

[ADMINISTRATIVE ORDER NO. 138, September 16, 1955]

CONSIDERING AS RESIGNED REGISTER OF DEEDS HIPOLITO BUENDIA OF BULACAN.

Under Administrative Order No. 70 dated November 1, 1954, Register of Deeds Hipolito Buendia of Bulacan was considered resigned from office for gross negligence in the discharge of his duties. As it turned out that the respondent had not been given the benefit of formal hearing, the order was revoked "without prejudice to the outcome of the reinvestigation of the charges against him being conducted under the supervision of the Secretary of Justice," who has recently submitted his report thereon.

The principal charge against Mr. Buendia is that he effected the transfer of title to a certain tract of land situated in Norzagaray, Bulacan, first from Alberto Planas and others to Bienvenido Angeles et al. on August 18, 1950, and then from the latter to Carmen Planas and others on March 6, 1954, without requiring evidence that the said land had no tax liability as required by Republic Act No. 456 approved on June 8, 1950. It so happened that on this property there had accumulated unpaid land taxes amounting to P63,531.86, including penalties, for the years 1945 to 1953, and that war profit taxes in the amount of P186,782.65 had been levied and assessed against Carmen Planas. Under the law those taxes constituted a lien on all the taxpayer's properties.

With reference to the first transfer, Mr. Buendia explained that he was not aware of the passage of said Republic Act No. 456. His ignorance of the enactment of that law itself was evidence of lack of due care. A register of deeds, if he is to perform his duties properly, should know that he has to have a complete file of laws pertaining to land registration, and to keep a collection of such laws up to date does not require extraordinary efforts. The newspapers carried lists of Acts passed in each session of Congress, and if this means of information was not available to him, the respondent could make inquiries from the Department of Justice regarding any new law pertinent to his work. In other words, it was the respondent's duty to know the passage of Republic Act No. 456.

When the same property was transferred to Carmen Planas and others, the respondent had already seen Act No. 456, yet he accepted and registred the deed of sale. In connection with the last transaction he allegedly asked for proof that no taxes on the land were in arrears. But the lawyer for the last purchasers, according to him, showed him a tax receipt corresponding to a different land and he did not notice the discrepancy.

By this very testimony of the respondent, he has convicted himself of gross negligence. In failing to detect that the receipt presented to him pertained to property in San Jose del Monte and not in Norzagaray, he has shown lack of ordinary diligence in a matter that, by its importance, demanded extreme care and close