

EN BANC

[A.C. No. 12173, November 03, 2020]

ATTY. ANTONIO B. MANZANO, COMPLAINANT, VS. ATTY. CARLOS P. RIVERA, RESPONDENT,

DECISION

HERNANDO, J.:

This is a Petition^[1] for disbarment filed by Atty. Antonio B. Manzano (Atty. Manzano) against respondent Atty. Carlos P. Rivera (Atty. Rivera) for falsification of public documents, and allegedly notarizing the Answer filed in Civil Case No. 33-467-2014 without the personal appearance of the affiants, and worse, without a notarial commission.

On August 19, 2014, Lupo G. Tan, Rema Tan-Manzano, and Sonia G. Tan, represented by Atty. Manzano, filed a complaint for *action publiciana* against Pedro Pando, Rene Bloza, Arcelie Bayaca (Bayaca),^[2] and Marlon Urata (Urata)^[3] before the Regional Trial Court (RTC), Branch 33 of Ballesteros, Cagayan, docketed as Civil Case No. 33-467-2014.

In his Return of Summons^[4] dated September 12, 2014, the Sheriff assigned at RTC Branch 33 reported that he failed to personally serve a copy of the complaint and its annexes against defendants Bayaca, who was abroad, and Urata, who was in Manila.

On October 14, 2014, the defendants, through their counsel, Atty. Rivera, filed their Answer^[5] before the RTC. A copy thereof was mailed to Atty. Manzano's address in Las Pinas City.^[6] The Answer appeared to have been signed by Pando and Bloza. Interestingly, it also bore the signatures of Bayaca and Urata.

The Answer was prepared and notarized on the same date by Atty. Rivera in his law office situated in Tuguegarao City, Cagayan. However, upon inquiry, Atty. Rivera was not commissioned as a notary public for and in the Province of Cagayan at the time he notarized the Answer in 2014 as stated in the Certification^[7] issued by the Office of the Clerk of Court of the RTC of Tuguegarao City, Cagayan.

Believing that the signatures of Bayaca and Urata were forged, Atty. Manzano advised Lupo Tan to file a criminal complaint^[8] for Falsification of Public Documents and Use of Falsified Documents against Atty. Rivera, Pando and Bloza before the City Prosecution Office of Tuguegarao City.

In the Counter-Affidavit^[9] that was filed before the prosecutor's office, Atty. Rivera admitted that he prepared the Answer for the defendants Pando, Bloza, Bayaca, and Urata in the civil case. He, however, denied knowing that the signatures of Bayaca and Urata were forged. He professed that it was only Pando and Bloza who

personally appeared before him at the time that he notarized the Verification. They merely assured him that they will bring the Answer to Bayaca and Urata for them to affix their signatures therein so they could file it on time before the RTC.

Atty. Rivera further admitted that his notarial commission has already expired in 2014. Hence, he pleaded before the City Prosecutor to spare him from the criminal complaint and just file the proper administrative complaint against him before the Integrated Bar of the Philippines (IBP).

On June 30, 2015, the City Prosecutor found probable cause to indict Atty. Rivera and his co-respondents for Falsification of Public Documents under par. 1, Article 172 in relation to par. 2, Article 171 of the Revised Penal Code.

Thereafter, Atty. Manzano filed the instant Petition for disbarment against Atty. Rivera for Malpractice, Dishonesty, and Falsification of Public Document. He maintained that Atty. Rivera admitted in his Counter-Affidavit that he prepared the Answer and notarized its Verification without the presence of Bayaca and Urata. Worse, Atty. Rivera was not in fact commissioned as a notary public in 2014 in Tuguegarao City as evidenced by the Certification from the Office of the Clerk of Court.

Atty. Rivera, in turn, initially requested for an extension of time to file his Answer to the Petition.^[10] However, he did not file his Answer.^[11] Atty. Rivera likewise did not appear during the scheduled mandatory conference.^[12]

The IBP-Commission on Bar Discipline then directed Atty. Manzano and Atty. Rivera to submit their respective verified Position Papers^[13] but it was only Atty. Manzano who submitted his Position Paper.^[14]

Report and Recommendation of the IBP:

In a Report and Recommendation,^[15] the Investigating Commissioner^[16] found no substantial evidence to prove that Atty. Rivera forged the signatures of Bayaca and Urata in the Answer. Nonetheless, he found Atty. Rivera liable for Gross Misconduct for having notarized the Verification without a valid notarial commission. He also ignored the administrative proceedings by failing to file his Answer and Position Paper, and to attend the mandatory conference. These acts showed his tendency to disregard lawful orders in defiance of the Lawyer's Oath. Thus, the Investigating Commissioner recommended that Atty. Rivera be suspended from the practice of law for a period of three years, and be barred from being commissioned as notary public for the same period.

In its Resolution No. XXII-2017-1242,^[17] the IBP Board of Governors affirmed the findings of the Investigating Commissioner but modified the recommended penalty to suspension from the law practice for three years and perpetual disqualification from being commissioned as a notary public.

No motion for reconsideration has been filed by either party.

