

MALACAÑANG  
MANILA

ADMINISTRATIVE ORDER NO. 39

IMPOSING THE PENALTY OF A FINE EQUIVALENT TO THREE (3) MONTHS SALARY ON FORMER ACTING REGISTER OF DEEDS OSCAR G. NOLASCO TO BE DEDUCTED FROM WHATEVER RETIREMENT AND OTHER BENEFITS HE MAY RECEIVE FROM THE GOVERNMENT.

This refers to two consolidated Administrative Cases Nos. 87-12 and 87-31, both for grave misconduct, filed against Atty. Oscar G. Nolasco, then Acting Register of Deeds of Marikina, Metro Manila.

Records show that respondent had RETIRED from the service, but the matter of his entitlement to retirement benefits is dependent on the resolution of this case.

**Administrative  
Case No. 87-12**  
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This is a complaint against Atty. Nolasco for the alleged irregular issuance of Transfer Certificate of Title (TCT) No. N-28572 in the name of Eligio Baluyot and Teotimo Baluyot, as well as the issuance of the derivative titles thereto, TCT No. N-31836 and N-115762, both in the name of Segundina Rosario, for which he was charged as follows:

"On May 31, 1978, you issued, without legal basis, TCT No. N-28572 in the name of Eligio Baluyot and Teotimo Baluyot x x x, purportedly a direct transfer from OCT No. 730 issued pursuant to Decree 15584, LRC Record No. 7672. You made it appear that the original of OCT No. 730 was previously reconstituted pursuant to the provisions of Republic Act 26, as shown by the annotation at the back of TCT No. N-28572 signed by you. It appears that TCT No. N-28572 was later cancelled by TCTs Nos. N-31836 and N-115762 both in the name of Segundina Rosario.

"Upon verification of the records of the Registry of Deeds of Rizal (Pasig), it was discovered that OCT No. 730 in the names of Mariano Severo Tuason, et al., was already cancelled on August 9, 1915 in favor of Antonio Tuason et al. This title was subsequently cancelled by TCT No. 6075 in the names of Mariano Severo Tuason et al., by virtue of a deed of

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partition executed by the heirs of the registered owners.

"In view thereof, you are hereby charged with and directed to show cause in writing and under oath within seventy-two (72) hours from receipt hereof why no administrative disciplinary action should be taken against you for Grave Misconduct for the anomalous issuance of TCT No. N-28572 and the subsequent TCTs No. N-31836 and 115762."

During the formal investigation, the Land Registration Authority (LRA) established that Original Certificate of Title (OCT) No. 730 was issued in the name of Mariano Severo Tuason y dela Paz, et al., pursuant to Decree No. 15584 in LRC Res. No. 7672; that OCT No. 730 was totally cancelled by TCT No. 2681 by virtue of a Deed of Donation on August 4, 1915; and that, in turn, TCT 2681 was cancelled by TCT 6075 when the property was partitioned among the heirs of Mariano Severo Tuason y dela Paz.

On the other hand, respondent adduced evidence that the reconstitution of TCT No. N-28572, from which TCT Nos. N-31836 and N-115762 in the name of Segundina Rosario, was derived, was given due course by respondent, then Deputy Register of Deeds of the Province of Rizal, on the basis of the owner's duplicate certificate of OCT No. 730 and entries in the Primary Entry Book, Vol. III, Page No. 26, namely 1) Entry No. 26936, which is a publication in favor of the estate of Sps. E. Baluyot, dated May 6, 1978, relative to TCT No. 730; 2) Entry Nos. 26937 and 26938 showing that taxes on the estate of Isidro Baluyot were paid; 3) Entry No. 26941, which is an extrajudicial partition executed by Eligio Baluyot in favor of Sps. E. Baluyot; and 4) Entry No. 26942, which is a plan regarding the estate of Eligio Baluyot dated November 2, 1946.

Respondent even reasoned out that "he should not be held responsible for all the ills besetting the Registry which were caused by the disorderly operation and the frequent reshuffles without the benefit of inventory or clearance before these movements." (Fact-finding Investigation report dated April 6, 1987 of Atty. Leonardo de Jose)

The LRA Administrator found respondent guilty as charged and recommended the imposition of a fine in an amount equivalent to one-year salary. This was modified by the Department of Justice by recommending that respondent be held liable for gross negligence and the imposition of the penalty of fine equivalent to his one-month salary.

