

Title:

Tabao v. Lacaba: A Case on Violation of Notarial Practice

Facts:

Azucena C. Tabao and her siblings initiated a perjury case against several individuals. Atty. Alexander R. Lacaba notarized a Counter-Affidavit related to this case without the personal appearance of two affiants, Marlin and Marie, who were abroad and in another city, respectively. Instead, their signatures were indicated as being made by Rosalina and Felicita on their behalf. Atty. Lacaba defended his action by claiming that video calls were made to Marlin and Marie, who then authorized their respective representatives to sign for them. This matter was escalated to the Supreme Court after going through the Integrated Bar of the Philippines (IBP) where the Investigating Commissioner and the IBP Board of Governors found Atty. Lacaba guilty of violating the Rules on Notarial Practice and recommended his suspension.

Issues:

1. Whether the notarization of a document without the personal appearance of the affiants constitutes a violation of the Rules on Notarial Practice.
2. Whether Atty. Lacaba's reliance on video calls satisfies the requirement of personal appearance under the Rules on Notarial Practice.
3. Whether the failure to include in the Counter-Affidavit the document number, page number, book number, and corresponding series year of Atty. Lacaba's notarial register violates notarial laws.

Court's Decision:

The Supreme Court upheld the findings and recommendations of the IBP, concluding that Atty. Lacaba violated the Rules on Notarial Practice for not requiring the personal appearance of the affiants and for his failure to adhere to the formalities of the notarial register. The Court emphasized that personal appearance is indispensable for the verification of the genuineness of the signatory's signature and the validity of their declarations. The Court also rejected the defense of substantial compliance through video calls and held that notarization through representatives without proper authorization and presence does not meet the legal requirements. As a result, Atty. Lacaba was suspended from the practice of law for six months, disqualified from being commissioned as a notary public for two years, and had his notarial commission revoked.

Doctrine:

The case reinforces the doctrine that notarization is a solemn act requiring the physical presence of the signatory before the notary public. The principle behind this requirement is to ensure the authenticity of the signature and the volitional act of the signatory. Further, the case underlines the mandatory nature of maintaining and thoroughly documenting the notarial register to uphold the integrity and evidentiary weight of notarized documents.

Class Notes:

- **Physical Presence Requirement:** Any document to be notarized must be signed in the presence of the notary public to verify signature authenticity.
- **Notarial Register Formalities:** A notary must record each notarized document's details in a notarial register, specifically, the document number, page number, book number, and series year.
- **Penalties for Violation:** Violation of notarial practices can lead to suspension from legal practice, revocation of notarial commission, and disqualification from being commissioned as a notary public.

Historical Background:

This case underscores the strict adherence demanded by Philippine law towards the notarization process, reflecting the system's commitment to document authenticity and safeguarding public interest. Over time, the standards and expectations from legal professionals, particularly notaries public, have become stringent to prevent abuses that could undermine public trust in legal and notarial processes.