

BY THE PRESIDENT OF THE PHILIPPINES
ADMINISTRATIVE ORDER NO. 147

REMOVING MR. BENJAMIN M. REYES FROM OFFICE AS REGISTER OF DEEDS OF QUEZON CITY.

This is an administrative proceeding instituted by the Secretary of Justice against Mr. Benjamin M. Reyes, Register of Deeds of Quezon City, for (a) dereliction of duty, (b) violation of reasonable office regulations, and (c) negligence in the performance of his duties, arising from the latter's administrative reconstitution of an alleged Original Certificate of Title No. 632 of the Registry of Property for the Province of Rizal, originally issued in the name of Eulalio Ragua casado con Rafaela Mercado, as registered owner, and his subsequent registration of documents pertaining to the property registered under it.

Respondent's basis for reconstituting OCT No. 632 was a letter dated January 28, 1965, of one J. Sulpicio R. Alix, who claimed to be part owner of the property covered by the certificate of title to the extent of 248 hectares pursuant to a Deed of Sale dated December 14, 1963, executed by Eulalio Ragua himself. Together with the Owner's Duplicate Certificate of Title, applicant Alix also submitted an affidavit dated January 15, 1965, wherein he declared that he had bought from Eulalio Ragua a portion of the property covered by OCT No. 632; that he had been in possession of OCT No. 632 since December 14, 1963 when it was surrendered to him by the vendor; and that he had no knowledge of any instrument presented or pending registration before the Register of Deeds of Rizal or Quezon City affecting the aforesaid property. Since the applicant J. Sulpicio R. Alix was vendee of a substantial portion of the land covered by the title, the respondent explained, Alix was, for the purpose of Section 5 of Republic Act 26 and the implementing regulations of the General Land Registration Office, now the Land Registration Commission, an assignee of the registered owner, or a person having an interest in the property legally qualified to apply for administrative reconstitution of the original

certificate of title. He alleged, further, that before he acted on the application, he checked with the records of his Office and found no deed registered or pending registration affecting the property covered by OCT No. 632. The record shows that the petition for administrative reconstitution was presented to the respondent on January 29, 1965 and was approved on February 1, 1965.

Section 5 of Republic Act 26 entitled "An Act Providing a Special Procedure for the Reconstitution of Torrens Certificate of Title Lost or Destroyed" provides inter alia that -

"Petitions for reconstitution x x x may be filed x x x by the registered owner, his assigns, or other persons having an interest in the property. The petition shall be accompanied x x x with an affidavit of the registered owner stating, among other things, that no deed or other instrument affecting the property had been presented for registration, or, if there be any, the nature thereof, the date of its presentation as well as the names of the parties, and whether the registration of such deed or instrument is still pending accomplishment. x x x." (Underscoring supplied.)

Regulation No. 5 of the implementing GIRO Circular No. 17, dated February 19, 1947, directs that -

"The Register of Deeds shall not entertain any petition for administrative reconstitution, unless the same is accompanied with x x x an affidavit of the registered owner stating among other things that no deed or other instrument affecting the property had been previously presented for registration. x x x." (Underscoring supplied.)

OCT No. 632, on its face, names Eulalio Ragua casado con Rafaela Mercado as registered owner of the property covered thereby. Section 5 of Republic Act 26 expressly directs that petitions for administrative

reconstitution of lost or destroyed certificates of title shall be accompanied with an affidavit of the registered owner, while Rule No. 5 of GLRO Circular No. 17, in more peremptory language, commands Registers of Deeds not to entertain any petition for administrative reconstitution unless accompanied with the required affidavit of the registered owner. These legal mandates notwithstanding, the respondent administratively reconstituted OCT No. 632 without the affidavit of Eulalio Ragua, the registered owner.

Rule No. 8 of said GLRO Circular No. 17 also requires that before proceeding with the reconstitution, the Register of Deeds must "ascertain from his records and from the papers presented to him that the certificate of title to be reconstituted was in force at the time of its loss or destruction," and "deny the request for the reconstitution" if he finds that the certificate of title "had already been cancelled before it was lost or destroyed." Prior to the establishment of the Registry of Deeds for Quezon City, all certificates of title and documents pertaining to real properties located in Quezon City were kept in the Registry of Deeds at Pasig, Rizal. Knowing this fact, and to put up a semblance of compliance with said Rule No. 8 of GLRO Circular No. 17, the respondent wrote the Register of Deeds of Rizal on February 1, 1965 and asked "whether the original copy of Original Certificate of Title No. 632 of the record of your office, is available there at." The innocent query drew from the Register of Deeds of Rizal on the same day the matter-of-fact reply that "Original Certificate of Title No. 632 is missing from the Registration Book No. A-7-A of this Registry." Had the respondent been more precise in his letter of inquiry by stating that a petition for administrative reconstitution of OCT No. 632 was pending before him, and inquiring whether the certificate of title to be reconstituted "was in force at the time of its loss or destruction" in view of Rule 8 of GLRO Circular No. 17, he would have elicited the complete and relevant information that said OCT No. 632 had long been cancelled on August 10, 1914. Such was the reply given by the Register of Deeds of Rizal to J.M. Tuason & Co. Inc. on February 9, 1965, or only 8 days after his earlier reply to the

respondent. In short, therefore, the respondent administratively reconstituted OCT No. 632 on February 1, 1965, when he ought to have denied the petition for reconstitution since the said title had already been cancelled on August 10, 1914.

