

## SECOND DIVISION

[ A.C. NO. 6270, January 22, 2007 ]

**HEIRS OF THE LATE SPOUSES LUCAS AND FRANCISCA  
VILLANUEVA, COMPLAINANTS, VS. ATTY. SALUD P. BERADIO,  
RESPONDENT.**

### **D E C I S I O N**

**CARPIO, J.:**

#### **The Case**

This is a disbarment case against Atty. Salud P. Beradio (respondent), filed by the heirs of the late spouses Lucas and Francisca Villanueva (spouses Villanueva), namely: Ardenio M. Fonacier, Araceli M. Fonacier, Alano M. Fonacier, Eusebio M. Fonacier, Jr., Rolando V. Nazarro, Alejandro V. Nazarro, Margarita V. Collado, Felisa Collado, and Herminigildo Ylhi (complainants).

#### **The Facts**

During their lifetime, the spouses Villanueva acquired several parcels of land in Pangasinan, one of which was covered by Original Certificate of Title (OCT) No. 2522. Francisca died in 1968, and Lucas in 1974. Their five children, namely, Simeona, Susana, Maria, Alfonso, and Florencia, survived them.

On 22 May 1984, Alfonso executed an Affidavit of Adjudication<sup>[1]</sup> (affidavit of adjudication) stating that as “the only surviving son and sole heirs (sic)” of the spouses Villanueva, he was adjudicating to himself the parcel of land under OCT No. 2522. Alfonso then executed a Deed of Absolute Sale<sup>[2]</sup> (deed of sale) on 5 July 1984, conveying the property to Adriano Villanueva. Respondent appeared as notary public on both the affidavit of adjudication and the deed of sale.

Contrary to the misrepresentations of Alfonso, his sister Florencia was still alive at the time he executed the affidavit of adjudication and the deed of sale, as were descendants of the other children of the spouses Villanueva. Complainants claimed that respondent was aware of this fact, as respondent had been their neighbor in Balungao, Pangasinan, from the time of their birth, and respondent constantly mingled with their family. Complainants accused respondent of knowing the “true facts and surrounding circumstances” regarding the properties of the spouses Villanueva, yet conspiring with Alfonso to deprive his co-heirs of their rightful shares in the property.

In a resolution dated 11 February 2004, this Court required respondent to comment on the complaint.

In her Comment,<sup>[3]</sup> respondent admitted that she notarized the affidavit of

adjudication and the deed of sale executed by Alfonso in 1984. However, respondent denied that she conspired with Alfonso to dispose of fraudulently the property. Respondent alleged that Alfonso executed the two documents under the following circumstances:

That the properties of the late spouses [Villanueva] have been divided equally among their compulsory heirs, but said old couple left for themselves one titled lot, the subject now of the complaint x x x That said titled property was the only property left by the old couple, to answer for their needs while they are still alive until their deaths x x x. **Alfonso [and his wife] were tasked to take care of the old couple, as they were the ones living in the same compound with their late parents. This fact was and is known by the other compulsory heirs, and they never questioned the said act of their parents, as they already had their own share on the estate of the late [spouses Villanueva]. This fact was also known to me because [Lucas] and [Alfonso] lived across the street from our house and I was requested to the house of the old man when he gave said title to [Alfonso and Tomasa, his wife].** The other compulsory heirs who were still alive at the time just made visits to their parents and never stayed in their old house to help in the care of their parents. Even [when] the parents died, it was [Alfonso and his wife] who took charge of the funeral and all other acts relative thereto.

x x x x

That said title remain[ed] in the custody of [Alfonso] and after the death of the old man, when the spouses Alfonso [and Tomasa] needed money to finance the schooling of their children, it was then that they thought of disposing the land x x x **and said land was sold by them to one Adriano Villanueva of which in both documents, I notarized the same** (sic).

x x x x

I can say with all clean and good intentions, that if ever I notarized said documents, it was done in good faith, to do my job as expected of me, to help, assist and to guide people who come to me for legal assistance, as contained in my oath as a lawyer when I passed the bar. x x x<sup>[4]</sup> (Emphasis supplied)

According to respondent, the fact that none of Alfonso's co-heirs filed their objections at the time he executed the affidavit of adjudication proved that most of the properties of the spouses Villanueva had earlier been distributed to the other heirs. It also proved that the heirs had agreed to abide by the intention of the spouses Villanueva to leave the property to Alfonso. Respondent asserted that "the personal appearances and acknowledgment by the party to the document are the core of the ritual that effectively convert a private document into a public document x x x."

On 26 May 2004, we resolved to refer the complaint to the Integrated Bar of the