

Malacañang
Manila

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 383

CONSIDERING MR. PEDRO C. MERRERA RESIGNED AS REGISTER OF
DEEDS OF PANGASINAN. ✓

These are three administrative cases against Mr. Pedro C. Herrera, register of deeds of Pangasinan, charging him with incompetence, neglect of duty, violation of office rules and regulations and inefficiency. They were separately investigated by a committee created by the Commissioner of Land Registration who recommends in the first case that respondent be required to resign, with benefits, and in the second and third that he be dismissed from the service.

FIRST CASE

The evidence adduced establishes the following facts:

1. That respondent signed (a) four deeds of adverse claim which did not contain the volume and page number of the certificates of title involved, (b) several certificates of title with his facsimile signature and (c) new certificates of title without accompanying index cards duly accomplished, in violation of Section 10 of Act No. 496, GERO Circular No. 256 and GERO Circular No. 123, respectively;
2. That he did not, as required by GERO Circular No. 178, check or verify the collection of fees for the registration of two deeds of sale with right of repurchase where double registration fees were collected;
3. That he registered (a) documents without proof of payment of taxes as required by LRC Circular No. 23 and (b) an affidavit of adverse claim and a deed of mortgage without their having been stamped with a rubber stamp showing the amount of fees collected and other details as called for in GERO Circular No. 178;
4. That he failed (a) to note the number of tax receipts on the back of two documents submitted for registration and (b) to sign 206 documents already in the registration book for Act No. 3344, entries of documents in 16 registration books and

Mr. Herrera, Pedro C.

4,000 original certificates of title although the owners' duplicates thereof had already been issued, contrary to GERO Circulars Nos. 23 and 256 and Act No. 3344;

5. That stamps affixed to documents were cancelled, not with a perforator as required by Section 237 of the Internal Revenue Code and LRC Circular No. 51, but merely by dates written across each stamp; and

6. That he employed a clerk in his office not duly authorized by competent authority which is against office rules and regulations.

SECOND CASE

It appears that on August 2, 1960, a parcel of land, of which Ignacio Gonzales was the registered owner, was transferred to Pio Ordoña by virtue of a document dated April 13, 1938. The document is totally defective because it did not recite that the vendee is a Filipino and the acknowledgment was not by the supposed vender, Ignacio Gonzales, but by Pio Ordoña and his father. Moreover, the number and other pertinent details of the residence certificate of the supposed vender do not appear in the document and there was no evidence of the payment of taxes.

Respondent's contention that the document involved meets all the requirements of law is utterly untenable and bespeaks his gross ignorance of the law or unpardonable carelessness. As pointed out by the Land Registration Commissioner, a cursory examination of the deed of sale "would readily show the obvious defects that it is inconceivable how said document was ever registered by the respondent."

His explanation that he personally knew the Ordoñas to be Filipinos is completely beside the point, as the law explicitly provides that this fact be made manifest on the face of the document. Equally untenable is his claim that the acknowledgment was made by Ignacio Gonzales, it being clearly stated that the ones who appeared before the Notary Public to ratify the same were "PIO ORDOÑA and his father FEDERICO ORDOÑA."

Respondent's ignorance or gross negligence made possible the transfer of a registered property on the strength of a forged deed of sale manifestly defective on its face, to the prejudice of the lawful owner and betraying the very purpose for which his office was created. He displayed utter disregard of office rules and regulations and proved his incompetence

and negligence, rendering himself totally unfit to be entrusted with the high responsibilities of his office.

THIRD CASE

The following were clearly proven:

1. In Entry No. 157526 he registered an adverse claim which was for money, without compliance with the requirements of Section 110 of Act No. 496 as regards description of the land in which the right or interest is claimed.

2. In Entry No. 150427 he registered an adverse claim on Transfer Certificates of Title Nos. 20788 and 29287 when the claim was not against the registered owner of the land but against the previous owners whose titles had already been cancelled.

3. He registered two deeds of sale purportedly executed by the heirs of the deceased owners although said heirs had not previously complied with the provisions of Rules 74 and 75 of the Rules of Court. The property having been inherited, the annotation of liability and inheritability as required by Rule 74 of the Rules of Court and the Internal Revenue Code is necessary.

4. He registered a deed of sale of a parcel of land executed before the registration of the land. Executed as it was prior to the entry of the decree of registration and issuance of the decree of title, the deed of sale was not registrable under Act No. 496.

5. He registered a deed of donation by the surviving husband when the title shows that the land was conjugal property and there had not been any liquidation of the partnership.

6. He employed a private person in his office without benefit of appointment.

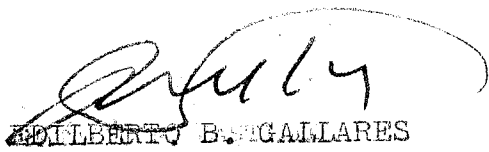
The Secretary of Justice recommends that the respondent be suspended for six (6) months in the first case, but in the second and third cases he agrees with the LRC Commissioner that respondent should be dismissed from the service. I believe, however, that considering him resigned from office will be sufficient punishment.

WHEREFORE, Mr. Pedro C. Herrera is hereby considered resigned from the service as register of deeds of Pangasinan, effective upon receipt of a copy hereof, without prejudice to such retirement benefits as he may be entitled to.

Done in the City of Manila, this 28th day of December, in the year of Our Lord, nineteen hundred and sixty-one, and of the Independence of the Philippines, the sixteenth.



By the President:



EDILBERTO B. GALLARES
Asst. Executive Secretary