

[ADMINISTRATIVE ORDER NO. 185, March 09, 1956]

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 prima facie case existed to warrant the filing of formal charges against him. The investigator found a prima 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 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