

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER 478

IMPOSING A FINE ON MR. ARTURO P. RICAFORTE, REGISTER OF
DEEDS OF BUTUAN CITY

This is an administrative case filed by the Acting Commissioner, National Land Titles and Deeds Registration Administration (NLTDRA, formerly Land Registration Commission), against Mr. Arturo Ricaforte, Register of Deeds of Butuan City.

Respondent stands charged of alleged violation of Department (Ministry) of Finance Order No. 20-73, dated June 14, 1973, as amended by Joint Circular No. 1-81, dated January 1, 1981, of the Commission on Audit and the Ministry of Finance, for failure to deposit/remit on time the collections of his Registry with the Bureau of Treasury or to an authorized government depository bank.

The case stemmed from the letter, dated October 22, 1981, of Ms. Floresa Simbajon, Acting Treasury Regional Director, Region X, Cagayan de Oro City, advising responder that he had unremitted collections of ₱71,100.00 as of August 31, 1981. By a 1st Indorsement, dated February 23, 1982, the Minister of Justice transmitted to the then Land Registration Commission a copy of the aforementioned letter

On the basis thereof, respondent was formally charged by the Acting Land Registration Commissioner on March 10, 1982 with violation of Finance Department Order No. 20-73 and Joint Circular No. 1-81 of the Commission on Audit and the Ministry of Finance for failure to deposit/remit on time his registry collections in the amount of ₱71,100.00

In his answer, dated April 5, 1982, respondent did not deny the charge, but manifested that he had already remitted the full amount of ₱71,100.00 on September 1 and 22, 1981, regarding which the Acting Treasury Regional Director, through his Provincial Fiscal Examiner, had been duly informed. As to the causes of the delay in the remittance of the amount, respondent explained that they were brought about by the typhoon that ravaged Butuan City for two months, the holding of the plebiscite and the presidential election, the energization of Butuan City and the celebration of the city fiesta.

Respondent further admitted that he was aware of Commission on Audit Circular No. 82-A, dated October 4, 1963, requiring him to remit his collections to authorized

banks once they reached the amount of P500.00. According to respondent, however, he could not religiously comply with the circular because of the distance from his registry to the DBP and on account of the prevailing peace and order situation in Butuan City.

Respondent likewise explained that he issued receipts evidencing payment of registration fees before the fees were actually paid to help Butuan City registrants weather the adverse economic conditions wrought by the flood in August 1981. It was only after several months that the Registry of Deeds received the payment of the registration fees.

During the hearing of the case, Mr. Orlando Tulang, Accountant and Supervising Fiscal Examiner of the Bureau of Treasury, Region X, Cagayan de Oro City, testified that he did not make any further follow-up on the Simbajon letter because he found out that respondent had already remitted in full the amount of P71,100.00. Provincial Treasury Examiner Orlando Guibune also declared that his report concerning respondent's delayed remittance^s was merely based on the Monthly Report of National Collections and Remittances for the month of August 1981 submitted to respondent. Said witness further stated that there was no actual examination on the records of respondent in the Registry of Deeds.

After due evaluation the NLTDR Special Investigator found respondent to have failed to comply with the mandatory provisions of Finance Department Order No. 20-73, as implemented by LRC Memorandum, dated July 30, 1973, and as amended by COA and Finance Ministry Joint Circular No. 1-81 which required prompt remittance and/or deposit of registry collections with the National Treasury or with the authorized depository banks within the period prescribed therein. Apart therefrom, respondent was likewise found guilty of violation of Section 56 and III-C of Presidential Decree No. 1529 which required payment of the prescribed fees before any document might be entered and registered by the Register of Deeds. In view thereof, the Special Investigator recommended that respondent be fined in an amount equivalent to his twenty (20) days' salary.

In his letter to the Minister of Justice, dated March 14, 1983, the NLTDR Acting Commissioner concurred fully with the above findings and recommendation.

Upon review, the Minister of Justice has expressed conformity with the findings of the office a quo but has disagreed as to the recommended penalty for not being in

accord with Civil Service Commission Memorandum Circular No. 8, series of 1970. In lieu thereof, the Justice Minister recommends that a fine equivalent to respondent salary for one (1) month and one (1) day be imposed on the latter, with the warning that commission of the same or similar offense in the future will be dealt with more severely.

After going over the records of the case, I agree with the foregoing findings and the recommendation of the Minister of Justice.

WHEREFORE, and as recommended by the Minister of Justice, a fine equivalent to his one (1) month and one (1) day's salary is hereby imposed on Register of Deeds Arturo P. Ricaforte of Butuan City with a warning that commission of the same or similar offense in the future will be dealt with more severely, effective upon receipt of a copy of this Order.

Done in the City of Manila, this 30th day of January in the year of Our Lord, nineteen hundred and eighty-four.


President of the Philippines

By the President:


MANUEL M. LAZARO

Presidential Assistant for Legal Affairs