

SECOND DIVISION

[A.C. No. 8637, September 15, 2014]

IMELDA CATO GADDI, COMPLAINANT, VS. ATTY. LOPE M. VELASCO, RESPONDENT.

R E S O L U T I O N

CARPIO, ACTING C.J.:

The Case

Before us is an administrative complaint filed by Imelda Cato Gaddi (Gaddi) against Atty. Lope M. Velasco (Velasco) for violation of the 2004 Rules on Notarial Practice.

The Facts

According to Gaddi, she was the Operations and Accounting Manager of the Bert Lozada Swimming School (BLSS) when she broached the idea of opening a branch of BLSS in Solano, Nueva Vizcaya (BLSS in Solano) to Angelo Lozada (Angelo), the Chief Operations Officer of BLSS. Believing that Angelo agreed, Gaddi opened a BLSS in Solano. However, in April 2010, Angelo informed the management that he did not authorize a BLSS in Solano. Upon Angelo's complaint, the police officers apprehended the swimming instructors of BLSS in Solano, namely: Jonathan Lagamzon Lozare, Katherine Agatha Gaddi Ancheta, who is Gaddi's niece, and Lorenz Ocampo Gaddi, who is Gaddi's grandson.

At past 10:00 a.m. of 22 April 2010, while inside the BLSS main office in Sta. Ana, Manila, Gaddi was informed of the apprehension of the swimming instructors. Worried, Gaddi pleaded with Angelo's wife, Kristina Marie, and the BLSS Programs Manager Aleza Garcia for permission to leave the office and proceed to Nueva Vizcaya. Instead of acceding to her plea, they commanded Gaddi to make a handwritten admission^[1] that the BLSS in Solano was unauthorized. They warned Gaddi that she cannot leave the office without the handwritten admission. Thus, Gaddi conceded in doing the handwritten admission and left the office before 1:00 p.m. of the same day. Subsequently, Gaddi found out that Angelo filed a complaint against her regarding the BLSS in Solano using her handwritten admission, which was already notarized by Velasco.

Thus, Gaddi filed the present complaint against Velasco for violation of the 2004 Rules on Notarial Practice, specifically Rule IV, Section 2 (b) and Rule VI, Section 3. Gaddi denied that she personally appeared before Velasco to have her handwritten admission notarized. She alleged that she did not consent to its notarization nor did she personally know him, give any competent evidence of identity or sign the notarial register.

In his comment dated 17 September 2010,^[2] Velasco alleged that he was

commissioned notary public for Makati City from 4 January 2010 to 31 December 2011. He alleged that Gaddi appeared before him in his notarial office in Makati City on 22 April 2010 and requested for the notarization of a four-page handwritten document. He ascertained Gaddi's identity, through two identification cards – her BLSS ID and Tax Identification Number (TIN) ID, and that the document was her own. Thereafter, he notarized the document and recorded it in his notarial register as Doc. No. 130, Page No. 27, Book No. 192, Series of 2010. Velasco insisted that he duly complied with the 2004 Rules on Notarial Practice and it was Gaddi's complaint, which was notarized by a fake notary public. Velasco claimed that Gaddi only denied having the document notarized when she found out that Angelo used the document against her.

In a Resolution dated 18 October 2010,^[3] the Court referred the case to the Integrated Bar of the Philippines (IBP) for investigation, report and recommendation.

The IBP's Report and Recommendation

In a Report and Recommendation dated 23 June 2011,^[4] Investigating Commissioner Pablo S. Castillo (Investigating Commissioner) found the complaint impressed with merit, and recommended a penalty of fine of P5,000.00 on Velasco for violation of Rule IV, Section 2(b) and Rule VI, Section 3 of the 2004 Rules on Notarial Practice.

The Investigating Commissioner gave more credence to Gaddi's statement that she did not personally appear before Velasco to have her handwritten admission notarized. The Investigating Commissioner found it contradictory to logic and human experience that Gaddi went first to Makati City to have her self-incriminating handwritten admission notarized before proceeding to Nueva Vizcaya. The Investigating Commissioner also believed Gaddi's statement that the identification cards presented by Velasco were computer-generated from the BLSS office, since the portion of the notarial certificate listing the evidence of identity was left blank. As to Velasco's claim that Gaddi's complaint had a fake notary public, the Investigating Commissioner found it unsubstantiated.

In Resolution No. XX-2013-127^[5] passed on 13 February 2013, the IBP Board of Governors adopted and approved the Investigating Commissioner's report and recommendation, to wit:

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 for violation of Rule IV, Sec. [2(b) and Rule VI, Sec.] 3 of the 2004 Rules on Notarial Practice, Atty. Lope M. Velasco's Notarial Commission is hereby REVOKED and DISQUALIFIED for being Commissioned as Notary Public for two (2) years with stern [w]arning to be more circumspect in his dealing and that repetition of the same act shall be dealt with more severely.