

SECOND DIVISION

[A.C. No. 11892, June 22, 2020]

**MARY JANE D. YUCHENGCO, COMPLAINANT, VS. ATTY.
ANATHALIA B. ANGARE, RESPONDENT.**

DECISION

INTING, J.:

Before the Court is a Verified Complaint^[1] dated October 16, 2017 filed by Mary Jane D. Yuchengco (complainant) praying that Atty. Anathalia B. Angare (respondent) be disbarred and barred permanently from being commissioned as Notary Public.

In the Resolution^[2] dated January 29, 2018, the Court referred the matter to the Integrated Bar of the Philippines (IBP) Commission on Bar Discipline for investigation, report, and recommendation.

The Antecedents

In the Verified Complaint,^[3] complainant alleged the following:

She was the duly elected President and authorized representative of Amendoza Palawan Corporation, a domestic corporation, and the complainant in *Amendoza Palawan Corporation v. Johnny R. Mendoza* which was a civil case for recovery of possession with damages. The complaint was docketed as Civil Case No. 5436, and raffled to Branch 95, Regional Trial Court (RTC) of Palawan, Puerto Princesa City.^[4]

Respondent notarized a falsified and defective "Deed of Extrajudicial Settlement of Estate of Late Cristituto Dandal, Sr. with Absolute Sale"^[5] (Deed) identified as "Doc. No. 733, Page No. 158, Book No. 02, Series of 2016."^[6] Further, the Deed was attached to the Answer filed by Johnny R. Mendoza in Civil Case No. 5436.^[7]

The Deed suffers from the following defects: (1) it was not dated; (2) it lacked the names and signatures of the required witnesses; (3) it lacked the details of the required competent identification cards of the parties thereto; (4) it was notarized without the presence of the parties and without verifying whether their signatures were genuine;^[8] and (5) while respondent was commissioned as notary public for the City of Puerto Princesa for the period beginning April 20, 2016 and ending December 31, 2017 as shown by a Certification from the Office of the Executive Judge, and her certification indicates that the Deed notarized by respondent was identified as "Doc. No. 733; Page No. 158; Book No. 02; Series of 2014," and not "Series of 2016" as indicated in the Deed.^[9]

Further, complainant surmised that respondent anticipated the filing of a disbarment

complaint against her. Thus, respondent filed a Motion to Correct before the RTC in Civil Case No. 5436, claiming that the Deed was yet to be notarized and that she unwittingly notarized it.^[10]

Respondent appeared as collaborating counsel of Atty. Ryan Maristaza, defendant's counsel in Civil Case No. 5436. Thus, they had a reason or interest to falsify said documents in order to protect and advance the interest of their client.^[11]

On the other hand, respondent, in her Answer,^[12] argued that she inadvertently notarized the Deed as part of the Answer filed in Civil Case No. 5436, and insisted that the notarization of the Deed was a pure and honest mistake.^[13]

Respondent also emphasized that the Deed had the same docket number as that of the Answer filed before the RTC in Civil Case No. 5436. Thus, had she intended to falsify the Deed as averred by complainant, the Deed should have had a separate docket number. Further, her notarial register showed that the said docket number for the Answer was in the name of LTCOL Rumpon, a senior military officer/lawyer.^[14]

As to the accusation that she had no authority to notarize documents in 2014, respondent clarified that the Deed bearing the notarial docket is actually 2016, only that it looked like 2014. Thus, respondent suggested that there might have been a mistake in the Certification by the Clerk of Court which indicated 2014 as the year the Deed was supposedly notarized.^[15]

Subsequently, on November 16, 2018, the IBP Commission on Bar Discipline conducted a mandatory conference with both parties present.^[16] The parties then agreed to simultaneously prepare and submit their respective position papers.^[17]

On November 29, 2018^[18] and December 7, 2018,^[19] the IBP Commission on Bar Discipline received complainant's Position Paper and Respondent's Position Paper, respectively.

Report and Recommendation of the IBP Investigating Commissioner

In the Report and Recommendation^[20] dated January 22, 2019, the IBP Investigating Commissioner Jose Alfonso M. Gomos (IBP Investigating Commissioner) ruled that while there was not enough evidence to support the suggestion that respondent falsified any of the documents involved, it was clear that either respondent did not appreciate the formalities required by the notarial rules or was careless in observing them, or both.^[21]

The IBP Investigating Commissioner submitted the following findings:

First, there was an irregularity with the notarial docket "Doc. No. 733; Page No. 158; Book No. 02; Series of 2017(6)." The two documents: (1) the Answer dated March 30, 2017 supposedly notarized on even date and filed in Civil Case No. 5436; and (2) the Deed, which was an attachment to the Answer, bear the same notarial docket. While respondent explained that the notarization of the Deed was an honest mistake and that she was thinking of the Answer when she affixed her signature on

the Deed, the IBP Investigating Commissioner ruled that the notarization of the Deed did not merely involve affixing her signature because there was a handwritten effort of indicating "Series of 2016(4)" which respondent failed to explain.^[22]

