

MALACAÑAN PALACE  
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER No. 239

REPRIMANDING REGISTER OF DEEDS FERNANDO  
PACANA OF ORIENTAL MISAMIS

This is an administrative case against Mr. Fernando Pacana, Register of Deeds of Oriental Misamis, for alleged extortion.

Hermogenes Jabiniao, the complainant, alleged that sometimes in June 1950 he went to the office of respondent to inquire whether there was already a title to the land of his father situated in the City of Cagayan de Oro, and was informed in the negative by respondent who offered to help him on the matter; that respondent asked him ₱22.80 to be paid to the Bureau of Lands, which he gave although no receipt was issued therefor; that a month later respondent told him that the Bureau of Lands was asking for ₱22.80 for the preparation of the plan, and when he reminded respondent that he had already given him the amount, respondent replied that he had sent it but that there was much red tape involved, in view of which he again gave respondent ₱22.80, this time asking him for a receipt; that subsequently he was informed by respondent of the arrival of the plan and to bring enough money for court and attorney's fees and publication expenses; that his father gave respondent ₱110 which, according to the respondent, was to be applied as follows: ₱50 for his attorney's fees and ₱60 for the title and motion in court; and that up to the time of the filing of his complaint the title to the land of his father had not come down, and every time he went to the office of respondent he was just scolded by the latter.

Respondent denied having received a total of ₱155.60 from complainant and the latter's father, claiming that he received ₱85 only, ₱35 of which was paid by him for the preparation of the plan of the land and ₱50 for the professional fees of Atty. Juanito de la Riarde, whose services had been secured by him on behalf of complainant's father. He also stated that the petition for registration of the land involved had already been filed in the Court of First Instance where it was pending hearing and that the complaint had political color, having been inspired by certain officials working for the reelection of the governor who was the opponent of respondent's brother-in-law during the last election.

After considering the evidence of record and the attendant circumstances of the case, I find that the charge has not been satisfactorily established. Be that as it may, I cannot help condemning respondent's officious intervention in

the matter. The preparation of the application for registration, as well as the procurement of the plan and technical description of the land for presentation with the proper court, was obviously beyond the scope of his official duties and should have been endorsed to, and left in the hands of, a practising attorney. Thus, he could have avoided all this embarrassment. What is more, it was improper for him to receive personally from complainant's father the specific amount of P50 for attorney's fees even if he really turned it over later to Attorney De la Riarte.

In view of the foregoing, and upon the recommendation of the Secretary of Justice, Mr. Fernando Pacana is hereby reprimanded and warned that a repetition of similar acts in the future will be severely dealt with.

Done in the City of Manila, this 23rd day of December, in the year of Our Lord, nineteen hundred and fifty-three, and of the Independence of the Philippines, the eighth.

ELPIDIO QUIRINO

*President of the Philippines*

By the President:

MARCIANO ROQUE

*Acting Executive Secretary*

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