

Title:

Lucente and Domingo vs. Atty. Cleto L. Evangelista, Jr.: A Case of Notarial Misconduct

Facts:

This case originates from a sworn letter-complaint dated January 15, 1999, filed with the Integrated Bar of the Philippines (IBP) Commission on Bar Discipline by Winnie C. Lucente and Alicia G. Domingo. The complainants charged Atty. Cleto L. Evangelista, Jr. with gross misconduct, deceit, malpractice, and crimes involving moral turpitude for falsification of public documents.

The complaint stemmed from Evangelista, Jr.'s issuance of certified true copies of a Deed of Quitclaim and a Deed of Absolute Sale, which were notarized by his late father, thereby facilitating the transfer of properties located in Ormoc City to Asuncion T. Yared. Following the issuance of these certified true copies, the Register of Deeds of Ormoc City released a Transfer Certificate of Title in favor of Yared based on the deeds.

Respondent Evangelista, Jr. filed a motion to dismiss the complaint, citing *res adjudicata* due to overlapping issues with a criminal case and a civil case, which he argued posed a prejudicial question in the disbarment proceedings. However, his motions were eventually superseded by the proceedings in the Supreme Court.

The IBP Board of Governors initially recommended a reprimand for Evangelista, Jr., but the complainants sought a review under Rule 45 of the Rules of Court, citing procedural missteps in the petition to the Supreme Court.

Issues:

1. Whether Atty. Cleto L. Evangelista, Jr.'s act of certifying true copies of documents notarized by his late father constitutes gross misconduct.
2. Whether the principle of *res adjudicata* applies to the disbarment proceeding against Evangelista, Jr.
3. Whether the complaint for disbarment suffers from procedural defects that warrant its dismissal.
4. Whether forum shopping applies to disbarment proceedings.

Court's Decision:

The Supreme Court found Evangelista, Jr. guilty of gross misconduct and suspended him from the practice of law for six months. The Court detailed that Evangelista, Jr.'s action of certifying true copies of the notarized documents, without being the original notary nor the

custodian of the records, was deceitful and unauthorized. This misconduct negates ^{/ Digest} the integrity expected of a legal professional, particularly in notarial duties, which are imbued with public interest.

The Court ruled that the principles of res adjudicata and forum shopping did not apply to the case due to its administrative nature. Additionally, procedural defects in the complaint were overlooked in favor of substantive justice, setting aside technicalities that could impede the proper resolution of the case.

Doctrine:

The case reaffirms the principle that notarization by a notary public transforms a private document into a public one, thereby imposing on the notary a heightened level of care and trustworthiness. It also distinguishes administrative proceedings from judicial ones, clarifying that principles such as res adjudicata and forum shopping are not applicable to disbarment proceedings. Moreover, it illustrates the Supreme Court's discretion to prioritize substantive justice over procedural technicalities.

Class Notes:

- Notarization by a notary public is a significant act that impacts public interest, requiring utmost care and integrity.
- Procedural rules in administrative proceedings such as disbarment cases can be flexibly applied to achieve substantive justice.
- Res adjudicata and forum shopping do not apply to disbarment proceedings.
- Misconduct in professional and personal capacity can result in disciplinary action, emphasizing the holistic standard of behavior expected from members of the legal profession.

Historical Background:

This case exemplifies the Philippine judiciary's approach to maintaining integrity within the legal profession, scrutinizing actions of legal practitioners not just in their professional capacity but also in contexts that may affect public trust in legal institutions. It underscores the importance of notarial duties and the consequences of misuse of legal authority and documents.