Issue

Whether or not Atty. Rivera is administratively liable for committing the acts complained of.

Our Ruling

We adopt the findings of the IBP and approve its recommended penalty to suspend Atty. Rivera from the practice of law for a period of three years and to perpetually disqualify him from being commissioned as a notary public.

Notarization converts a private document into a public document and makes such document admissible as evidence without further proof of its authenticity. A notarial document is by law entitled to full faith and credit upon its face. Consequently, notaries public must therefore observe with utmost care the basic requirements in the performance of their duties.^[18]

We have repeatedly emphasized that notarization is not a mere empty, meaningless, routinary act. It is invested with substantive public interest, such that only those who are qualified or authorized may act as notaries public.^[19] In other words, to protect substantive public interest, those not qualified or authorized to act must be prevented from imposing upon the public, the courts, and the administrative offices in general.^[20]

Corollarily, Section 11 of the 2004 Rules on Notarial Practice^[21] is clear. Only a person who is commissioned as notary public may perform notarial acts in any place within the territorial jurisdiction of the commissioning court for a period of two (2) years commencing the first day of January of the year in which the commissioning is made, unless earlier revoked or the notary public has resigned under these Rules and the Rules of Court.^[22] Hence, a violation thereof should therefore not be dealt with lightly to preserve the integrity of notarization.

In the case at bench, it was sufficiently proven that Atty. Rivera was not commissioned as a notary public at the time he notarized the Answer that was filed by the defendants in Civil Case No. 33-467-2014. The Certification^[23] issued by the Office of the Clerk of Court of the RTC of Tuguegarao City, Cagayan duly showed that Atty. Rivera was not commissioned as a notary public for and in the Province of Cagayan in 2014. Thus, Atty. Rivera is indubitably liable for gross violation of the notarial rules which should not be dealt with lightly by the Court.

Atty. Rivera's act of making it appear that he was a duly commissioned notary public is in blatant disregard of the Lawyer's Oath to obey the laws, i.e. the Notarial Law, and to do no falsehood.^[24] It likewise constitutes a transgression of Rule 1.01 of Canon 1 of the Code of Professional Responsibility (CPR), which states that: "A lawyer shall not engage in unlawful, dishonest, immoral or deceitful conduct."^[25]

Not only did Atty. Rivera violate Rule 1.01 of Canon 1; he also transgressed Canon 7 of the CPR, which mandates that every lawyer shall "uphold at all times the integrity and dignity of the legal profession," and Rule 7.03 which provides:

A lawyer shall not engage in conduct that adversely reflects on his fitness to practice law, nor shall he, whether in public or private life, behave in a scandalous manner to the discredit of the legal profession.

Atty. Rivera's misdeed further lessens the confidence and trust reposed by the public in the fidelity, honesty and integrity of the legal profession. He is expected to possess the high standards of morality to remain a member of the bar. In *Advincula v. Macabata*,^[26] we emphasized that good moral character is a continuing condition to preserve membership in the Bar in good standing, thus:

Lawyers have been repeatedly reminded that their possession of good moral character is a continuing condition to preserve their membership in the Bar in good standing. The continued possession of good moral character is a requisite condition for remaining in the practice of law. In *Aldovino v. Pujalte, Jr.*, we emphasized that:

This Court has been exacting in its demand for integrity and good moral character of members of the Bar. They are expected at all times to uphold the integrity and dignity of the legal profession and refrain from any act or omission which might lessen the trust and confidence reposed by the public in the fidelity, honesty, and integrity of the legal profession. Membership in the legal profession is a privilege. And whenever it is made to appear that an attorney is no longer worthy of the trust and confidence of the public, it becomes not only the right but also the duty of this Court, which made him one of its officers and gave him the privilege of ministering within its Bar, to withdraw the privilege.

It is the bounden duty of lawyers to adhere unwaveringly to the highest standards of morality. The legal profession exacts from its members nothing less. Lawyers are called upon to safeguard the integrity of the Bar, free from misdeeds and acts constitutive of malpractice. Their exalted positions as officers of the court demand no less than the highest degree of morality. We explained in *Barrientos v. Daarol* that, "as officers of the court, lawyers must not only in fact be of good moral character but must also be seen to be of good moral character and leading lives in accordance with the highest moral standards of the community."

Lawyers are expected to abide by the tenets of morality, not only upon admission to the Bar but also throughout their legal career, in order to maintain their good standing in this exclusive and honored fraternity. They may be suspended from the practice of law or disbarred for any misconduct, even if it pertains to his private activities, as long as it shows him to be wanting in moral character, honesty, probity or good demeanor.

^[27] [Citations Omitted.]

Moreover, Atty. Rivera's conduct during the course of the administrative proceedings manifests a blatant disregard to his oath "to obey the laws as well as the legal orders of the duly constituted authorities therein."^[28] He failed to comply with the directives of the Investigating Commissioner to submit his Answer and Position Paper without justifiable reason. He ignored the scheduled mandatory conferences despite receipt of notices. These acts depict his deliberate defiance to the lawful