

EN BANC

[A.C. No. 6249, October 14, 2004]

SOCIAL SECURITY COMMISSION, COMPLAINANT, VS. ATTY. NAPOLEON CORRAL, RESPONDENT

R E S O L U T I O N

QUISUMBING, J.:

In a **Verified Complaint**^[1] filed with the Integrated Bar of the Philippines on January 25, 1993, complainant Social Security Commission (hereafter the Commission, for brevity) sought to disbar respondent Atty. Napoleon Corral for preparing, notarizing, and filing with the Commission's Regional Office in Bacolod City two complaints allegedly executed and verified by people who have been long dead.

The Commission alleged that respondent filed the first spurious complaint^[2] on April 18, 1986, on behalf of one Hermogenes Bareno. The complaint was signed by respondent himself, but appeared to have been verified by Bareno with a thumbmark and acknowledged before respondent on April 16, 1986. Later, upon investigation, it was discovered that Bareno had died two years earlier.^[3]

The second spurious complaint,^[4] for its part, was filed on September 10, 1987, on behalf of one Domingo N. Panadero, under similar circumstances. The complaint was likewise signed by respondent himself and likewise appeared to have been verified by Panadero with a thumbmark and acknowledged before respondent shortly prior to filing. When this complaint was investigated, it was discovered that Panadero had also died long before.^[5]

Adding to these charges, the Commission filed on May 16, 1994, a **Supplemental Complaint**.^[6] The Commission added that on July 12, 1990, respondent had filed a third similarly spurious complaint.^[7] Like the other two complaints, the third complaint was signed by respondent himself and likewise appeared to have been subscribed and sworn to before him in Bacolod by the purported complainant, one Catalino de la Cruz, who, upon being investigated, declared in an affidavit that he had never been to Bacolod City for the last ten years, that he had never verified any such complaint, and that he did not even know who respondent was.^[8]

Claiming that respondent was liable for misconduct and unethical practice of law, the Commission prayed in both its Verified Complaint and Supplemental Complaint that respondent be disbarred and his name removed from the Roll of Attorneys.

In his Comment, respondent argued that since Hermogenes Bareno's impostor had Bareno's Social Security System (SSS) card, Domingo Panadero's impostor had Panadero's SSS FORM E-1, and Catalino de la Cruz's impostor had an ID, he could

not be faulted for not investigating further into their identities. He argued he had sufficiently complied with his obligations as notary public when he relied only on what they had presented, especially since they sought only the preparation of simple, but justified, complaints for remittance of unpaid SSS premiums.^[9]

After investigating the matter, the Board of Governors of the Integrated Bar of the Philippines issued on September 27, 2003, Resolution No. XVI-2003-175 recommending that respondent be disbarred. The IBP resolution reads:

RESOLUTION NO. XVI-2003-175
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RESOLVED to ADOPT and APPROVE, as it is hereby ADOPTED and APPROVED, the Report and Recommendation of the Investigating Commissioner of the above-entitled case, herein made part of this Resolution/Decision as Annex "A"; and, finding the recommendation fully supported by the evidence on record and the applicable laws and rules, **with modification**, and considering Respondent's violation of Rule 1.01 of Canon 1 of the Code of Professional Responsibility by failure to fulfill his duties and responsibilities as a lawyer and as a Notary Public, Atty. Napoleon Corral is hereby **DISBARRED**.^[10]

The Resolution, now before the Court for final action pursuant to Sec. 12 par. (b), Rule 139-B of the Rules of Court,^[11] is well taken.

Respondent failed to exercise utmost diligence in the performance of his duty under Section 1(a) of Public Act No. 2103,^[12] which requires a party to any document notarized by a notary public to personally appear before the latter.^[13] Bareno, Panadero, and de la Cruz did not personally appear before respondent. The death certificates presented show that both Bareno and Panadero had long been dead, while de la Cruz's un rebutted affidavit proves he had never been to Bacolod City where he supposedly verified the complaint. It is a mystery, then, how respondent, in notarizing the complaints, could have certified that Bareno, Panadero and de la Cruz personally appeared before him and swore to the truth of the facts stated in the complaints.

Respondent did not clarify whether the forms of identification presented to him and on which he relied were valid IDs. He never expounded on what documents Bareno's impostor presented or on what kind of ID de la Cruz's impostor showed him. An examination of said SSS Form E-1, presented to him by Panadero's impostor, also shows that it is only a statement of a member's beneficiaries and does not, in any way, tend to prove that the bearer is the member whose name appears on said form. Respondent did not even state what precautions he took to ascertain the identities of those who appeared before him. He asseverated that it was sufficient that he relied on some form of identification, especially since he was merely notarizing simple complaints for remittance of unpaid SSS contributions. Respondent failed to realize that the complaints he had prepared and carelessly notarized would haul the prospective defendants in those complaints to the Commission and cause them to spend valuable time and incur expenses in their defense. Such jaunty