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Malacañang
Manila

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 52

MODIFYING ADMINISTRATIVE ORDER NO. 326 DATED MARCH 26, 1960,
CONCERNING REGISTER OF DEEDS VICENTE M. CAPELLAN OF
ISABELA.

Mr. Vicente M. Capellan was removed from office as Register of Deeds of Isabela under Administrative Order No. 326 dated March 26, 1960, for (1) neglect of duty and violation of office regulations for failing to answer official correspondence and (2) delivering a land title to one not authorized to receive it. His dismissal was based on the presumption of admission of guilt because of his failure to file an answer to the charges. No formal hearing was had.

Upon his petition for reconsideration supported by documentary evidence that the delivery of the title in question was pursuant to a court order, the reinvestigation of the case was authorized insofar as the alleged erroneous delivery of the certificate of title was concerned.

The reinvestigation shows that the registered owners of the property covered by original certificate of title No. 5431 were Tomas Agasig and Felipa Responso; that upon the death of Tomas, his widow, Felipa, filed on July 13, 1955, through Atty. Quintin Alcoid a petition in the Court of First Instance of Isabela for the issuance of a second owner's copy of said certificate of title in her name; that after due hearing the court issued an order dated August 1, 1955, directing the Register of Deeds of Isabela to issue another owner's duplicate of title in the name of Felipa Responso; that Atty. Alcoid presented to the Register of Deeds copies of the petition and the court order; and that after the entry and registration fees were paid by Atty. Alcoid and the corresponding annotations made on the original title, a new owner's duplicate of title was issued and delivered to Atty. Alcoid in representation of Felipa Responso.

From the evidence adduced it is apparent that respondent was justified in delivering the owner's duplicate of original certificate of title No. 5431 to Atty. Alcoid, considering that he was the counsel of the registered owner and he was the one who presented for registration the copies of the petition and the order of the court. The

Capellan, Vicente M.

interest of complainant Filemon de la Cruz came to be known only on August 27, 1955, or much later, when he filed his adverse claim. Respondent could not have known that De la Cruz was interested in the property before the issuance of the second owner's duplicate of title and its delivery to Atty. Alcid.

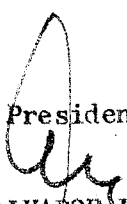
Under the circumstances, the Undersecretary of Justice recommends that the respondent be reinstated as Register of Deeds and that he be considered as suspended without pay during the period of his separation in view of his other proven fault of ignoring and violating office rules and ignoring correspondence; or, if his reinstatement is no longer feasible, that he be allowed to resign without prejudice to his reinstatement in any other branch of the government service and to his enjoyment of whatever leave or retirement privileges that had accrued in his favor at the time of his separation from the service. The records show that another, Francisco Claravall, was appointed in a permanent capacity in respondent's place on December 4, 1962.

Even if respondent is not guilty of the charge of making erroneous delivery of the owner's duplicate of title, I believe that his proven fault of ignoring and violating office rules and regulations by not answering official correspondence, which was habitual on his part, is sufficiently serious to warrant his noncontinuance in the service. However, I believe that it will not be straining the quality of mercy if he is allowed to enjoy certain benefits in consequence of his service in the government.

Wherefore, Administrative Order No. 326 dated March 26, 1960, is hereby modified in the sense that Mr. Capellan is considered resigned as Register of Deeds of Isabela, effective as of the date of said order, without prejudice to his enjoyment of whatever leave or retirement privileges that had accrued in his favor at the time of his separation.

Done in the City of Manila, this 25th day of February, in the year of Our Lord, nineteen hundred and sixty-three.

By the President:


SALVADOR L. MARINO
Executive Secretary

