

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 479

FINDING ATTY. FELICISIMO S. SANTIAGO, REGISTER OF DEEDS OF BUKIDNON, GUILTY OF NEGLECT TO COMPLY WITH A LAWFUL OFFICE REGULATION AND IMPOSING ON HIM A FINE IN AN AMOUNT EQUIVALENT TO HIS SALARY FOR FIFTEEN (15) DAYS.

This has reference to the administrative complaint, dated May 10, 1979, filed by Acting Land Registration Commissioner against Atty. Felicisimo S. Santiago, Register of Deeds of Bukidnon, for violation of COA General Circular No. 130, dated June 16, 1975, requiring collecting officers to "deposit their collections with the nearest PNB, PVB, or DBP branch or agency weekly or at any time such collections reach ₱500.00, for the credit of the Treasurer of the Philippines".

The auditing team found respondent to have accumulated his cash collections in the amount of ₱95,515.05 for the period from May 29, 1978 to August 18, 1978 and he was charged accordingly. In his answer, dated January 24, 1983, respondent did not refute the charge. Moreover, he waived his right to a formal hearing and submitted his case on the basis of his answer. To justify his failure to comply, he cited the great volume of work in his office. He claimed that with only five personnel in his registry, it was difficult to make timely remittances of his collections. He likewise alleged his attendance of a ten-day seminar on Land Reform in Iloilo City in July 1978 and his going on a vacation and sick leave of absence before and after said seminar as reasons for his non-compliance. He further maintained that, during the period in question, his office and the depository bank ran out of remittance advice forms.

The investigator found that respondent did not willfully violate the regulation and, therefore, recommended that he be merely admonished and warned for such violation. This apparent leniency proceeded from the observation that respondent made the necessary remittances a day after his accounts were examined and that he did not incur any shortage in his accounts.

The Acting Land Registration Commissioner disagreed with the investigator's proposed penalty and, instead, recommended that respondent be fined in an amount equivalent to his salary for fifteen (15) days. This recommendation was adopted by the Ministry of Justice for being just and fair under the circumstances.

An examination of the evidence on record readily

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COA Circular No. 130, dated June 16, 1975. As observed by the Acting Land Registration Commissioner, the respondent's act of accumulating his cash collections, constitutes "a temptation to defalcation", which is what the circular precisely seeks to guard against. With the failure to observe the mandate of the circular, respondent created a situation that unnecessarily placed government funds in jeopardy.

Indeed, such posture of the respondent, if not manifesting an utter disregard of a lawful order, betrays, at the very least, an attitude of indifference or neglect to comply with an office regulation. In the absence, however, of a clear showing that he has deliberately disregarded the circular, this Office is not inclined to impose too severe a penalty.

WHEREFORE, and as recommended by the Minister of Justice and the Acting Land Registration Commissioner, this Office hereby finds Felicisimo S. Santiago, Register of Deeds of Bukidnon, guilty of neglect to comply with a lawful office regulation and, accordingly, fines him in an amount equivalent to his salary for fifteen (15) days with a warning that a repetition of the same or a similar offense will be treated more severely.

Done in the City of Manila this 31st 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