

FIRST DIVISION

[A.C. No. 6980, August 30, 2017]

CESAR O. STA. ANA, CRISTINA M. STA. ANA AND ESTHER STA. ANA-SILVERIO, COMPLAINANTS, VS. ATTY. ANTONIO JOSE F. CORTES, RESPONDENT.

R E S O L U T I O N

DEL CASTILLO,* J.:**

This is a complaint for disbarment filed by complainants against Atty. Antonio Jose F. Cortes (respondent) against whom they imputed deceit and falsification of public documents in the sale of two parcels of property located at Bo. Lantic, Carmona, Cavite and covered by Transfer Certificates of Title (TCT) Nos. T-1069335 and T-1069336; and in the donation of 66 pieces of property by Atty. Cesar Casal (Atty. Casal) and his wife, Pilar P. Casal (Pilar).

Factual Antecedents

In a sworn letter dated August 4, 2005, complainants alleged that respondent was left with the care and maintenance of several properties either owned or under the administration of Atty. Casal since the latter's death; that respondent abused his authority, as such administrator, and engineered the sale or transfer of the said properties, specifically the two parcels of land covered by TCT Nos. T-1069335 and T-1069336, which were owned originally by their (complainants') ancestors; that on May 19, 2004, respondent, in connivance with Cesar Inis (Inis) and A Casal's alleged adopted daughter, Gloria Casal Cledera (Gloria), and her husband, Hugh Cledera (the spouses Cledera), sold the abovementioned parcels of land to the Property Company of Friends, Inc. (PCFI).^[1]

Complainants further averred that as the said properties were originally in the names of Inis, Ruben Loyola (Loyola), Angela Lacdan (Lacdan) and Cesar Veloso Casal (Veloso), these persons, in conspiracy with respondent, caused to be executed a Special Power of Attorney^[2] (SPA) dated May 4, 2004, under which Loyola, Lacdan and Veloso purportedly authorized their co-owner Inis to sell the said properties; that this SPA was, however, forged or falsified, because Loyola was already dead on August 15, 1994, whereas Lacdan died on August 31, 2001, and at the time of the execution of the SPA in Carmona, Cavite, Veloso was in fact in Tacloban City; and that indeed, as a consequence of respondent's wrongdoing, criminal cases for Estata through Falsification of Public Document were filed against respondent and the spouses Cledera.^[3]

Complainants moreover claimed that respondent notarized 12 falsified Deeds of Donation, dated September 17 and 18, 2003, and supposedly executed in Carmona, Cavite, under which it was made to appear that Atty. Casal purportedly donated 66 pieces of property to Gloria; that they (complainants) caused to be

verified/examined Atty. Casal's "superimposed" signatures on these deeds of donation by the Questioned Documents Division of the National Bureau of Investigation (NBI); and that in its Disposition Forms, the NBI concluded that "the signatures appearing on the said questioned documents are mere xerox copies which do not truly and clearly reflect the minute details of the writing strokes and other aspects relative to the preparation of the questioned signatures."^[4]

In his answer, respondent asserted that all the criminal complaints against him had been dismissed, and the criminal information/s instituted therefor had been withdrawn by the Department of Justice (DOJ), hence, he had been exonerated of all the charges against him. Respondent adverted to the Resolution of Regional State Prosecutor Ernesto C. Mendoza, which in part declared -

x x x the signatures of Cesar E. Casal appearing on the said questioned documents are mere xerox copies which do not truly and clearly reflect the minute details of the writing strokes and other aspects relative to the preparation of the questioned signatures.

Nowhere in this report was there a categorical statement that the document was falsified or the signatures were forged. x x x^[5]

In a Resolution^[6] dated November 27, 2006, the Court resolved to refer this administrative case to the Integrated Bar of the Philippines (IBP) for investigation, report and recommendation.

Report and Recommendation of the IBP

The Investigating Commissioner summarized the charges against respondent as follows:

- (a) *First*, [r]espondent was involved in the preparation of the Loyola SPA, which was used to sell the [s]ubject [p]roperties to PCFI, despite the fact that two (2) of the alleged signatories therein were already dead at the time the Loyola SPA was executed;
- (b) *Second*, [r]espondent prepared and notarized 12 Deeds of Donation, which [appear] to be spurious because the signatures of Atty. Casal thereon were only superimposed;
- (c) *Third*, [r]espondent notarized the 12 Deeds of Donation in Quezon City, within his territorial jurisdiction as a notary public x x x despite the fact that Atty. Casal signed the same in x x x Cavite, or outside his jurisdiction as a notary public;
- (d) *Fourth*, [r]espondent caused the preparation of the Casal SPA, which appears to be spurious because the signature of Atty. Casal thereon was only superimposed; and
- (e) *Fifth*, [r]espondent knowingly used the spurious Casal SPA and executed a Deed of Sale in favor of PCFI involving other properties.^[7]

After due proceedings, the Investigating Commissioner submitted a Report^[8] dated May 14, 2010, finding respondent not only guilty of dishonesty and deceitful conduct, but also guilty of having violated his oath as a notary public.

