

MALACAÑANG

RESIDENCE OF THE PRESIDENT
OF THE PHILIPPINES
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER No. 326

REMOVING MR. VICENTE M. CAPELLAN FROM OFFICE AS REGISTER OF DEEDS OF ISABELA

This is an administrative case against Mr. Vicente M. Capellan, register of deeds of Isabela, for neglect of duty and violation of reasonable office rules and regulations.

In a letter to this Office dated July 20, 1958, Filemon de la Cruz complained that when he went to respondent's office to register a deed of sale over Lot No. 4030 covered by Certificate of Title No. 54 in the name of Tomas Aggasig, complainant found that the owner's duplicate of said title had been delivered to a person other than the registered owner and that the same title was being sold to him for ₱300 by one Attorney Alcíd.

The complaint was referred to the Land Registration Commission which in turn indorsed it to the respondent for comment, the indorsement having been sent by registered mail and received by the respondent on August 25, 1958, as shown by the registry return receipt. However, the respondent failed to answer the communication, in violation of office regulations requiring that official communications be answered within five days from receipt thereof.

On October 23, 1958, respondent was formally charged with (1) neglect of duty and violation of office regulations for failing to answer correspondence and (2) delivering or causing to be delivered a certificate of title to land to a person other than the owner without the latter's knowledge or consent. He was directed to state whether he desired a formal investigation and was advised that his failure to so state would be deemed a waiver of his right to be heard. The communication was again sent by registered mail, which was received by the respondent on October 27, 1958, as shown by the registry return receipt. Again the respondent failed to answer.

In view of respondent's implied admission of the charges by his failure to answer them, the Secretary of Justice agrees with the Commissioner of Land Registration in finding him guilty of the charges. The Secretary believes, however, and I concur with him, that, considering the gravity of the charges, the fine of fifteen (15) days' pay recommended by the Commissioner is too lenient. As stated by the Commissioner, respondent's failure to answer official correspondence "clearly and unmistakably

indicates not only wanton neglect in the performance of his sworn and bounden duty but also constitutes deliberate disregard and open defiance of reasonable office regulations. "Moreover, the evidence shows that this offense is habitual on respondent's part because, aside from his having been reprimanded and warned by the Department of Justice on February 28, 1955, for a similar offense, he has been repeatedly admonished and warned by the Land Registration Commission for like offenses.

Finally, the act of the respondent in delivering or causing to be delivered a duplicate certificate of title to a person other than the owner thereof without the latter's knowledge or consent constitutes an even graver violation of respondent's duty, essentially affecting his fitness to continue in his position. As observed by the Secretary of Justice, such an act implies either dishonesty or serious negligence and cannot be tolerated without materially undermining popular confidence in the honesty and efficiency of the Government.

Wherefore, and upon the recommendation of the Secretary of Justice, Mr. Vicente M. Capellan is hereby removed from office as register of deeds of Isabela, effective upon receipt of a copy of this order.

Done in the City of Manila, this 26th day of March, in the year of Our Lord, nineteen hundred and sixty, and of the Independence of the Philippines, the fourteenth.

CARLOS P. GARCIA

President of the Philippines

By the President:

NATALIO P. CASTILLO

Executive Secretary