

MALACAÑANG

Manila

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 162

**DISMISSING FELICISIMO L. BARBOSA, REGISTER OF DEEDS OF
BATANGAS PROVINCE, FROM THE SERVICE**

This is an administrative case filed by the Administrator, National Land Titles and Deeds Registration Administration (NLTDR) against Atty. Felicisimo L. Barbosa, Register of Deeds of Batangas Province, for grave misconduct.

The case arose from respondent's alleged "anomalous registration" on October 1, 1986, while he was then the Acting Register of Deeds of Batangas City, of an "Affidavit of Self-Adjudication", executed by Venancio M. Villapando on December 2, 1982, which resulted in the cancellation of Transfer Certificates of Title (TCT) Nos. 10948, 10949 and 10950 and the issuance, in lieu thereof, of TCT Nos. 10951, 10952 and 10953, respectively. As alleged in the complaint, respondent effected the registration of said "Affidavit of Self-Adjudication" despite his full knowledge of the pendency before the Regional Trial Court of Batangas City, Branch VII, of Petition No. 1935 for the judicial reconstitution of the destroyed or burned originals of TCT Nos. 10948, 10949 and 10950, and notwithstanding the following deficiencies: (a) non-payment of transfer tax; (b) non-submission of tax clearance; (c) non-payment of estate and inheritance taxes; and (d) absence of an affidavit of publication.

In his Answer of September 28, 1987, respondent pleaded "good faith and honest mistake" and averred that he caused the registration of the aforementioned affidavit in compliance with the order issued by the court on September 8, 1986 in Petition No. 1935. He further claimed that all the supporting documents required by law for said registration were submitted by the interested party.

On November 12, 1987, respondent waived his right to a formal investigation opting to submit his case for resolution on the basis of his answer.

The evidence on record reveals that, on October 1, 1986, a certain Godofredo Berberabe presented to the respondent for registration two (2) Affidavits of Self-Adjudication executed by Mr. Venancio Villapando - the first, dated December 2, 1982, wherein Villapando adjudicated unto himself the properties covered by TCT Nos. RT-1648 (T-2108) and RT-1649 (T-2106) and Tax Declaration No. 71-413, all in the name of Mariquita M. Vda. de Villapando; and the second, executed sometime in July, 1986, by virtue of which Villapando likewise adjudicated unto

himself the properties covered by Original Certificate of Title (OCT) No. (0-420) RO-25, also in the name of Mariquita M. Vda. de Villapando. Claiming reliance on the order of the court issued on September 8, 1986 in connection with Petition No. 1935, copy of which order was presented by Godofredo Berberabe together with the aforesaid two (2) affidavits of self-adjudication, respondent caused the registration of the said affidavits.

The next day, October 2, 1986, respondent cancelled TCT Nos. RT-1649 (T-2106), RT-1648 (T-2108) and OCT No. (0-420) RO-25 and issued, in lieu thereof, TCT Nos. T-10948, T-10949 and T-10950, respectively, all in the name of Venancio Villapando.

Presented the following day with a Deed of Sale, dated October 2, 1986, executed by Mr. Villapando's Attorney-in-Fact, transferring ownership of the properties covered by TCT Nos. 10948, T-10949 and 10950, respondent (a) cancelled said titles, and (b) issued in lieu thereof TCT Nos. T-10951, T-10952 and T-10953, all in the name of the vendor, Ms. Marilyn Berberabe.

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Finally, acting on Ms. Berberabe's letter- request for the cancellation of TCT Nos. T-10951, T-10952 and T-10953 and the issuance in lieu thereof of new titles in her name on the basis of Subdivision Plans Pcs-04-002915 and Pcs-04-002916 which Ms. Berberabe submitted along with her said letter, respondent cancelled TCT Nos. T-10951, T-10952 and T-10953 and issued, in lieu thereof, 490 new title certificates, all in the name of Ms. Berberabe. Respondents was unable to sign most of the certificates on account of his appointment as Register of Deeds of Batangas Province.

After due investigation, NLTDRA Administrator Teodoro G. Bonifacio, in his letter of February 2, 1988 to the Secretary of Justice, recommended that respondent be adjudged guilty of grave misconduct and dismissed from the service, with prejudice to reinstatement in the government.

In his letter to my Office dated November 13, 1989, the Secretary of Justice concurred in the NLTDRA's findings and likewise recommended the imposition upon respondent of the penalty of dismissal from the service, with all its accessory penalties.