In finding respondent guilty of using a falsified document, the Investigating Commissioner noted that although there was no direct evidence that it was respondent himself who prepared or drafted the SPA, there was evidence nonetheless that respondent did actively participate, or take part, in the offer and sale of the properties to the PCFI; and that since the execution of the forged or falsified SPA is a crucial or critical component of the eventual consummation of the sale to PCFI, respondent could not be heard to say that he had no knowledge of the use of a falsified document.^[9]

As regards the 12 Deeds of Donation allegedly executed by Atty. Casal, the Investigating Commissioner lent more credence to the unbiased or impartial report of the NBI's finding that the signatures of Atty. Casal were per se mere xerox copies; and that moreover, respondent had violated Section 240^[10] of the Revised Administrative Code, when he caused to be acknowledged the Deeds of Donation in his law office in Quezon City, despite the fact that these were supposedly signed and executed by Atty. Casal in Cavite. The Investigating Commissioner opined that respondent "ought to have known that since he was outside his territorial jurisdiction as a notary public, he could not have performed the acts of a notary public at the time of the signing of the 12 Deeds of Donation, including the taking of oath of the parties."^[11]

The Investigating Commissioner thus recommended:

1. ATTY. ANTONIO JOSE F. CORTES be suspended from the practice of law for a period ranging from six (6) months to two (2) years with a STERN WARNING that repetition of the same or similar acts or conduct shall be dealt with more severely; and
2. ATTY. ANTONIO JOSE F. CORTES be barred from being commissioned as a notary public for a period of two (2) years, and in the event that he is presently commissioned as notary public, that his commission be immediately revoked and suspended for such period.^[12]

In its Resolution^[13] dated May 10, 2013, the IBP Board of Governors adopted and approved the findings of the Investigating Commissioner but modified the recommended penalty to a one-year suspension from the practice of law, with revocation of respondent's notarial license, plus a two-year disqualification from reappointment as notary public. The pertinent portion of the Resolution reads:

RESOLVED to ADOPT and APPROVE, as it is hereby unanimously ADOPTED and APPROVED with modification, the Report and Recommendation of the Investigating Commissioner in the above-entitled case, herein made part of this Resolution as Annex "A", and finding the recommendation fully supported by the evidence on record and the applicable laws and rules and considering Respondent's violation of the Notarial Law, Atty. Antonio Jose F. Cortes is hereby SUSPENDED from the practice of law for one (1) year and his Notarial Commission immediately

REVOKED presently commissioned. Further, he is DISQUALIFIED from reappointment as Notary Public for two (2) years.

No motions for reconsideration having been filed by any of the parties, the case is before us for final resolution.

Our Ruling

Lawyers are instruments in the administration of justice. As vanguards of our legal system, they are expected to maintain not only legal proficiency but also a high standard of morality, honesty, integrity and fair dealing. [It is only in living up to the very high standards and tenets of the legal profession that] the people's faith and confidence in the judicial system can be ensured. Lawyers may be disciplined - whether in their professional or in their private capacity - for any conduct that is wanting in morality, honesty, probity and good demeanor.^[14]

In the instant case, respondent acted with deceit when he used the falsified documents to effect the transfer of properties owned or administered by the late Atty. Casal. In a letter^[15] sent by Atty. Florante O. Villegas, counsel for the PCFI, to the spouses Cledera, the former explicitly stated that respondent did have a hand in the negotiation leading to the sale of the properties covered by TCT Nos. T-1069335 and T-1069336. In clarifying that it only entered into a Deed of Absolute Sale because of the "offer and representation that spouses Cesar and Pilar Casal are the true owners of the subject parcels of land,"^[16] the PCFI, through its legal counsel, declared:

We understand that you, **together with Atty. Antonio Jose F. Cortes**, offered to sell the said parcels of land to our client, and that on September 17, 2003, an agreement of Purchase and Sale was executed between Spouses Cesar E. Casal and Pilar P. Casal (**represented by Atty. Cortes as their attorney-in-fact**) and our client.^[17] (Emphasis supplied)

Moreover, Mr. Guillermo C. Choa, President of the PCFI, narrated in his affidavit^[18] the events leading to another sale likewise involving properties co-owned by Atty. Casal through the use of the spurious SPA, to wit:

3) That sometime in August 2003, Sps. Hugh Cledera and Gloria Casal Cledera and **Atty. Antonio Jose F. Cortes offered to me for sale several parcels of land owned by Cesar E. Casal** (father of Gloria Casal Cledera) including Lot 5, Psu 10120 and Lot 6, Psu 101205 containing an area of 39,670 square meters and 47,638 square meters, more or less, located at Bo. Lantic, Carmona, Cavite which was then registered in the name of Eduardo Gan, et al. under TCT No. T-79153 of the Register of Deeds for the Province of Cavite.

4) **That Sps. Hugh Cledera and Gloria Casal Cledera together with Atty. Cortes also presented to me the following documents, to wit:**

a) TCT No. T-79153 of the Registry of Deeds for the Province of Cavite.