

SECOND DIVISION

[A.C. No. 8116, September 16, 2020]

**HENRIETTA PICZON-HERMOSO AND BEZALEL PICZON HERMOSO,
COMPLAINANTS, VS. ATTY. SYLVESTER C. PARADO,
RESPONDENT.**

D E C I S I O N

PERLAS-BERNABE, J.:

Before the Court is an administrative complaint^[1] for disbarment filed by complainants Henrietta Piczon-Hermoso and Bezalel Piczon Hermoso (complainants) against respondent Atty. Sylvester C. Parado (Atty. Parado) for purportedly notarizing two documents without the affiants personally appearing before him, in violation of the 2004 Rules on Notarial Practice.

The Facts

Complainants alleged that they are the successors-in-interest of Estrella Piczon-Patalinghug (Estrella), the declared owner of a parcel of land designated as Lot No. 3545 situated in Simala, Sibonga, Cebu and registered for tax purposes under Tax Declaration No. 12357 (subject property). After the demise of Estrella, portions of the subject property were transferred and conveyed to Spouses Salvador and Darlwin Cesar (Spouses Cesar) by virtue of two (2) Deeds of Absolute Sale^[2] (Deeds) both of which were notarized by Atty. Parado on February 15, 2007.^[3]

Complainants averred that on the purported date of notarization on February 15, 2007, Estrella could not have personally executed, appeared, or signed the Deeds before Atty. Parado as she had just been discharged from the hospital in the afternoon of the said date after undergoing confinement. As a result of her chemotherapy treatments, Estrella's mental faculties were deteriorating, making it impossible for her to attend to her personal affairs and enter into a contract of sale. Similarly, complainants alleged that Michelangelo C. Patalinghug (Michelangelo), Estrella's blind husband, could not have appeared, signed, and executed the Deeds before Atty. Parado since he was already bedridden even before then and up to his demise on August 13, 2007.^[4] Stressing the impossibility of the execution of the Deeds notarized by Atty. Parado, complainants thus filed the present administrative case against him before the Court.

Unfortunately, despite several directives from the Court to file his comment to the administrative complaint, Atty. Parado failed to do so. When the case was referred to the IBP for investigation, report, and recommendation,^[5] it also required Atty. Parado to submit his answer^[6] and directed the parties to submit their mandatory conference briefs^[7] and position papers. However, during the entire proceedings before the IBP, only complainants complied with the submission of their pleadings;

Atty. Parado neither submitted any pleading nor appeared during the mandatory conference.^[8]

The IBP Recommendation and Report

In a Recommendation and Report^[9] dated February 4, 2019, the IBP Investigating Commissioner (IBP Commissioner) recommended that Atty. Parado be disbarred from the practice of law and his notarial commission be revoked effective immediately, if still existing,^[10] for having violated Canon 10^[11] and Rule 10.01^[12] of the Code of Professional Responsibility. The IBP Commissioner found that Atty. Parado notarized the subject Deeds despite the lack of authority to act as notary public in 2007. Likewise, the IBP Commissioner took note of Atty. Parado's various other transgressions, consisting of his failure to comply with the Court's orders, submit his Mandatory Continuing Legal Education (MCLE) compliance or exemption, and update the IBP of his personal circumstances.^[13]

In a Resolution^[14] dated June 17, 2019, the IBP Board of Governors adopted and approved the Recommendation and Report of the IBP Commissioner, with the modification imposing the penalty of suspension from the practice of law for one (1) year, immediate revocation of his notarial commission, if subsisting, and disqualification from being appointed as notary public for a period of two (2) years, with a stern warning that a repetition of a similar offense will be dealt with more severely.^[15]

The Issue Before the Court

The essential issue in this case is whether or not Atty. Parado should be held administratively liable.

The Court's Ruling

Notarization is not an empty, meaningless routinary act, but one invested with substantive public interest. Notarization converts a private document into a public document, making it admissible in evidence without further proof of its authenticity. Thus, 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 notarial duties; otherwise, the public's confidence in the integrity of a notarized document would be undermined.^[16]

Section 2 (b), Rule IV of the 2004 Rules on Notarial Practice requires a duly-commissioned notary public to perform a notarial act only **if the person involved as signatory to the instrument or document is: (a) in the notary's presence personally at the time of the notarization**; and (b) personally known to the notary public or otherwise identified by the notary public through competent evidence of identity as defined by these Rules.^[17] In other words, a notary public is not allowed to notarize a document unless the persons who signed the same are the very same persons who executed and personally appeared before him to attest to the contents and truth of what are stated therein. The purpose of this requirement is to enable the notary public to verify the genuineness of the signature of the acknowledging party and to ascertain that the document is the party's free act and deed.^[18]