

**MALACAÑANG**  
**Manila**

**BY THE PRESIDENT OF THE PHILIPPINES**

**ADMINISTRATIVE ORDER NO. 99**

**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 May 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 3<sup>rd</sup> 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 19<sup>th</sup> 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 Calocan 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.*

X X X

X X X

X X X.

*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.*



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*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 May 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.

In her comment/answer dated July 20, 1998, respondent Alfonso denies having issued conflicting "certifications" relative to the date of issuance of OCT 994, clarifying that the "certifications" referred to are actually the "entries" contained in the Transfer Certificates of Title pertaining to the historical origin of OCT No. 994. She claims that she



did not violate any law despite having issued titles with conflicting entries as she merely performed her ministerial duty to carry over the date of registration of OCT No. 994 as it appears on the derivative title to the title that she is to issue consequent to the transaction involved; and that even if she has knowledge of the true date of registration of OCT No. 994, she does not have the authority to put the correct date in the titles.

The posture assumed above by respondent Alfonso was followed vis-a-vis her "certifications" in the titles registered in the names of her children, Phil-Ville, and Lourdes Gonzaga, et. al. The entries were merely carried over in the subsequent titles pursuant to Section 43 of PD 1529 (The Property Registration Decree) which states:

"Sec. 43. Transfer Certificate of Title. - x x x The certificate shall show the number of the next previous certificate covering the same land, and also the fact that it was originally registered giving the record number, the number of the original certificate of title, and the volume and page of the registration book in which the latter is found."

Respondent Alfonso, however, deviated from the above procedure in the issuance of TCT Nos. C-314535, C-314536 and C-314537 in the name of Eleuteria Rivera. Being direct transfers from OCT No. 994, the aforesaid Rivera titles should have contained entries that OCT No. 994 was registered on May 3, 1917 inasmuch as this is the correct date of registration of the said OCT. The date appearing as the date of registration of OCT 994 in the Rivera titles has been changed to April 19, 1917.

Respondent Alfonso maintains that the said alteration of the date of registration of OCT 994 was the sole responsibility of Deputy Register of Deeds Norberto Vasquez, Jr. who ordered the said alteration pursuant to the Supreme Court decision in Metropolitan Waterworks and Sewerage System vs. The Court of Appeals, et al., GR No. 103556, 17 November 1992. She claims that the preparation of transfer certificates of title is essentially a mechanical endeavor with the typist automatically adopting the entries in the titles to be cancelled. To examine the entry, according to her, citing the case of Arias vs. Sandiganbayan (180 SCRA 309), is no different from proof reading which can be best left to subordinates. To further support her claim of innocence in the alteration, respondent Alfonso said that upon discovery thereof, she issued several memoranda requiring her subordinates who have participated in the preparation of the Rivera titles to explain why the alteration was made. It should be noted, however, that the memoranda were issued after she signed the Rivera titles.

In his letter-report dated June 14, 1999, the Secretary of Justice stated:

"It is true that respondent Alfonso could not be faulted for carrying over to TCT No. 312804 an erroneous date of registration of OCT 994 inasmuch as the title from which it was derived from likewise bear the said



erroneous date of registration. However, the mere fact that she consented to the acquisition of the property and signed and issued on 12 August 1996 TCT 312804 in the name of her children adopting 19 April 1917 as the date of registration of OCT 994 knowing the same to be erroneous as shown by her 20 March 1996 referral of Ms. Roquieta Dimson's application for issuance of certificate of title citing therein the LRA Verification Committee report is a clear case of dishonesty, malice and bad faith. This is also a clear violation of the Code of Conduct for Public Officials and Employees prohibiting government officials and employees from having any interest in a transaction requiring their approval."

"In this connection, the NBI Report dated 22 April 1997 regarding its investigation of the complaint of one Danilo Bonifacio against respondent for violation of the Anti-Graft and Corrupt Practices Act, Code of Ethical Standards for Government Employees, Direct Bribery, Grave Misconduct and Conduct Prejudicial to the Best Interest of the Service in relation to the issuance of the Transfer Certificates of Title to Eleuteria Rivera, subject matter of this case, could not be ignored. Complainant therein alleged that respondent Alfonso demanded from them P6 Million to expedite release of the TCTs; that they gave a total of P3 Million, P500,000.00 of which was in Security Bank Check No. 0155105 (Caloocan Branch) payable to Cash which was personally handed to respondent; [That] said check was encashed on 22 January 1997 by an unidentified person with address at 34 Assets St., GSIS Village, Quezon City with Telephone No. 927897. The address corresponds to the address of respondent Alfonso. Based on this, among others, the Bureau recommended the prosecution of respondent for direct bribery, violation of Section 4 of R.A. No. 6713 (Code of Conduct and Ethical Standards for Public Officials and Employees) and violation of Section 3(b) of R.A. 3019 (Anti-Graft and Corrupt Practices Act).

