

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 309

EXONERATING FORMER REGISTER OF DEEDS SOLIMAN ACHACOSO OF
ZAMBALES.

This refers to the administrative case against Mr. Soliman Achacoso, deceased Register of Deeds of Zambales, and Mr. Felix Miclat, senior clerk of the same office, for grave misconduct and neglect of duty.

It appears that on February 4, 1967, Mrs. Arminda Dayohoy filed a sworn complaint against respondents charging them with (1) misconduct in office on four (4) counts committed as follows: (a) that respondents refused to register certain documents covering a parcel of land purchased by her on the ground that the price thereof was very inadequate and that they tried to convince her to sell the lot to them; (b) that respondent Achacoso in an arrogant and angry mood threw her papers on the table and said, "Istorbo ka," in the presence of several persons when she insisted on the entry and registration of said documents; (c) that respondents demanded from her ₱1,000 to facilitate the registration of her documents; and (d) that they connived with each other in registering a deed of sale of the same lot in favor of respondent Miclat and in issuing to the latter the corresponding transfer certificate of title; and (2) neglect of duty for refusing to register the aforesaid documents in her favor and failure to issue the corresponding transfer certificate of title and true copies of certain documents needed by her.

Respondent Miclat not being a presidential appointee, this decision will be confined to the case as against respondent Achacoso.

After the formal investigation of the case but prior to the submittal by the investigator to the Land Registration Commission of his report and recommendation dated September 18, 1969, respondent Achacoso died on October 4, 1968. On August 8, 1969, Mrs. Graciosa B. Achacoso, widow of respondent, requested then Justice Secretary (now Secretary of National Defense) Juan Ponce Enrile that her deceased husband be cleared of the charges so as to enable her to collect the retirement gratuity due him. Said request was referred to the Land Registration Commissioner who, on October 13, 1969, informed the Secretary that the pertinent papers of the case against respondent were already forwarded to the Department of Justice on October 3, 1969, together with his recommendation that respondent Achacoso

"be absolved from the charges filed against him," in view of the findings of the investigator that the charges have not been substantiated, and that the deceased "was not issued a certificate of clearance by this Commission because of this pending administrative case."

A perusal of the record shows that as regards the charge of grave misconduct, the prosecution concentrated in proving that respondent displayed arrogance towards complainant on April 29, 1966, and that on the same date and sometime in November 1966 he demanded money from her.

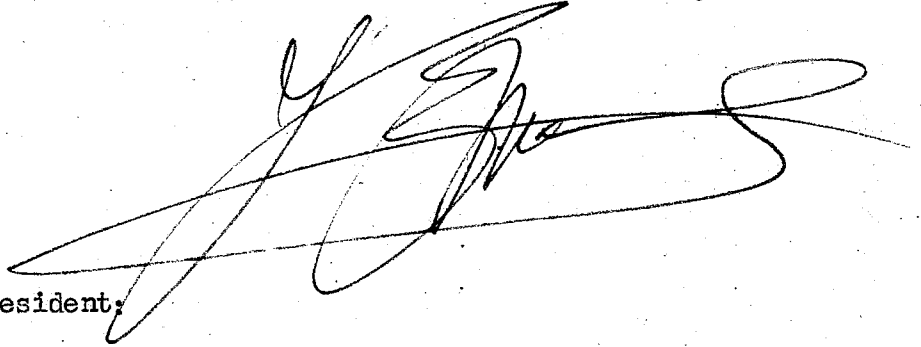
This Office agrees with the findings of the Secretary of Justice that the testimony of the prosecution witnesses does not deserve credit. It is highly improbable that respondent Achacoso could have scolded complainant in front of several people on April 29, 1966. On the contrary, the evidence logically suggests that respondent was irked by complainant's persistence in registering the documents in question; that an argument ensued between them over the registrability thereof, which prompted both to raise their voices; and that the discussion was abruptly ended by respondent when he told her to enter the documents. Equally improbable is the charge that subject respondent demanded money from complainant as claimed by the latter and her two (2) witnesses. In the ordinary course of human conduct one does not make an unscrupulous proposition in front of a witness such as what was imputed to respondent.

Neither could respondent be held liable for not registering the documents in question, it appearing that his refusal to do so was based on complainant's failure to present supporting papers and/or documents to warrant their registration in accordance with law.

Finally, as regards the last charge, respondent could not have issued, even if he wanted to, the certified true copies of certain documents requested by complainant for the simple reason that the documents to be copied were at the time already transmitted to the Land Registration Commission in connection with the consulta filed therein by complainant. To accede to her request would have been next to impossible.

Wherefore, and as recommended by the Secretary of Justice, respondent is hereby exonerated from the charges.

Done in the City of Manila, this 1st day of September,
in the year of Our Lord, nineteen hundred and seventy-one.

A large, stylized handwritten signature in black ink, likely belonging to the President mentioned in the text below.

By the President:



ALEJANDRO MELCHOR
Executive Secretary