) 1529 which provide, to wit:

"Sec. 50. *Subdivision and consolidation plans.* — Any owner subdividing a tract of registered land into lots which do not constitute a subdivision project as defined and provided for under P.D. NO. 957, shall file with the Commissioner of Land Registration or with the Bureau of Lands subdivision plan of such land on which all boundaries, street,

passageways and waterways, if any, shall be distinctly and accurately delineated.

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The Commission may not order or cause any change, modification, or amendment in the contents of any certificate of title, or of any decree or plan, including the technical description therein, covering any real property registered under the Torrens system, nor order the cancellation of the said certificate of title and the issuance of a new one which would result in the enlargement of the area covered by the certificate of title."

"Sec. 58. Procedure where conveyance involves portion of land. — If a deed of conveyance is for a part only of the land described in the certificate of title, the Register of Deeds shall not enter any transfer certificate to the grantee until a plan of such land showing all the portions or lots into which it has been subdivided and the corresponding technical descriptions shall have been verified and approved pursuant to Section 50 of the Decree.

Meanwhile, such deed may only be annotated by way of memorandum upon the grantor's certificate of title, original and duplicate, such memorandum to serve as a notice to third persons of the fact that certain unsegregated portion of the land described therein has been conveyed, and every certificate with such memorandum shall be effectual for the purpose of showing the grantee's title to the portion conveyed to him, pending the actual issuance of the corresponding certificate in his name."

b. The presentation of the owner's duplicate copy which is in violation of Section 53 of P.D. 1529; and

c. The presentation of tax declaration, real estate tax clearance and estate tax.

3. Respondent Alfonso issued TCT No. C-314537 for Lot 23, allegedly a portion of Maysilo Estate, as a direct transfer from OCT 994, but OCT 994 does not have a Lot 23. It is claimed that said issuance resulted to damage to Phil-Ville whose properties covered by TCT Nos. 270921, 270922 and 270923, which are part of Lot 23 of Maysilo Estate, are now being claimed by Rivera.

4. Respondent Alfonso committed falsification, as the true date of the registration of OCT 994 — which is May 3, 1917 — was altered to April 19, 1917.

The principal issues to be resolved in this case are:

1. Whether or not respondents issued conflicting "certifications" in the date of issuance of OCT No. 994, one for April 19, 1917 and the other for May 3, 1917;

2. Whether or not respondent had made it appear that there are two OCT Nos. 994, one registered on April 19, 1917 and the other registered on Me 3, 1917;

3. Whether or not there was malice, fraud or bad faith in issuing "certifications" for the titles of Eleuteria Rivera; and

4. Whether or not as a result of the conflicting "certifications" complainant suffered damages.