

****Title: Celia D. Mendoza vs. Atty. Cesar R. Santiago, Jr. (A.C. No. 12081)****

****Facts:****

Celia D. Mendoza filed a complaint on June 23, 2017, against Atty. Cesar R. Santiago, Jr., accusing him of violating the Code of Professional Responsibility and the 2004 Rules on Notarial Practice. Adela Espiritu-Barlaan, who passed away intestate on September 4, 2010, left behind heirs and a parcel of land. On October 25, 2013, the heirs, through an Extrajudicial Settlement with Waiver and Transfer of Rights notarized by Santiago, assigned the property to themselves. The deed led to the original title being canceled and a new title issued to John Alexander Barlaan, who subsequently sold part of the property to Monette Abac Ramos through the First Deed of Sale, notarized by Santiago.

Later, a Second Deed of Sale for a lower price was also notarized by Santiago, and Ramos filed for ejectment after discovering occupants on the property. The MeTC ruled in her favor. In 2017, Mendoza filed the complaint praying for Santiago's disbarment. Santiago argued that Mendoza lacked legal personality and that the property ownership issue was settled. The IBP-CBD recommended Santiago to be suspended for one year and his notarial commission revoked for two years, finding Mendoza had legal standing and that Santiago violated professional and notarial rules. The IBP Board of Governors modified the penalty, extending the suspension to two years and disqualifying Santiago from being a notary public for the same duration.

****Issues:****

1. Whether the complainant (Mendoza) has the legal standing to file an administrative complaint against the respondent (Santiago).
2. Whether Santiago's act of notarizing First and Second Deeds of Sale, reflecting different sale amounts for tax evasion purposes, constitutes a violation of the 2004 Rules on Notarial Practice and the Code of Professional Responsibility.

****Court's Decision:****

The Supreme Court agreed with the findings of the IBP Board of Governors, affirming Mendoza's standing and finding Santiago guilty of violating professional and notarial rules. Santiago had not disputed notarizing two deeds with different amounts, and his action was intended to minimize his client's tax liability. The Court referenced ****Lopez v. Ramos****, a case with similar circumstances, as a precedent for the violation. The Court imposed the following sanctions on Santiago: a two-year suspension from practicing law, the immediate revocation of his notarial commission, and disqualification from being a notary public for

two years.

****Doctrine:****

The case established that notarizing documents with the intent of tax evasion violates the 2004 Rules on Notarial Practice and the Code of Professional Responsibility. The Supreme Court reasserted the serious nature of notarial acts, emphasizing that such acts are not merely routinary but imbued with substantive public interest that converts private documents into public documents.

****Class Notes:****

- Legal Standing: Determined based on personal knowledge of the circumstances surrounding the alleged misconduct.
- Notary Public Duties: A notary public must ensure the integrity of the notarized document and avoid involvement in unlawful arrangements.
- Professional Misconduct: Lawyers may be disciplined for misconduct showing faults in moral character, honesty, probity, or good demeanor.
- Sanctions for Serious Offenses: Suspension from law practice exceeding six months, revocation of notarial commission, disqualification from being a notary public, or a substantial fine.

****Historical Background:****

This case highlights the importance of the notary public's duties within the Filipino legal system, where notarization confers public trust in the authenticity of a document. The decision reinforces the ethical standards expected of legal practitioners in the Philippines and the serious implications of notarial misconduct, which undermines public trust and circumvents tax laws.