

## SECOND DIVISION

[ A.C. No. 12375, February 26, 2020 ]

**CLARA R. ICK, RUBY ELINBERGSSON AND TERESITA EDOSADA,  
COMPLAINANTS, V. ATTY. ALLAN S. AMAZONA, RESPONDENT.**

### DECISION

**HERNANDO, J.:**

Clara R. Ick, Ruby Elinbergsson, and Teresita Edosada (complainants) filed this Complaint-Affidavit<sup>[1]</sup> against the respondent, Atty. Allan S. Amazona (respondent), before the Integrated Bar of the Philippines (IBP) for notarizing an allegedly false document.

#### ***The Complainants' Position***

Complainants alleged that on March 9, 2016, respondent notarized a letter<sup>[2]</sup> dated March 7, 2016 signed by a certain Michelle B. Lotho (Lotho), Director and Auditor of South Forbes Phuket Mansions Homeowners Association, Inc., addressed to Loiue A. Odiamar, Head of the Homeowners Association Franchising Unit, Dencris Business Center in Calamba City. According to complainants, this letter was used to facilitate the registration of South Forbes Phuket Mansions Homeowners Association, Inc.<sup>[3]</sup>

Complainants averred that the said letter falsely stated that most buyers of the subdivision lots were out of the country and as such, it was highly improbable to secure their signatures.<sup>[4]</sup> Complainants claimed that respondent knew that such assertion was untrue because he was in constant communication with the residents of South Forbes Phuket Mansions, including complainants.<sup>[5]</sup>

Complainants further claimed that the list of members with corresponding signatures<sup>[6]</sup> attached to the March 7, 2016 letter was also false, since it referred to their attendance during a meeting for a property manager held on December 3, 2015, and not for a homeowners meeting for the registration of the homeowners' association when in fact there was none.<sup>[7]</sup>

#### ***Recommendation of the Integrated Bar of the Philippines***

In his Report and Recommendation<sup>[8]</sup> dated January 12, 2017, Investigating Commissioner Jose Villanueva Cabrera (Commissioner Cabrera) recommended the dismissal of the administrative complaint against respondent for lack of merit.

Commissioner Cabrera opined that the mere act of notarizing the March 7, 2016 letter is not in itself a violation of the Notarial Rules<sup>[9]</sup> since respondent merely attested to the fact that Lotho has personally appeared before him and subscribed to the truth of the contents of the said letter. Commissioner Cabrera stated that the