I concur with the Justice Secretary's recommendation, with the exception of the penalty imposed. As an officer

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entrusted with responsibility decidedly impressed with public interest, respondent Nolasco should have been more circumspect in the performance of his official duties. There was no petition filed in connection with the reconstitution of TCT No. 28572 in the name of Eligio Baluyot. (Testimony of Atty. Gregorio Sembrano, Register of Deeds of Marikina, Metro Manila). Respondent should be held liable accordingly.

**Administrative  
Case No. 87-31**  
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This refers to the formal charge for grave misconduct filed by LRA Administrator Teodoro G. Bonifacio against Atty. Nolasco, which reads:

"On 20 August 1984, you, as then Acting Register of Deeds therein, with undue haste, reconstituted the original of TCT No. 42408 in the name of Vicente A. Cruz on the basis of the Decision dated 5 June 1978 of the then Court of First Instance of Rizal, Seventh Judicial District, Branch XXI, Pasig, in Civil Case No. 80, which had been seasonably appealed by oppositors J.M. Tuazon & Co., Inc. et al., to the Court of Appeals in C.A. - G.R. No. SP 09235-R, in violation of Section 110 of PD 1529 and LRC Circular No. 35 dated 13 June 1983 which provide that only final and executory order or judgment of a court may be the basis for the Register of Deeds to cause the reconstitution of a certificate of title, resulting in its subsequent cancellation and issuance of numerous certificates of title emanating therefrom.

"It was also discovered that the owner's duplicate of TCT No. 42408, which was used as basis for the reconstitution of the original is of doubtful origin, genuineness and authenticity, as confirmed by the findings of the Verification Committee of this Administration."

In his answer, respondent Nolasco averred, among others, that the decision of June 5, 1978, reconstituting TCT No. 42408, has become final and executory as evidenced by a Certificate of Finality attached to the record of the case (INCLU-I, Record) and that the trial of the reconstitution case showed that it partakes the nature of an original registration for the reason that the Solicitor General's Office, Bureau of Lands, Bureau of Forestry, and even the NBI were parties to the case.

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While it is true that J.M. Tuason and Company seasonably filed an appeal from the decision reconstituting TCT No. 42408, there is no showing that it was brought to the attention of the CFI of Rizal or to respondent Nolasco. Records even showed a Certificate of Finality of Judgment issued by Branch Clerk of Court Silvestre V. Garfin of Regional Trial Court, Branch 160, Pasig, Rizal, under Entry No. 115734, which reads:

"This is to certify that the 'Decision' dated June 5, 1978 by the Hon. Gregorio C. Pineda, Presiding Judge of Branch XXI, Court of First Instance of Rizal, Pasig, Metro Manila (now Branch CLX, Regional Trial Court, Pasig, Metro Manila) in LRC (Reconstitution) Case No. 80 entitled 'In Re: Petition for Reconstitution of the Original Transfer Certificate of Title No. 42408 - Rizal Registry, Vicente S. Cruz, Petitioner' has never been supplemented, amended nor modified and therefor has already become FINAL and EXECUTORY."

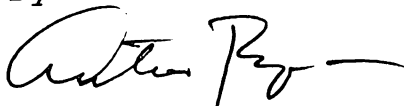
Thus, having been so certified, respondent cannot be faulted for doing what should be done as a matter of course.

With respect to the infirmities of TCT No. 42408, he has nothing to do with LRC (Reconstitution) Case No. 80, not being a party thereto, hence the instant charge for grave misconduct should be dismissed.

**WHEREFORE**, premises considered, former Acting Register of Deeds of Marikina, Oscar G. Nolasco is hereby 1) found liable for grave misconduct in Administrative Case No. 87-12, with a penalty of a FINE in the amount equivalent to his THREE (3) months salary to be deducted from whatever retirement and other benefits he may receive from the Government; and 2) EXONERATED of the charge of grave misconduct in Administrative Case No. 87-31, effective immediately upon his receipt hereof.

**DONE** in the City of Manila, this 24th day of February, in the year of Our Lord, Nineteen Hundred and Ninety-Three. /s/

By the President:



**ANTONIO T. CARPIO**  
Chief Presidential Legal Counsel