

**MALACAÑANG**  
**Manila**

ADMINISTRATIVE ORDER NO. 354

DISMISSING THE ADMINISTRATIVE CASE FILED AGAINST ATTY. TURIANO  
U. TAMAYO, REGISTER OF DEEDS FOR DAGUPAN CITY

This refers to Administrative Case No. 93-1 filed by the Land Registration Authority (LRA) against Atty. Turiano U. Tamayo, Register of Deeds of Dagupan City, for abuse of authority, dishonesty and grave misconduct.

On November 10, 1992, complainant Eladio Sison filed before the LRA a letter-complaint against respondent Atty. Tamayo for denying the registration/annotation of the Alias Writ of Attachment issued by the court in Civil Case No. 16930 against a certain piece of land owned by Johnny Gutierrez and covered by TCT No. 56404.

On October 22, 1992, Deputy Sheriff Romulo Jimenez presented for annotation the aforesaid writ together with the Notice of Attachment issued on the same date over TCT Nos. 56403, 56404 and 56405, all in the name of Gutierrez, and a copy of the Cancellation of Mortgage, dated October 15, 1992, issued by the Development Bank of the Philippines over TCT No. 56404. This was denied by respondent on the ground that the writ was defective in form. Respondent then advised the Deputy Sheriff to secure from the court another order with specific reference to TCT No. 56404.

On October 23, 1992, Julian Ong Cuna, General Manager of New Dagupan Metro Gas Corporation, went to respondent's office and presented his Affidavit of Adverse Claim for annotation on TCT No. 56404. Finding the document to be in order, respondent annotated the said affidavit on TCT No. 56404. Later that day, the Deputy Sheriff returned with a new court order. Consequently, respondent instructed his employees to cause the entry of the court order in the Primary Entry Book and type the necessary annotations on TCT No. 56404 (Entries Nos. 155511 and 155512).

However, when TCT No. 56404 and its supporting documents were forwarded to respondent for signature, it was discovered that the court order referred to TCT No. 55404 in the name of Geneva Coquia, a stranger, and not to TCT No. 56404. Likewise, it appears that the court order was not signed by the issuing judge nor authenticated by the Clerk of Court. By reason thereof, respondent ordered the Deputy Sheriff to return with the correct court order.

*M*

IN REPLYING, PLEASE CITE  
PFVR Letter # L971299



L971299

*W*

2/  
In the meantime, respondent approved the inscription of the Notice of Attachment on TCT Nos. 56403 and 56405 but wrote "denied" on Entries Nos. 155511 and 155512. Thereafter, complainant withdrew his documents.

On October 26, 1992, respondent annotated on TCT No. 56404 the Deed of Absolute Sale executed by spouses Johnny and Aida Gutierrez in favor of the New Dagupan Metro Gas Corporation as Entry No. 155544. Subsequently, TCT No. 56404 was cancelled and a new title, TCT No. 59188, was issued in the name of New Dagupan Metro Gas Corporation. However, on that same day, the order, dated October 23, 1992, which the Deputy Sheriff sought to be corrected, was amended by the court to read as TCT No. 56404. When the amended order was presented to respondent for annotation in TCT No. 56404, the same was denied.

On March 1, 1993, the LRA Administrator, based on the letter-complaint of Sison, administratively charged respondent with abuse of authority, dishonesty and grave misconduct.

After a formal investigation of the case and finding no substantial evidence to sustain the charges, the LRA Administrator, in his letter of May 23, 1994, recommended the exoneration of respondent. The Secretary of Justice agreed with the findings of the LRA administrator and likewise recommended the exoneration of the respondent.

I concur with the findings of both the LRA Administrator and the Secretary of Justice.

Under Section 69 of Presidential Decree 1529 (Land Registration Decree), an order issued by the court "shall contain a reference to the number of the certificate of title to be affected and the registered owner or owners thereof."

The denial by the respondent to annotate the Alias Writ of Attachment was based upon an erroneous court order which referred to TCT No. 56404 as 55404 in the name of a certain Geneva Coquia, a stranger to the civil suit for the recovery of a sum of money between the complainant and Johnny Gutierrez. This erroneous referral was affirmed by the Sheriff's Partial Return filed before the trial court wherein he sought its rectification, which subsequently resulted in the issuance of an amended order, dated October 26, 1992.

While it is true that the duty of the Register of Deeds is ministerial, the latter may properly refuse registration if the court order upon which it is based contains clerical error(s) that may prejudice an innocent third person. The ministerial character of the function of Registers of Deeds should not leave

M

them without authority to determine the registerability of the deed or document sought to be registered. Where the law itself has provided for standards, the same must be complied with. Indiscriminate registration could only result in the erosion of public faith in the land registration system.

Furthermore, it should be mentioned that respondent did not deprive complainant of the right to elevate the matter en consulta, it appearing that the latter withdrew his documents from the Registry. As provided under Section 117 (2nd paragraph) of PD 1529:


"Where the instrument is denied registration, the Register of Deeds shall notify the interested party in writing, setting forth the defects of the instrument or legal grounds relied upon, and advising him that if he is not agreeable to such ruling, he may, without withdrawing the document from the Registry, elevate the matter within five days from receipt of notice of the denial of registration to the Commissioner of Land Registration upon payment of a consulta fee in such amount as shall be prescribed by the Commissioner Land Registration. x x x".

Lastly, counsel for complainant, in his letter dated February 12, 1994, manifested that the complainant has decided to withdraw the complaint against respondent and requested that the matter be considered closed.

IN VIEW OF THE FOREGOING, Atty. Turiano Tamayo is hereby EXONERATED from the charges of abuse of authority, dishonesty and grave misconduct.

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

By the President:

  
RUBEN D. TORRES  
Executive Secretary