GIRO Circular No. 80 (RD-53) dated November 18, 1949, further enjoins that -

"The owner's duplicate certificate x x x presented for reconstitution purposes, should be carefully and thoroughly examined, and if found to contain errors, omissions or discrepancies x x x or to bear apparent signs or indications that it has been tampered with, or fraudulently procured, x x x or there are serious doubts as to the genuineness of such duplicate certificate, the request for administrative reconstitution should be denied, x x x."

Although the respondent denied the existence of any erasures, alterations or defects in OCT No. 632, a cursory examination of the document shows erasures and alterations thereon plainly visible to the naked eye. The document itself is even partly mutilated. When the same document was submitted to the NBI for examination, the said document, OCT No. 632, was found "NOT AUTHENTIC."

GIRO Circular No. 80 (RD-53) dated November 18, 1949, cited above, similarly directs that when "there are serious doubts as to the genuineness" of the certificate presented as basis for administrative reconstitution, "the request for administrative reconstitution should be denied, and the petitioner advised to resort to a judicial reconstitution in accordance with Section 10 of Republic Act No. 26." The respondent admitted that when the petition of J. Sulpicio R. Alix for administrative reconstitution of OCT No. 632 was submitted to him, he knew that there was a petition for judicial reconstitution of the same OCT No. 632 pending in the Court of First Instance of Rizal, Caloocan City Branch, filed by Eulalio Ragua himself, the person named as registered owner in the certificate of title. Rather than leave

to the court the matter of reconstituting said OCT No. 632 with all the safeguards prescribed by the law for judicial proceedings of that nature, the respondent ignored the pending case for judicial reconstitution and reconstituted the document on his own authority, to the extent of closing his eyes to the defects of the document that engender doubt as to its authenticity.

It appears further that upon the reconstitution of OCT No. 632, the respondent registered two deeds of absolute sale of the property covered by the said title executed by Eulalio Ragua. In the first deed of sale dated December 14, 1963, Exhibit M, Eulalio Ragua, described in the document as a widower, purportedly sold to J. Sulpicio Alix 248 hectares of the land covered by OCT No. 632. Eulalio Ragua stated in the deed of sale that he has 7 children with his deceased wife, Rafaela Mercado, and that his children had executed a document acknowledged before Notary Public Tirso Manguiat and entered in the latter's notarial book as Document No. 24, Page 12, Book No. 1, series of 1962, wherein they waived or renounced in favor of their father their inheritance to the portion of the conjugal property belonging to their deceased mother. The deed of sale was evidently unregistrable since Document No. 24 abovementioned, which was in the nature of an extrajudicial partition executed by the heirs of Rafaela Mercado, was not presented. Yet, without even inquiring, much less demanding the production of the extrajudicial partition alluded to in the deed of sale, the respondent, contrary to existing rules and regulations, proceeded with the registration of the deed of sale, effected the cancellation of the title of the vendor, and issued a transfer certificate of title to J. Sulpicio Alix.

In the other deed of sale dated March 16, 1964, Exhibit K, the same Eulalio Ragua purportedly sold to Nicanor Soriano, Remigio Francisco and Manuel Agting, 1,919,322 square meters of the same property covered by OCT No. 632. Without inquiring whether the conditions prescribed by law regarding the liquidation and settlement of the conjugal partnership between the vendee Eulalio Ragua and his deceased wife Rafaela Mercado have been complied with, which is the normal procedure, the respondent admitted the document to registration.

The land supposedly embraced by OCT No. 632 was unusually big - more than 4,000,000 square meters located right in Quezon City. The two deeds of sale, Exhibits K and M, covered 1,919,322 square meters and 248 hectares, respectively. Considering the size of the areas involved and their ostensible value, a normally prudent register of deeds would have exercised great caution and seen to it that all requisites of the law have been complied with before reconstituting OCT No. 632 and registering the two deeds of sale. But not this respondent. With undue haste and in utter disregard of the law and its implementing rules, he deliberately gave due course to the petition for administrative reconstitution in the absence of the requisite affidavit of the registered owner; and without making any serious effort to verify whether the certificate of title was still in force at the time of its alleged loss or destruction, notwithstanding visible erasures and alterations on the document, and despite his knowledge of a pending case for judicial reconstitution of the same certificate, he administratively reconstituted what turned out to be a spurious title, and further compounded his wrong by registering voluntary transfers of portions of the same property based on defective or insufficient documents. His actuations, needless to state, greatly prejudiced public interest and seriously undermined the integrity and incontrovertibility of land titles under the Torrens System.

Wherefore, Mr. Benjamin M. Reyes is hereby removed from office as Register of Deeds of Quezon City, effective upon his receipt of a copy of this order.

Done in the City of Manila, this 28th day of October, , in the year of Our Lord, nineteen hundred and sixty-eight.

BY THE PRESIDENT:


JOSE J. LEIDO, SR.
Acting Executive Secretary