

MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER No. 72

REMOVING MR. BRIGIDO L. TEMPERANTE FROM
THE OFFICE OF REGISTER OF DEEDS OF CA-
MARINES SUR.

This is an administrative case against Mr. Brigido L. Temperante, Register of Deeds of Camarines Sur, who is charged with certain irregularities in the performance of his official duties in two specific cases involving the issuance of certificates of title.

With respect to the first case, it appears that on April 22, 1941, one Vivencio Obias obtained a loan of ₱1,470 from the Agricultural and Industrial Bank through its agent, the Legaspi Branch of the Philippine National Bank, secured by a mortgage of his property covered by transfer certificate of title No. 576. Sometime in 1947, Obias secured from the Agricultural and Industrial Bank a certificate as to the loss of the owner's copy of transfer certificate of title No. 576 while in the possession of the bank, apparently for purposes of the reconstitution of said title. At the same time, he was informed that he still owed the bank ₱244.49. On January 2, 1948, the Rehabilitation Finance Corporation, as successor to said bank, wrote a letter to the respondent, requesting that in case the said title should be reconstituted, the reconstituted title be sent to the corporation, or at least withheld until it is notified. In its order of January 27, 1948, the Court of First Instance of Camarines Sur directed the reconstitution of the title, free from all liens and encumbrances. On February 14, 1948, the respondent issued the reconstituted title, and on February 18, he wrote to the Rehabilitation Finance Corporation, in answer to its letter of January 2, 1948, stating that in view of the order of the court, he could not withhold the title as requested.

Under the foregoing facts, the respondent is clearly guilty of negligence in the performance of his duties for not having answered the above-named letter of the Rehabilitation Finance Corporation soon enough to afford said corporation an opportunity to protect its interest.

As regards the second case, the record shows that before the war, Telesforo Porto and Perpetua Tolentino mortgaged to the Agricultural and Industrial Bank their property covered by Transfer Certificate of Title No. 754 to guarantee a loan of ₱500. After the liberation, there remained a balance of less than ₱200 on account of said

obligation. Although the owner's copy of said title has always been, and still is, in the possession of the Agricultural and Industrial Bank, now the Rehabilitation Finance Corporation, the above-named parties were able to reconstitute said title and a new Certificate of Title No. R-754 was issued in their favor pursuant to an order of the Court of First Instance of Camarines Sur, dated October 8, 1946, with the mortgage lien in favor of the Agricultural and Industrial Bank in the amount of P500 duly annotated thereon. On November 13, 1947, the property covered by Transfer Certificate of Title No. R-754 was donated by the registered owners to their grandchildren, Socorro Villante and Manuel Villante, by virtue of which a new transfer certificate of title No. 233, free from all liens and encumbrances, was issued by the respondent in favor of said donees. Furthermore, despite the fact that one of the donees is only fourteen years old, he was made to appear in the title as being of legal age.

The issuance by the respondent of Transfer Certificate of Title No. 233, free from all liens and encumbrances, was grossly anomalous, no document having been presented before his office cancelling the existing mortgage lien in favor of the Agricultural and Industrial Bank and which appeared in transfer certificate of title No. R-754. The fact that respondent relied merely on the verbal and unsupported statements to that effect made by the interested parties shows his ignorance of the duties and functions of his office in regard to the registration and cancellation of deeds of conveyances involving real estate. On the whole, his actuations in the premises run counter to the spirit and purpose of the Torrens system of land registration and undermine the stability of titles and documents registered thereunder.

For all the foregoing, I find the respondent guilty of gross negligence, incompetence, and ignorance of the duties and functions of his office. Wherefore, he is hereby removed from office as register of deeds of Camarines Sur.

Done in the City of Baguio, this 29th day of October, in the year of Our Lord, nineteen hundred and forty-eight, and of the Independence of the Philippines, the third.

ELPIDIO QUIRINO

President of the Philippines

By the President:

TEODORO EVANGELISTA

Executive Secretary