After careful review, I agree with the Secretary of Justice.

Respondent's defense of good faith and honest mistake in registering the aforesaid two (2) Affidavits of Self-Adjudication, as correctly found by the Justice Secretary, is untenable and sans merit. Respondent's assertion that he merely relied on the "ambiguous and misleading"

September 8, 1986 order of the court issued in Petition No. 1935, is too shallow and flimsy an explanation to accept and in no wise attenuates, much more exculpate him from, his liability. To suit his defense, respondent simply quoted the following portion of the aforementioned court order:

"Acting on the URGENT MOTION TO ORDER THE REGISTER OF DEEDS OF BATANGAS CITY TO ANNOTATE ON THE OWNER'S DUPLICATE COPY OF TITLE NOS. T-2108, T-2106 AND O-420(RD-25), PENDING RECONSTITUTION OF THE ORIGINAL COPY OF TITLE, THE DEED OF SELF-ADJUDICATION IN FAVOR OF VENANCIO M. VILLAPANDO AND TO EFFECT THE TRANSFER OF TITLE TO HIM, dated August 22, 1986, filed in the above-entitled case by counsel for the movant-petitioner, and it appearing that Atty. Felicisimo Barbosa, Acting Register of Batangas City has no objection to instant motion, as per his Certification, same is hereby granted." (Underscoring added.),

and purposely omitted the dispositive portion thereof, which reads:

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"AS PRAYED FOR, the Register of Deeds of Batangas City is hereby directed to cause the registration in their Primary Entry Book under 496 the AFFIDAVIT OF SELF-ADJUDICATION dated December 2, 1982 executed by Venancio M. Villapando and to annotate the same at the back of the owner's duplicate copy of Transfer Certificate of Title No. RT-1648(2108), RT-1649(T-2106) and Original Certificate of Title No. RO-25 (O-420), meantime that the judicial reconstitution of the original copies of said titles is pending, upon payment of the fees prescribed by law."

On respondent's above-mentioned actuation, the Justice Secretary noted:

"The aforequoted dispositive portion, couched in clear and precise terms, requires neither interpretation nor clarification. It directs the Register of Deeds of Batangas City merely to cause the registration of the Affidavit of Self-Adjudication dated 2 December 1982 in the Registry's Primary Book and to annotate the same at the back of the owner's duplicate copies of TCT Nos. RT-1648 (2108), RT-1649 (T-2106) and OCT No. RO-25 (O-420), pending the judicial reconstitution of the originals of the said titles.

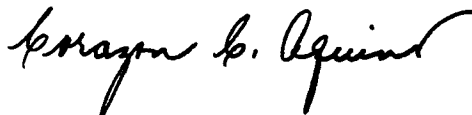
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of said court order and in spite of his full awareness of the pendency of the petition for reconstitution before the Batangas City RTC, belies his claim of "good faith and honest mistake" in the registration of the two documents. Respondent's actuation as such does not speak well of his position as Register of Deeds in whom the general public had reposed the trust of seeing to it that the integrity of the torrens system is maintained at all times. For his reckless and highly censurable conduct, respondent ought to be meted the condign penalty of dismissal from the service, he having dismally failed to meet the basic standard of care and caution invariably required in the public service.

It may be so, as respondent claimed in his "Supplemental Answer" of November 23, 1987 and as borne by the records, that in an order dated November 2, 1987, the court, in Petition No. 1935, ultimately ordered the reconstitution of the original copies of TCT Nos. RT-1648 (T-2108) and RT-1649 (T-2106) and OCT No. (O-420) RO-25, after it had earlier recalled and declared null and void ab initio all the new certificates of title issued by the respondent. This circumstance, however, neither obliterate the potential harm done nor detract from the fact that respondent committed obvious acts of grave misconduct, displaying in the process sheer lack of fitness to stay further in the government service.

WHEREFORE, and as recommended by the Secretary of Justice, Mr. FELICISIMO L. BARBOSA, Register of Deeds of Batangas Province, is hereby DISMISSED from the service, with all its accessory penalties, effective upon receipt of a copy of this Order.

DONE in the City of Manila, this 6th day of April, in the year of Our Lord, nineteen hundred and ninety.



By the President:



CATALINO MACARAIG, JR.
Executive Secretary