"Moreover, respondent Alfonso also violated the provisions of Sections 50, 58 and 92 of P.D. 1529 for failure to require the presentation of (1) the subdivision plan duly approved by the Land Registration Authority or by the Land Management Bureau; and (2) proof of payment of estate or inheritance tax.

"The non-presentation of the owner's duplicate copy of OCT 994 has been satisfactorily explained by respondent Alfonso as the said presentation was dispensed with by an order of the court."

"For her failure to require the presentation of a subdivision plan for the three titles of Eleuteria Rivera, respondent Alfonso claims that inasmuch as the issuance of the titles is pursuant to a court order, Sections 50 and 58



of P.D. 1529 do not apply. Said contention of respondent Alfonso is without merit as said sections apply as long as the title to be issued covers only a portion of a bigger tract of land. The presentation of a duly approved subdivision plan is necessary in order to delineate the particular portion of the lot being covered by the new title. Had respondent Alfonso required the presentation of an approved subdivision plan, she could have discovered the defects in the titling of the Rivera property and could have manifested the same in court.

“As to the question regarding the presentation of proof of payment of inheritance tax, respondent Alfonso claims that no inheritance tax is due on the estate simply because there is no inheritance involved as the titles were issued pursuant to a court order in a judicial partition and the adjudicatee Eleuteria Rivera is very much alive at the time of issuance. Again, this deserves scant consideration. It does not matter whether Eleuteria Rivera is alive or not because the subject matter of the inheritance tax is not the estate of Eleuteria Rivera but the transfer of property covered by the subject titles by way of inheritance from the predecessor and alleged parent Maria Concepcion Vidal to the heir who is Eleuteria Rivera.

“As to the issue of whether complainant suffered damages as a result of the actions of the respondents, Phil-Ville claims that it suffered damage as a result of the issuance of the Rivera titles particularly TCT No. 314537 allegedly for Lot 23 of OCT 994 as the said title is now being used by the heirs of Rivera in claiming the properties of Phil-Ville covered by TCT Nos. 270921, 270922 and 270923.

“According to LRA, the mere fact that Phil-Ville was compelled to file Civil Case No. C-507 entitled ‘Phil-Ville Development vs. Maximo R. Bonifacio et al.’ in order to protect its property from the claims of the heirs of Rivera clearly indicates that it has suffered damage. The greater damage of course is the doubt that has been cast upon the integrity of the Torrens system.”

On the basis of the foregoing considerations, the Secretary of Justice recommend the dismissal of respondent Alfonso from the service.

The findings and recommendation of the Secretary of Justice are well taken.

It cannot be overemphasized that to officials like respondent Alfonso, belong at the first instant the task of protecting the integrity of a Torrens Title and the Torrens System itself. But far from safeguarding the integrity of the Torrens System, respondent

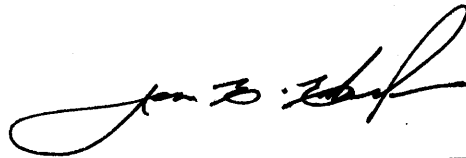


Alfonso undermined the same by disregarding certain provisions of law envisaged to preserve the effectivity of the system. In the process, she virtually compelled certain individuals holding separate Torrens title to litigate at great expense and inconvenience to protect their right represented by their certificates of title. And to think that a title issued under the Torrens system enjoys the conclusive presumption of validity (Ramos vs. Rodriguez, 244 SCRA 418).

Not to be overlooked is the fact that respondent Alfonso *prima facie* appears to have exacted a substantial sum from one Danilo Bonifacio to expedite the release a certificate of title. While respondent has yet to be convicted of the crime of bribery and/or corrupt practice, the very fact that the check issued by Bonifacio, - the smoking pistol, so to speak, - was encashed by someone residing at the home address of respondent Alfonso, speaks much of her culpability. If only for this hard reality, respondent Alfonso should be separated from the government service.

WHEREFORE, in view of the foregoing and as recommended by the Secretary of Justice, respondent Yolanda O. Alfonso, Register of Deeds, Caloocan City is hereby DISMISSED from the service with all necessary accessory penalties, effective upon her receipt hereof.

Done in the City of Manila, this 21<sup>st</sup> day of November, in the year of our Lord, nineteen hundred and ninety-nine.



By the President:



RONALDO B. ZAMORA  
Executive Secretary



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