Second, respondent's assertion that the notarial detail of the Deed is "Series of 2016" was puzzling since the Certification from the Office of the Clerk of Court, RTC, Fourth Judicial Region, Puerto Princesa City indicated that the Deed which had the notarial docket number "Doc. No. 733; Page No. 158, Book No. 02; Series of 2014" was included in the O/SJA White Book 2017 submitted by respondent to the Office of the Clerk of Court. Further, while respondent claimed that she erroneously notarized the Deed as part of the Answer, the Answer which was filed in Civil Case No. 5436 was dated March 30, 2017 and appeared to have been notarized by respondent on the same day.^[23]

Third, while respondent attached to her Position Paper her notarial log to prove that she only notarized the Answer and not the Deed, a perusal of the notarial log showed not the name of the affiant or the person who subscribed and swore to before her but a certain "LTCOL RUMPON JAGS (PAF)" who appeared to be a complete stranger to the Answer.^[24]

Fourth, a perusal of the Answer showed that its verification was made by defendant in Civil Case No. 5436 and was duly notarized by a certain Atty. Henry T. Adaza. Thus, the IBP Investigating Commissioner was wondering as to the purpose of the *jurat* which respondent made on the Answer. In any case, respondent's notarization of the Answer was not compliant with the requirement under the 2004 Rules on Notarial Practice since there were no details of the supposed competent evidence of identity referred to in the notarization. Also, while the records indicate that the Answer was prepared on March 30, 2017 and notarized by respondent on the same date, its verification appeared to have been notarized a day earlier, *i.e.*, March 29, 2017.^[25]

However, the IBP Investigating Commissioner ruled that respondent was not guilty of misconduct in having appeared as co-counsel for defendant in Civil Case No. 5436 despite being a member of the Armed Forces of the Philippines (AFP). He explained that respondent presented a Certification from the Office of the Judge Advocate General, AFP, indicating that she was granted limited authority to practice law.^[26]

Thus, the IBP Investigating Commissioner recommended that respondent's notarial commission be revoked if still subsisting, and that she be barred from being commissioned as notary public for two years.^[27]

IBP Board of Governors' Ruling

In the Resolution^[28] dated February 16, 2019, the IBP Board of Governors resolved to adopt the findings of fact and recommendation of the IBP Investigating Commissioner, thus:

RESOLVED, to ADOPT the findings of fact and recommendation of the Investigating, Commissioner and impose upon the Respondent the penalty of IMMEDIATE REVOCATION of his notarial commission, if

subsisting, DISQUALIFICATION from being appointed as notary public for two (2) years.^[29]

The Court's Ruling

The Court adopts and affirms the IBP Board of Governors' Resolution dated February 16, 2019 with modification only as to the penalty imposed.

At the outset, the Court settles any confusion as to the notarial details of the Deed. While respondent asserts that the Deed bears the detail "Series of 2016," the Certification dated June 19, 2017 from the Office of the Clerk of Court, RTC, Fourth Judicial Region, Puerto Princesa City is to the effect that the Deed bears the detail "Series of 2014." However, the Court finds that the seeming discrepancy was due to the fact that the notarial details were partly handwritten such that the numerical figure "2016" appears to be "2014" in the copy of the Deed submitted to the Office of the Clerk of Court. In fact, a perusal of the Deed attached to the Answer which in turn was attached by complainant to her Complaint shows that the notarial detail of the Deed is in fact "Series of 2016." Thus, the Court is inclined to believe respondent's claim that the notarial detail of the Deed is 2016 and not 2014.

Now, as to respondent's liability.

In *Lustestica v. Atty. Bernabe*,^[30] the Court had the occasion to reiterate that notarization is not an empty, meaningless routinary act; thus, lawyers commissioned as notary public must observe the basic requirements in the performance of their duties with utmost care. The Court declared:

x x x We cannot overemphasize the important role a notary public performs. In *Gonzales v. Ramos*, we stressed that notarization is not an empty, meaningless routinary act but one invested with substantive public interest. The notarization by a notary public converts a private document into a public document, making it admissible in evidence without further proof of its authenticity. A notarized document is, by law, entitled to full faith and credit upon its face. It is for this reason that a notary public must observe with utmost care the basic requirements in the performance of his duties; otherwise, the public's confidence in the integrity of a notarized document would be undermined.^[31]

As correctly ruled by the IBP Investigating Commissioner, respondent failed to appreciate the formalities required by the notarial rules and/or was careless in implementing the rules.

Records show that respondent notarized two documents, *i.e.*, the Answer^[32] which was filed in Civil Case No. 5436 and the Deed which was attached as part of the Answer in Civil Case No. 5436. However, both documents were identified as "Doc. No. 733, Page No. 158, Book No. 02, series of 2016."

It is clear from the 2004 Rules on Notarial Practice that two different documents cannot bear the same notarial details. Specifically, Section 2, Rule VI of the 2004 Rules on Notarial Practice provides: