

MALACAÑANG

Manila

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 34

IMPOSING A FINE ON ELENITA E. CORPUZ, REGISTER OF DEEDS OF BULACAN

This refers to the administrative complaint filed by Carmelita Arenó against Atty. Elenita E. Corpuz, Register of Deeds of Bulacan, for Negligence and Violation of LRC Circular No. 182, dated October 1968.

In his letter of July 30, 1992, the Justice Secretary, in relation to the above-complaint, submitted his report and recommendation, which reads:

"Briefly, the facts of the case are as follows:

1. On 12 January 1987, in the Branch Registry of Deeds in Meycauayan, Bulacan, then Deputy Register of Deeds Violeta Lincallo-Garcia registered a 'Bilihang Tuluyan ng Bahagi ng Isang Sukat ng Lupang Bakuran' executed by spouses Renato Alcala and Josefina Arenó on 30 November 1986 in favor of Rosa Maria Arenó. The document was annotated at the back of OCT No. 0-4(M) in the name of Rosa Arenó and spouses Renato Alcala and Josefina Arenó Alcala, as Entry No. 190974(M).

2. On 8 April 1987, Respondent Elenita E. Corpuz, who assumed the duties of Register of Deeds of the said Branch for the period April 1987 to 4 August 1987, registered a 'Kasulatan ng Kasunduan sa Paghahati-Hati ng Isang Sukat ng Lupang Bakuran na may Pagwawaksi' executed by the Heirs of Conrado Arenó on 11 August 1986. On the basis of this document, purportedly acknowledged before Notary Public Amador M. Mirasol of Hagonoy, Bulacan on 11 August 1986. Respondent cancelled OCT No. P-656(M) in the names of the Heirs of Conrado Arenó. In lieu thereof, she issued TCT Nos. T-2125 to T-7129, inclusive, the owner's duplicates by presentor Dionisio Ignacio on 23

April 1987. The document registered by Respondent contained unauthenticated erasures and/or alterations at the portion of the notarized acknowledgement. Upon verification, the document was previously acknowledged before Notary Public Anastacio Marcelo on 11 August 1986 as Doc. No. 234, Page No. 47 and Book No. I, Series of 1986.

3. In a letter dated 10 December 1987, Ms. Carmelita Areno complained about the alleged inaction by said Branch on her request dated 29 June 1987 for the issuance of Certified true copies of OCT Nos. 0-4(M) and P-656(M); and the anomalies registration of an allegedly tampered document. She charged that despite the erasures and alterations in the documents, Respondent cancelled OCT No. P-656 (M) and issued new titles in its stead.

4. After a factual investigation, LRA Administrator Teodoro Bonifacio, in a letter dated 7 July 1988, directed Respondent to show cause why no administrative disciplinary action should be taken against her for Negligence and for violation of LRC Circular No. 182.

"In her sworn answer dated 18 July 1988, Respondent states that as Register of Deeds, she is not 'empowered to determine the validity or authenticity' of documents presented for registration; that the 'seeming erasures in the acknowledgement portion of the kasulatan (were) inconsequential insofar as the rights and interests of the parties to the deed of partition (are) concerned'; that the 'forum within which to challenge the efficacy of the kasulatan will be in court, because the respondent's duty under the circumstances is purely ministerial'. Further, she averred that she acted promptly on the request of Complainant; that she advised Complainant to wait and to give Robert Bartlett ample time to locate the missing title; and that the delay was occasioned by extreme pressure of work and excusable under LRC Circular No. 182.

"The LRA Administrator finds Respondent guilty only of violation of LRC Circular No. 182 and recommends the imposition of fine equivalent to her two (2) months' salary with an admonition to exercise prudence in registering documents with erasures by means of a thorough verification and examination to avert a repetition of the same or similar incident in the future.

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"LRC Circular No. 182 dated 31 October 1965 provides, as follows:

'One of the primary concerns of this Commission is to have all papers submitted or coursed to it acted upon promptly x x x all concerned are hereby directed to dispatch within twenty-four (24) hours or at most seventy-two (72) hours from receipt thereof all official papers assigned or referred to them for actions x x x."

"We believe that Respondent should not be held liable for violation of the aforecited circular. The Record shows that on 30 June 1987 when complainant first made her request, Respondent called the attention of the vaultkeeper, Robert Bartlett who had custody of the titles. Mr. Bartlett explained that the titles could not be located at the moment, and besides there were others who came ahead of Complainant, hence, he was unable to attend to her immediately. At this point, Complainant allegedly left the Office in an angry manner, threatening to report the matter to a 'certain judge of the Sandigan-bayan', prompting Respondent to make an official record of the incident.

"We find that the alleged delay in the issuance of the certificate was not attributable to Respondent. As the supervisor of Mr. Bartlett, she had performed her duty by calling the vaultkeeper's attention when Complainant sought her assistance. Under the circumstances, it was impossible for Respondent to give personal attention to each and every request for certified copies. It cannot be gainsaid that the tasks of a Register of Deeds as head of a Registry of Deeds Branch are innumerable. Besides she had other duties outside the said Branch inasmuch as she was not a full-time Register thereat, reporting only on Tuesdays and Thursdays, or twice a week. It would therefore be unreasonable to expect Respondent to neglect her other duties in order to personally search for the misplaced titles.

"Moreover, it is evident that Complainant herself did not take steps to follow through her request. The Record indicates that she came back to the Office in the morning of 17 July 1987 or sixteen (16) days after she initially filed her request. It is noted that Respondent was not present on that day inasmuch as it was a Friday. As it happened, Complainant had to come back on 21 July 1987, (a Tuesday) in order 7

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that she could confront Respondent with the directive of the LRA Administrator. Perhaps if Complainant had manifested the urgency of the request by returning before sixteen days had elapsed, her request could have been acted upon with more dispatch.

"On the other hand, we find the charge of negligence against Respondent to be meritorious. As Complainant contends, Respondent acted negligently in giving effect to a tampered document thereby causing damage to her. Indeed a mere glance at the document's third page or acknowledgment portion reveals most glaringly the erasures and alterations thereon such that no one who would look at the document could fail to take immediate notice.

"Respondent's denial or her inability to remember any erasures on the 'Kasulatan' is self-serving. The document speaks for itself. Likewise the testimony of the two (2) examiners who processed the 'Kasulatan' before presenting it to Respondent for her signature that they do not remember anything unusual in the document cannot be relied upon. The facts remain that their initials as well as Respondent's signature are affixed on the said document and that none of them bothered to have the alterations authenticated showing a careless disregard of basic or elementary procedure.

"As aptly stated in the report of the investigating officer, '(I)t is an elementary procedure that when a document presented for registration, like the subject document ('Kasulatan'), contains erasures, the Register of Deeds should exercise caution in effecting its registration. He/she should first require the authentication of the erasures/corrections by requiring the presentor to submit pertinent papers explaining the corrections. It is admitted by Respondent Register of Deeds that she did not pay attention to the erasures/corrections on the document, instead, proceeded with its registration, claiming that her duty is only ministerial'. (Record p. 8, Underscoring supplied) During the hearing of the case, Respondent even declared that she did not care whether the instrument is 'valid or not'.x x x.

"Wherefore, premises considered, we recommend that Atty. Elenita Corpuz be exonerated of the charge of violation of LRA Circular 182. However, she should be found guilty of negligence for registering an instrument containing erasures/alterations without requiring the authentication thereof. Accordingly, she should be meted the penalty of fine

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equivalent to her three months' salary, in accordance with the CSC Memorandum Circular No. 8, series of 1970, with the stern warning that a repetition of the same offense in future shall be dealt with more severely."

Taking into account the foregoing report and documents relevant to the case, there is hardly no prima facie basis to administratively proceed against respondent for violation of LRC Circular 182. However, from the evidence adduced, I find that respondent's actuation constitutes negligence in the performance of her duties as Register of Deeds warranting administrative sanction.

Administrative negligence is lack of due care and failure to perform a duty that one owes to the injured party. Negligence arises out of an omission to act when there is an obligation to perform some facts (Recto vs. Racelis, 70 SCRA 438).

It was established that respondent who is in charge of registering documents did not exercise caution in effecting registration of the subject tampered document. As admitted, respondent "did not pay attention to the names/corrections on the document, instead, proceeded with its registration, claiming that her duty is only ministerial." This actuation is compounded by the fact that, during the hearing, respondent "even declared that, she did not care whether the instrument is valid or not." Respondent betrayed a total lack of concern for the welfare and interest of the party dealing with the Registry of Deeds when she did not exert effort to authenticate the erasures/corrections by requiring the presentor to submit pertinent papers explaining the corrections. By her omission, she has not caused only damage to complainant, but more importantly has placed the office where she works in a bad light. By ordinary standards, respondent's omission constitutes negligence which justifies the penalty recommended by the Justice Secretary.

WHEREFORE, Atty. Elenita E. Corpuz is adjudged guilty of negligence and, as recommended, she is hereby meted the penalty of fine equivalent to three months salary, with the warning that the same or similar inaction in the future will be dealt with more severely, effective fifteen (15) days after her receipt of a copy hereof.

Done in the City of Manila, this 4th day of February, in the year of Our Lord nineteen hundred and ninety-three. 7

By the President:



ANTONIO T. CARPIO
Chief Presidential Legal Counsel

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