

SECOND DIVISION

[A.C. No. 10303, April 22, 2015]

**JOY A. GIMENO, COMPLAINANT, VS. ATTY. PAUL CENTILLAS
ZAIDE, RESPONDENT.**

DECISION

BRION, J.:

We review Resolution No. XX-2011-264^[1] of the Board of Governors of the Integrated Bar of the Philippines (IBP) in CBD Case No. 07-2069, which imposed on Atty. Paul Centillas Zaide (*Atty. Zaide*) the penalty of one-year suspension from the practice of law, revocation of notarial commission, if existing, and two years suspension from being commissioned as a notary public, for violation of the 2004 Rules on Notarial Practice (*Notarial Practice Rules*).^[2]

The Case

On August 8, 2007, complainant Joy A. Gimeno (*Gimeno*) filed a complaint^[3] with the IBP's Commission on Bar Discipline, charging Atty. Zaide with: (1) usurpation of a notary public's office; (2) falsification; (3) use of intemperate, offensive and abusive language; and (4) violation of lawyer-client trust.

In her complaint, Gimeno alleged that even before Atty. Zaide's admission^[4] to the Bar and receipt^[5] of his notarial commission, he had notarized a partial extrajudicial partition with deed of absolute sale on March 29, 2002.^[6] She also accused Atty. Zaide of making false and irregular entries in his notarial registers.^[7]

Gimeno further submitted that she was Atty. Zaide's former client. She engaged the services of his law firm Zaragoza-Makabangkit-Zaide Law Offices (ZMZ) in an annulment of title case that involved her husband and her parents-in-law.

Despite their previous lawyer-client relationship, Atty. Zaide still appeared against her in the complaint for *estafa* and violation of RA 3019^[8] that one Priscilla Somontan (*Somontan*) filed against her with the Ombudsman. Gimeno posited that by appearing against a former client, Atty. Zaide violated the prohibition against the representation of conflicting clients' interests.^[9]

Lastly, Gimeno contended that Atty. Zaide called her a "notorious extortionist" in the same administrative complaint that Somontan filed against her.^[10] In another civil case where she was not a party, Gimeno observed that Atty. Zaide referred to his opposing counsel as someone suffering from "serious mental incompetence" in one of his pleadings.^[11] According to Gimeno, these statements constitute intemperate, offensive and abusive language, which a lawyer is proscribed from using in his

dealings.

In his answer^[12] dated September 13, 2007, Atty. Zaide argued that he did not notarize the March 29, 2002 partial extrajudicial partition. As it appeared on the notarial page of this document, his notarial stamp and falsified signature were superimposed over the typewritten name of Atty. Elpedio Cabasan, the lawyer who actually notarized this document.^[13] Atty. Zaide claimed that Gimeno falsified his signature to make it appear that he notarized it before his admission to the Bar.

On the alleged falsification of his notarial entries, Atty. Zaide contended that he needed to simultaneously use several notarial registers in his separate satellite offices in order to better cater to the needs of his clients and accommodate their growing number.^[14] This explains the irregular and non-sequential entries in his notarial registers.

Further, Atty. Zaide argued that Gimeno was never his client since she did not personally hire him as her counsel. Gimeno engaged the services of ZMZ where he previously worked as an associate. The real counsel of Gimeno and her relatives in their annulment of title case was Atty. Leo Montalban Zaragoza, one of ZMZ's partners.^[15] On this basis, the respondent should not be held liable for representing conflicting clients' interests.

Finally, he denied that he used any intemperate, offensive, and abusive language in his pleadings.^[16]

The IBP Proceedings

On October 4, 2007, the IBP CBD issued an order setting the case for mandatory conference.^[17] After this, both parties were required to submit their position papers.

In his report and recommendation^[18] dated May 18, 2010, Commissioner Pedro A. Magpayo, Jr. (*Commissioner Magpayo*) found Atty. Zaide administratively liable for violating the Notarial Practice Rules, representing conflicting interests, and using abusive and insulting language in his pleadings.

