

FIRST DIVISION

[A.C. NO. 6678, October 09, 2006]

**JOCELYN A. SAQUING, COMPLAINANT, VS. ATTY. NOEL A. MORA,
RESPONDENT.**

DECISION

YNARES-SANTIAGO, J.:

Complainant Jocelyn A. Saquing seeks the disbarment of respondent Atty. Noel A. Mora for grave misconduct for allegedly conspiring with spouses Paulino and Manuela Mora in inducing her to buy an unregistered parcel of land, and for performing a notarial act without a commission, he being a lawyer of the Public Attorney's Office (PAO).

Complainant alleged that in June 2004, she bought from the spouses Mora 7,828 square meter parcel of allegedly registered land located at Sitio Paquiel, Camasi, Peñablanca, Cagayan, for P782,800.00.^[1] On July 8, 2004, she paid the amount of P550,000.00 to the spouses Mora at the house of the respondent, who prepared a handwritten acknowledgment receipt, which reads:^[2]

ACKNOWLEDGMENT RECEIPT

This is to acknowledge receipt the amount of FIVE HUNDRED FIFTY THOUSAND PESOS (P550,000.00) from MS. JOCELYN [A.] SAQUING as partial payment of the Lot 108-3, PSU-(2f) 02-165983 Amd3 with an area of Seven Thousand Eight Hundred Twenty Eight (7,828) square meters located at Camasi, Peñablanca, Cagayan.

The balance in the amount of TWO HUNDRED THIRTY TWO THOUSAND EIGHT HUNDRED PESOS (P232,800.00) shall be paid within the period of three (3) months.

Executed this 8th day of July, 2004 at Tuguegarao City.

(Sgd.) JOCELYN (Sgd.) PAULINO MORA
[A.] SAQUING

(Sgd.) MANUELA ASPA MORA

SIGNED IN THE PRESENCE OF:

SUBSCRIBED AND SWORN to before me this 8th day of July, 2004 at

Tuguegarao.

(Sgd.) ATTY. NOEL A. MORA^[3]

After payment of the remaining balance, respondent prepared the Deed of Absolute Sale of a Portion of Unregistered Land,^[4] but complainant refused to affix her signature on the deed because it was stated therein that the land was unregistered, contrary to the representations of the spouses and the respondent.^[5]

When the spouses Mora refused to return the contract price, complainant filed a complaint for estafa against them at the City Prosecutor's Office, Tuguegarao City, and an administrative case for disbarment against the respondent at the Office of the Bar Confidant.^[6]

Respondent denied conspiring with spouses Mora regarding the sale of the land. He alleged that before he prepared the acknowledgment receipt, the parties had already agreed on the terms of the contract; thus, there was no need for him to convince complainant to buy the land. He admitted that he asked the parties to subscribe the acknowledgment receipt and swear before him but claimed that he did it only for complainant's protection in case any problem would arise. He denied giving any assurance that the land was registered. In fact, he explained to her the status of the case with the Department of Environment and Natural Resources (DENR) and that the spouses were facilitating the titling of the property in their names.^[7]

Complainant filed a Reply^[8] to respondent's comment, after which the case was referred to the Integrated Bar of the Philippines (IBP) for investigation, report and recommendation.^[9] In its Resolution No. XVII-2006-238, dated April 27, 2006, the IBP Board of Governors approved the report and recommendation of the Investigating Commissioner, Lolita A. Quisumbing, finding respondent guilty of violating Rule 1.01, Canon 1 of the Code of Professional Responsibility for notarizing the Acknowledgment Receipt without notarial commission and recommending that he be reprimanded with warning that repetition of the same act will be dealt with more severely.^[10]

This resolution is now before us for review.

In disbarment proceedings, the burden of proof is upon the complainant and this Court will exercise its disciplinary power only if the former establishes its case by clear, convincing, and satisfactory evidence.^[11] Considering the serious consequence of the disbarment or suspension of a member of the Bar, this Court has consistently held that clear preponderant evidence is necessary to justify the imposition of the administrative penalty.^[12]

Complainant's evidence consists mainly of her Affidavit-Complaint, Acknowledgment Receipt, Deed of Absolute Sale of a Portion of Unregistered Land and her testimony before the Commission attesting to the truth of the allegations in her affidavit.

We agree with the Investigating Commissioner that while the evidence of complainant is sufficient to support the charge that respondent notarized the