



MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 185

REMOVING MR. FERNANDO PACANA FROM OFFICE AS REGISTER OF DEEDS OF
MISAMIS ORIENTAL AND CAGAYAN DE ORO CITY.

This is an administrative case against Mr. Fernando Pacana, register of deeds of Misamis Oriental and Cagayan de Oro City, for alleged extortion, negligence, dishonesty, falsification, etc.

Charges of extortion having been filed against the respondent, a fact-finding investigation was conducted to determine whether or not a prime facie case existed to warrant the filing of formal charges against him. The investigator found a prime facie case of extortion as well as of negligence, inefficiency, falsification of public documents and habitual absence from and tardiness in office. Notified of the charges against him, respondent submitted an answer with the prayer that a formal investigation be conducted if his answer be deemed insufficient to warrant the dismissal of the case against him.

An investigating committee was therefore created to conduct a formal investigation of the charges against the respondent. The hearing commenced on March 1, 1955, and continued up to March 15, 1955, with complainants and witnesses against respondent testifying, during which the respondent was afforded all the chances to cross-examine the witnesses. After the complainants had rested their case, the reception of the evidence for the respondent was set on March 17, 1955. On this date, however, counsel for respondent presented a motion for disqualification of the members of the investigating committee so as to inhibit them from further hearing the case on the ground of bias and prejudice. The committee refused to accede to the petition and called for the presentation of respondent's evidence. When counsel for respondent refused to do so, the committee closed the investigation.

After going over the record, I am satisfied that the motion for disqualification was frivolous, intended merely to harass the investigators in the performance of their duty.

Although the charge of extortion has not been satisfactorily established because of the retraction of some of the complainants and the unavailability of another, the testimony of one of the complainants tends to prove that respondent ignored the inhibition contained in Administrative Order No. 239 dated December 23, 1953, under which he

Fernando Pacana

was reprimanded and warned for going beyond the scope of his official duties by intervening in the preparation and processing of a title, by again officiously intervening in the procurement of plans and technical descriptions, which matters were alien to his duties as register of deeds.

The evidence also shows that respondent ordered the registration of documents without requiring payment of fees within the reglementary period; that defective documents were also registered, which could not have been done without his knowledge unless he did not bother to examine said defective documents before affixing his signature in the certification rendering the same registered, in which case he was grossly negligent; that he was habitually absent from and tardy in office; and that he falsified public documents (certificates of service).

The Commissioner of Land Registration believes that, although the irregularities committed by the respondent warrant his separation from the service, the penalty to be meted out to him should be mitigated in view of his long and previous faithful service and the fact that he was of late suffering from diabetes which could have contributed to the commission of said irregularities. He therefore recommends that the respondent "be allowed to resign as of the date of his receipt of the suspension order and be entitled to all the rights and privileges accruing thereunder."

However, the Secretary of Justice feels that said recommendation leans unduly on the side of the leniency and that the many irregularities committed by the respondent are so grave that it would not serve public interest to treat him leniently. He believes that it is only by drastic action that the Government can curb the evil practices rampant in many government offices. I fully agree with the Secretary of Justice.

Wherefore, and upon the recommendation of the Secretary of Justice, Mr. Fernando Pacana is hereby removed from office as register of deeds of Oriental Misamis and Cagayan de Oro City, effective as of the date of his preventive suspension.

Done in the City of Manila, this 9th day March, in the year of Our Lord nineteen hundred and fifty-six, and of the Independence of the Philippines, the tenth.

By the President:


FORTUNATO DE LEON x
Acting Executive Secretary