He noted that Atty. Zaide violated Section 1 (a) and 1 (b), Rule VI of the Notarial Practice Rules when he maintained several active notarial registers in different offices. These provisions respectively require a notary public to "keep, maintain, protect and provide for lawful inspection, a chronological official register of notarial acts consisting of a permanently bound book with numbered papers" and to "keep only one active notarial register at any given time."^[19]

However, Commissioner Magpayo opined that Atty. Zaide should not be held administratively liable for usurping a notary public's office. The investigating commissioner noted that the evidence presented on this issue is not enough to prove that Atty. Zaide signed and notarized the March 29, 2002 partial extrajudicial partition even after his admission to the Bar and receipt of his notarial commission.
^[20]

Commissioner Magpayo also found that the evidence presented proved that Gimeno was indeed Atty. Zaide's former client. He disagreed with Atty. Zaide's defense that Gimeno only hired ZMZ but did not personally hire him to defend them in their annulment of title case. The retainer of a law firm is equivalent to the retainer of all its lawyers.^[21] But despite this previous attorney-client relationship, the investigating commissioner noted that Atty. Zaide should not be held liable for representing conflicting interests since the annulment of title case is totally unrelated to the Ombudsman complaint that Somontan filed against Gimeno through Atty. Zaide.

Finally, the investigating commissioner noted that Atty. Zaide used intemperate, offensive, and abusive language when he called Gimeno a "notorious extortionist" in one of his pleadings.^[22]

For violating the Notarial Practice Rules, Commissioner Magpayo recommended that Atty. Zaide be suspended for three months, and for another six months for employing abusive and insulting language.^[23]

The IBP Board of Governors' Findings

In its November 19, 2011 resolution, the IBP Board of Governors (*Board*) opined that the evidence on record fully supports the findings of the investigating commissioner. However, the Board modified the recommended penalty and imposed instead the penalty of one year suspension from the practice of law, revocation of notarial commission, if existing, and two years suspension from being commissioned as a notary public.^[24]

Atty. Zaide sought for the reconsideration^[25] of the Board's November 19, 2011 resolution but this was also denied in its subsequent June 21, 2013 resolution.^[26]

The Court's Ruling

The Court agrees with the IBP Board of Governors' findings and recommended penalty, and accordingly confirms them.

For an orderly disposition of the case, we shall discuss each of the main issues that the parties identified.

Violation of the Notarial Practice Rules

a. Usurpation of a notarial office

As the investigating commissioner found, Gimeno did not present any concrete evidence to show that Atty. Zaide notarized the March 29, 2002 partial extrajudicial partition prior to his admission to the Bar and receipt of his notarial commission.

It appears that this document originally carried the name of one Atty. Elpedio Cabasan, as notary public. Atty. Zaide's signature and notarial stamp that bears his name, roll number,, PTR number, IBP number, and the expiration date of his notarial commission, were merely superimposed over Atty. Cabasan's typewritten name.

Notably, Atty. Zaide admitted that the details stamped on the document are his true information. However, he denied that he personally stamped and signed the document. **In fact, this document never appeared in his notarial register and was never included in his notarial report for the year 2002.** He contended that Gimeno falsified his signature and used his notarial stamp to make it appear that he was the one who notarized it.

This Court notes that at the time the document was purportedly notarized, **Atty. Zaide's details as a lawyer and as a notary public had not yet existed.** He was admitted to the Bar only on May 2, 2002; **thus, he could not have obtained and used the exact figures pertaining to his roll number, PTR number, IBP number and the expiration date of his notarial commission, prior to this date, particularly on March 29, 2002.**

This circumstance, coupled with the absence of any evidence supporting Gimeno's claim such as a witness to the alleged fictitious notarization, leads us to the conclusion that **Atty. Zaide could not have notarized the document before his Bar admission and receipt of his notarial commission.**

We can only conclude that his professional details, which were only generated after his Bar admission, were stamped on the March 29, 2002 document. How this happened is not clear from the evidence before us.

b. Maintaining different notarial registers in separate notarial offices

We find that Atty. Zaide violated the Notarial Practice Rules by maintaining different notarial registers in several offices. Because of this practice, the following notarized documents had been irregularly numbered and entered:

Document ^[27]	Date	Doc. No.	Page	Book	Year
Special Power of Attorney	6/20/05	273	55	18	2005
Secretary's Certificate	10/28/05	226	46	18	2005
Affidavit of Quitclaim	10/31/05	272	55	18	2005
Affidavit of Loss	4/17/06	54	11	25	2006
Affidavit of Two Disinterested Persons	4/17/06	310	61	25	2006
Petition for Issuance of Owner's Duplicate copy	4/17/06	72	15	25	2006
Affidavit of Parental Consent	4/19/06	461	93	23	2006
Confirmation of Sale	4/21/06	283	56	25	2006
Deed of Absolute Sale	4/27/06	304	60	25	2006

Section I(a), Rule VI of the Notarial Practice Rules provides that "a notary public shall keep, maintain, protect and provide for lawful inspection as provided in these