

SECOND DIVISION

[A.M. No. RTJ-96-1344, March 13, 1996]

VERONICA GONZALES, COMPLAINANT, VS. JUDGE LUCAS P. BERSAMIN, REGIONAL TRIAL COURT, BRANCH 96, QUEZON CITY, RESPONDENT.

DECISION

MENDOZA, J.:

This is an administrative complaint filed by Veronica Gonzales against Judge Lucas P. Bersamin, Branch 96, RTC, Quezon City, for grave misconduct, knowingly rendering an unjust judgment and unjust interlocutory orders, malicious refusal to implead complainant as an indispensable party and dereliction of duty relative to Civil Case No. Q-94-21444, entitled "Gina Chan and Salvador Chan, represented by Cesar Davila, Jr. v. Register of Deeds of Quezon City, et al."

It appears that in Criminal Case No. 1565-M-88 of the Regional Trial Court of Bulacan ("People v. Zoilo Cruz and Rosalinda Aldeguer Cruz"), the accused were ordered to pay jointly and severally to the herein complainants Veronica Gonzales and Danilo Gonzales the amount of P600,000.00 and that in another case (Civil Case No. Q-91-10081, entitled "Spouses Danilo Gonzales and Veronica Gonzales v. Zoilo Cruz and Rosalinda Aldeguer Cruz") the accused were ordered to pay the herein complainants the sum of P3,700,000.00. In that case, a writ of preliminary attachment was previously issued upon the real property of the accused which was covered by TCT No. 319410.

To satisfy the judgments in the two cases, two (2) notices of levy were presented and entered in the record of real property of Zoilo Cruz and Rosalinda Cruz. It happened that there was at the time pending reconstitution of TCT No. 319410, so that the notices of levy were provisionally entered in the primary entry book of the Register of Deeds of Quezon City. The notices of levy were provisionally registered on June 26, 1991 and October 24, 1991, respectively.

On December 3, 1991 TCT No. 319140 was reconstituted and a new title (TCT No. RT-48658 (319140)) was issued in the name of the spouses Cruz.

On August 23, 1994 the spouses Gina Chan and Salvador Chan filed a case against the Register of Deeds of Quezon City, for Cancellation of Notice of Levy with Damages with Prayer for the Immediate Issuance of a Writ of Preliminary Mandatory Injunction. This case was docketed as Civil Case No. Q-94-21444 and raffled to respondent judge.

In their complaint spouses Chan alleged that the property subject of the levy had been previously purchased by them from the spouses Cruz by virtue of a Deed of Absolute Sale dated March 21, 1991. For the same reason that the title of spouses

Cruz was still being reconstituted, the deed of sale was provisionally registered on April 1, 1991, several months before the provisional registration of the notices of levy.

Hence, the reconstituted title issued to the spouses Cruz on December 3, 1991 (TCT No. RT-48658 (319410)) carried the annotations of the deed of sale in favor of the Chans as well as the notices of levy of the herein complainants. Thereafter, by virtue of the deed of sale, a new title (TCT No. 50572) was issued in the name of spouses Gina Chan and Salvador Chan. The annotations in the cancelled reconstituted title were carried over in TCT No. 50572. The spouses Chan claim that since the provisional registration of the deed of sale was prior in time, the notices of levy should not have been carried over in the new title (TCT No. 50572) because at the time of the registration of the notices of levy, the property subject of said levy was no longer owned by spouses Cruz against whom the levy was issued.

In his answer, the Register of Deeds justified his action on the ground that it was his ministerial duty to transfer the annotations on the reconstituted title to the new title. He interposed no objection, however, to the issuance of any mandatory injunction issued to him because "it is precisely such a judicial order x x x that will authorize the Register of Deeds to annotate a memorandum x x x cancelling the notices of levy thereon x x x."

The spouses Chan moved for a judgment on the pleadings. The Register of Deeds manifested that he was submitting to the discretion of the court and that he had no objection to the cancellation of the annotations because "the notices of levy were entered subsequent to the recording of the sale of the property."

Respondent judge thereafter rendered a decision on October 13, 1994 ordering the Register of Deeds to cancel the annotations of the notices of levy on TCT No. 50572.

Hence this complaint by Veronica Gonzales, accusing respondent judge of the following:

(a) Grave misconduct which encompasses the other charge of favoring one party to the prejudice of other parties-in-interest.

(b) Knowingly rendering an unjust judgment with regard to respondent judge's inordinate haste in rendering a decision which summarily ordered the cancellation of complainant's duly annotated notice of levy on TCT No. RT-48658 (319410) PR-24838 which was carried over to TCT No. 50572 issued in the name of the spouses Chan.

(c) Knowingly rendering unjust interlocutory orders which tended to favor the cause of the spouses Chan in Civil Case No. Q-94-2 1444 despite being duly apprised by defendant Register of Deeds of Quezon City and his deputy in the Answer of the substantiality of complainant's annotated claims.

(d) Malicious refusal to implead herein complainant as an indispensable party-in-interest in Civil Case No. Q-92-2 1444 despite being duly apprised of the substantiality of complainant's rights and interest over the property in question.