

Title:

****Santos vs. Atty. Beltran: A Case of Notarial Misconduct and Representation of Conflicting Interests****

Facts:

Rogelio R. Santos, Sr. lodged an administrative complaint against Atty. Rodolfo C. Beltran, claiming gross misconduct and malpractice. This stems from several events involving the estate of Spouses Filomeno Santiago Santos, Sr. and Benita Roxas Rodriguez, parents of Rogelio and nine other siblings, not including Rogelio in a Donative act covering two residential lots in Malabon, Metro Manila. These acts precipitated multiple legal challenges, including intestate proceedings, falsification charges, and ejectment cases.

The crux began with the notarization of a Deed of Donation by Beltran, favoring Santos' siblings, which Rogelio contended was conducted without the personal appearance of parties involved, in direct violation of the legal requirement for notarization. Rogelio also argued that his siblings, being American citizens, were ineligible to own property in the Philippines. He further alleged that Atty. Beltran engaged in legal representation without proper authorization and acquired disputed properties, thereby violating professional codes.

The Integrated Bar of the Philippines Commission on Bar Discipline (IBP-CBD) initially recommended Beltran's suspension from his notarial commission for one year, which was eventually modified to a suspension and disqualification from appointment as a Notary Public for two years. The Supreme Court of the Philippines was then tasked with addressing this matter following Beltran's motion for reconsideration and subsequent finality of the IBP's resolution.

Issues:

The core legal issues deliberated by the court included:

1. Whether Atty. Beltran violated his notarial duty by notarizing a Deed of Donation without the personal appearance of the involved parties.
2. The legality of representing conflicting interests in various legal capacities without proper disclosure and consent.
3. The ethical implications of acquiring properties under litigation.

Court's Decision:

The Supreme Court conducted a thorough evaluation, addressing each issue systematically.

- ****Notarial Misconduct****: The court found insufficient evidence to establish that the

signatories did not appear before Atty. Beltran for the notarization of the Deed of Donation. The argument of physical impossibility for the siblings to appear due to their travel records was deemed speculative, and discrepancies in the dates were considered satisfactorily explained.

- **Representation of Conflicting Interests**: The court determined that Atty. Beltran did represent conflicting interests, specifically in the ejectment case involving land within the Villa Benita Subdivision. By acting for parties directly opposing his previous client in a related matter, Beltran was in breach of the professional code barring lawyers from representing conflicting interests without full disclosure and consent from all parties involved.

Consequently, Atty. Beltran was found guilty of representing conflicting interests and was suspended from the practice of law for one year, with a stern warning regarding the future recurrence of similar actions.

Doctrine:

This case reiterates the legal doctrine that lawyers must not represent conflicting interests except with written consent from all concerned after a full disclosure of facts, emphasizing the importance of fidelity and undivided loyalty to their clients.

Class Notes:

- **Notarization Principle**: A notarized document is presumed to be executed properly unless compelling evidence suggests otherwise.
- **Representation of Conflicting Interests**: It is unethical for a lawyer to represent new clients in matters adversely affecting a former client without informed consent from all involved.
- **Property Acquisition by Lawyers**: Attorneys must not exploit their position to acquire properties involved in litigation they are connected to.
- **Professional Ethics**: Lawyers are bound by a code of ethics that includes fidelity to clients, transparency, and avoidance of actions that can lead to conflicts of interest.

Historical Background:

This case highlights the evolving scrutiny of legal ethics within the Philippine legal community, reflecting an ongoing commitment to uphold the integrity of legal practice in the face of globalization and changing societal norms. It underscores the importance of notarial responsibilities and the ethical boundaries governing legal representation, crucial

for maintaining public trust in the legal system.