

Malacañang
Manila

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 8

REMOVING MR. FRANCISCO M. SAN DIEGO FROM OFFICE AS REGISTER OF DEEDS
OF PALAWAN.

Mr. Francisco M. San Diego, Register of Deeds of Palawan, is charged, inter alia, with (1) illegal exaction, (2) unauthorized pursuit of profession, (3) inefficiency, (4) incompetence, (5) neglect of duty and (6) violation of office regulations. The charges were investigated by a committee designated by the Commissioner of Land Registration.

Charge I. Illegal Exaction

The record shows that respondent asked and obtained ₱40 from one Enrique Tayungad for the preparation of a petition in court for the surrender of a certain title. He returned the amount when he failed to secure such surrender although he actually prepared and filed the petition and appeared in court. His appearance was, however, without the permission of the proper authorities.

On another occasion he was given ₱20 by one Esperanza Marcelo for four certificates of title he issued and delivered to her at her house, for which no official receipt was issued at the time as required by the regulations. The following Monday respondent issued four official receipts covering ₱16 for the four certificates of title, to which should be added the amount of ₱1.20 for documentary stamps at ₱.30 for each document, giving a total of ₱17.20 for fees and stamps. The balance of ₱2.80 was given to respondent for cigarettes which he did not attempt to refuse.

It is noted from the official receipts that the sum of ₱1 was collected as entry fee for each certificate of title not required at all by law.

To say the least, respondent is guilty of unauthorized pursuit of profession, incompetence, violation of regulations and conduct prejudicial to the interest of the public service.

Charge II. Unauthorized Pursuit of Profession

(a) It appears that respondent appeared as private counsel in several civil and criminal cases of the Justice of the Peace Court of

San Diego Francisco

Puerto Princesa, Palawan, without prior permission from the proper authorities. Respondent alleges that his participation in one civil case was only to prepare a motion to dismiss and he did not actually appear at the trial, while in the two other civil cases he did appear because one of the parties therein was a relative of his wife. Be that as it may, the fact remains that his appearance before the court was without the previous authorization of the proper authorities required by the regulations. As regards his appearance in the criminal cases, respondent avers that he did so as counsel de officio. However, he did not present as evidence his authorization from the court to act as such, which belies his claim.

(b) In connection with this charge, it also appears that respondent stated in his certificates of service that he was present in office on November 7, 1956, August 30, October 14, 15 and December 3, 1957, and October 27, November 3 and 13, 1958, when in fact he appeared in the Justice of the Peace Court of Puerto Princesa, Palawan, as private counsel at the hearing of the civil and criminal cases above referred to, as confirmed by the records of said cases and the justice of the peace concerned. This indicates that his certificates of service were falsified.

Charge III. Inefficiency

(a) Since assuming office as Register of Deeds of Palawan respondent failed to inscribe in the Registration Book documents he admitted for registration under Act No. 3344, which were just entered in the Primary Entry Book. Copies of said documents were released to the registrants with the certification that they had been duly recorded in the Registration Book. Respondent claims that he could not record the documents because the Registry does not have the book notwithstanding previous requisition therefor. The records of the Commission do not show that respondent made any requisition for such book since he assumed office in 1954.

(b) The respondent also failed to cause the preparation of index cards for certificates of title since November 1958. He avers that his failure to do so was due to the fact that he has only one clerk to help him in the performance of his duties. Had he shown more diligence in his work, he should not have issued certificates of title without properly accomplished index cards as enjoined by office regulations.

Charge IV. Incompetence

(a) Deeds of conveyance of properties under homestead patents executed in favor of private parties within 25 years from the issuance

of the titles were accepted for registration without the approval of the Secretary of Agriculture and Natural Resources. Respondent's explanation that he did not require the presentation of the Secretary's approval so as to obviate delay and expense for the registrants is unsatisfactory, his act being against the law.

(b) The respondent admitted to registration documents concerning properties covered by titles containing memoranda that said properties are subject to cadastral costs, without the same having been paid. He claims that proofs of payment of cadastral costs accompanied the documents. If his claim were true, said proofs should have been registered and fees for entry and annotation collected. The records do not show any fee collected.

Charge V. Neglect of Duty

(a) Respondent failed to deposit daily or early in the morning of the next business day the collections of the Registry with the office of the Provincial Treasurer of Palawan, in violation of auditing regulations. It is claimed that the delay in depositing the collections was due to the absence of his clerk. However, the daily time record of this employee shows that he was not absent on the days following those when said collections were made. The office of the Provincial Treasurer is adjacent to the Registry so that, had the respondent shown more diligence in the performance of his duties, he could have easily deposited the collections himself.

(b) Similarly, respondent failed to register documents in spite of the fact that they were received at the Registry since May 1958. He admits his failure to do so and offers no explanation.

(c) In new transfer certificates of title issued the names of the spouses of the registered owners were not mentioned. He alleges that the names of the spouses of the registered owners could not be stated in the titles because the corresponding deeds or instruments only gave their civil status without mentioning the names of the spouses. Those documents then should have been denied registration for noncompliance with the law.

(d) The respondent failed to issue official receipts for money orders remitted by registrants to cover registration fees and documentary stamps. He claims that he only followed an old practice until he received a circular-letter dated October 8, 1959, from the Provincial Auditor. But GLRO Circular No. 152 dated December 23, 1931, provides that an official receipt shall always be issued immediately upon receipt of any fees for registration of documents or for other purposes. This shows that respondent is not conversant with pertinent circulars governing his office.

Charge VI. Violation of Office Regulations

(a) Documents were registered without evidence of payment of real estate taxes, in violation of the regulations. Respondent claims that the registrants showed him the real estate tax receipts but he only failed to make annotation on the documents of the number, place and date of issue of the receipts. If the receipts were really shown him, he should have noted those details required by the regulations.

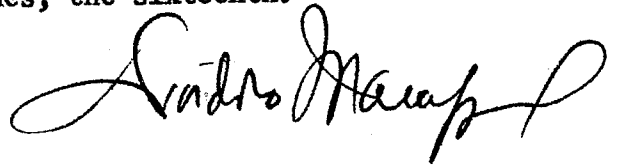
(b) Documents admitted to registration were not stamped with rubber stamp showing the amount of fees paid and documentary stamps affixed, also in violation of office regulations. Respondent's claim that his office was not supplied such rubber stamp is belied by the records of the central office showing that all Registries of Deeds were furnished said rubber stamps.

(c) The respondent improperly cancelled documentary stamps affixed to documents admitted to registration by just crossing them out with ink, in violation of the Internal Revenue Code. He admits the improper cancellation but claims that a handpunch was received by the Registry only a year ago. The records of the Commission show that the Registry of Deeds of Palawan was furnished a perforator in May 1957.

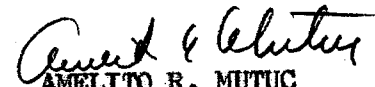
In view of the foregoing, I find the respondent guilty of all the charges as above specified with the exception of the first where he is found guilty in the manner indicated. Honesty, competence and devotion to duty are basic requisites for the successful conduct of public affairs which the present Administration is determined to achieve. Respondent utterly lacks these fundamental traits and he therefore does not deserve to continue in the public service.

WHEREFORE, Mr. Francisco M. San Diego is hereby removed from office as Register of Deeds of Palawan, without prejudice to his criminal prosecution should the facts so warrant.

Done in the City of Manila, this 29th day of March, in the year of Our Lord, nineteen hundred and sixty-two, and of the Independence of the Philippines, the sixteenth.



By the President:



AMELITO R. MUTUC
Executive Secretary