

SECOND DIVISION

[A.C. No. 4751, July 31, 2000]

EMELITA SOLARTE, COMPLAINANT, VS. ATTY. TEOFILO F. PUGEDA, RESPONDENT.

R E S O L U T I O N

QUISUMBING, J.:

Before us is an administrative charge for gross misconduct, filed by complainant Emelita Solarte against a member of the bar, respondent Atty. Teofilo F. Pugeda. Respondent was a municipal judge in the 1960s when, as notary public *ex officio*, he allegedly notarized certain documents involving the sale of land situated in Cavite, particularly two deeds of sale dated circa 1964 and 1967 involving parcels of land located at General Trias.

The lots belonged to Catalino Nocon, and was the subject of an extrajudicial partition made by Catalino and his children. One of the children, Herminia, was not a signatory thereto because she was still a minor at that time.

Complainant claimed an interest in the lots sold because she was a descendant of the original owner, Catalino Nocon. Complainant's paternal grandfather, Felimon, was one of Catalino's children. Some 30 years after the sale thereof, or in mid-1990s complainant requested respondent for copies of the aforesaid deeds of sale. She suspected them to be spurious and wanted to have them examined by the NBI. Unable to obtain copies from respondent, she went to Herminia Nocon, another child of Catalino, who did not give her copies but allowed her to look at the documents. Complainant recorded the contents of the document on video and retyped the contents.

Complainant avers that respondent Pugeda could not have legally notarized a document to which he also acted as witness. She also cites as irregular or anomalous the absence of the vendee's signature in one of the deeds of sale. Complainant claims that respondent and his wife are in fact administering the property at General Trias and they were responsible for the wrongful partition of the property belonging to complainant's kin. According to complainant, the acts of respondent constitute gross misconduct.

Complainant alleges in particular that respondent participated in the fraudulent partition and sale of the property of Catalino. She discovered the fraud only recently according to her, when she sought the titling of his father's portion of the property. She now assails the validity of the partition made by Catalino and his children – particularly since Herminia was not a signatory thereto and the deeds of sale pertaining to the property.

In his comment, respondent countered that, first, he was no longer under any obligation to provide petitioner with the documents she was asking for because he is no longer a notary public *ex officio*. He says he was willing to look for the