

**\*\*Title:\*\***

Manuel L. Lee v. Atty. Regino B. Tambago (2006)

**\*\*Facts:\*\***

1. **\*\*Background:\*\*** Manuel L. Lee filed a complaint against Atty. Regino B. Tambago on April 10, 2000, accusing the respondent of violating the Notarial Law and legal ethics through the notarization of an allegedly spurious last will and testament of his father, Vicente Lee, Sr.

2. **\*\*Allegations of Falsification:\*\*** Manuel L. Lee claimed:

- Vicente Lee, Sr. never executed the contested will.
- The will had forged signatures of witnesses Cayetano Noynay and Loreto Grajo.
- The will bequeathed Vicente Lee, Sr.'s estate primarily to his wife Lim Hock Lee, and a parcel of land to half-siblings Vicente Lee, Jr. and Elena Lee.

3. **\*\*Discrepancies in Documents:\*\***

- The decedent's residence certificate in the will, dated January 5, 1962, did not match the purported execution date of June 30, 1965.
- Signature inconsistencies were noted between the will and another document, a deed of donation containing Vicente Lee, Sr.'s alleged genuine signature.

4. **\*\*Absence of Required Details:\*\***

- The absence of residence certificates for witnesses Noynay and Grajo in the will.
- No copy of the will existed in the archives division of the Records Management and Archives Office.

5. **\*\*Denial and Counter-Claims:\*\*** Atty. Tambago:

- Refuted the allegations, stating Manuel L. Lee was not a legitimate son of Vicente Lee, Sr.
- Claimed that the will was validly executed and notarized, supported by affidavits from Gloria Nebato, Vicente Lee, Sr.'s common-law wife, and his children.

6. **\*\*Procedural Posture:\*\***

- The criminal case against Tambago filed in the Office of the Ombudsman was unsuccessful.
- The Supreme Court referred the case to the Integrated Bar of the Philippines (IBP) for investigation, report, and recommendation.

7. **\*\*IBP Findings:\*\***

- Violation of the old Notarial Law and legal ethics, recommending suspension for three months.

8. **\*\*IBP Board of Governors Resolution:\*\***

- Approved findings with modifications: suspension from legal practice for one year and

revocation of notarial commission for two years.

**\*\*Issues:\*\***

1. **\*\*Validity of the will due to non-compliance with legal formalities for execution and acknowledgment.\*\***
2. **\*\*Failure to Notarize Correctly:\*\***
  - Notation of residence certificates.
  - Proper acknowledgment process.
  - Filing in the archives division.
3. **\*\*Appropriate Disciplinary Action against Atty. Tambago.\*\***

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

1. **\*\*Invalid Will:\*\***
  - The contested will lacked three witnesses and proper notation of residence certificates.
  - Law requires acknowledgment before a notary public, which was not adhered to strictly or substantially.
2. **\*\*Violation of Notarial Formalities:\*\***
  - Respondent violated notarial law by allowing an expired residence certificate and not requiring certificates from witnesses.
  - Omissions and incorrect entries significantly breached legal and ethical standards.
3. **\*\*No Cause for Copy Failure:\*\***
  - Article 806 did not require a notary to retain or file a copy in archives.
4. **\*\*Non-compliance with Notarial Register Regulations:\*\***
  - Respondent failed to make accurate entries in the notarial register.
  - Presented inadmissible evidence (photocopies) to support claims.
5. **\*\*Professional Misconduct:\*\***
  - Found guilty due to gross violations of both the Notarial Law and the Code of Professional Responsibility.

**\*\*Doctrine:\*\***

1. **\*\*Notarial Law and Legal Ethics:\*\*** Strict adherence to mandated legal formalities is crucial to prevent fraud and maintain public trust in notarized documents.
2. **\*\*Mandatory Witnesses:\*\*** Notarial wills must be attested by at least three credible witnesses in the presence of the testator and each other.
3. **\*\*Importance of Accurate Notarial Procedures:\*\*** Proper notarization includes accurate documentation of residence certificates and ensuring authentic acknowledgment before a notary public.

**\*\*Class Notes:\*\***

1. **\*\*Elements of a Valid Will:\*\***

- Execution in compliance with legal formalities.
- Attestation by three witnesses.
- Proper acknowledgment before a notary public.

2. **\*\*Notarial Law Requirements:\*\***

- Accurate notation of residence certificates.
- Proper entries in the notarial register.

3. **\*\*Professional Misconduct:\*\***

- Upholding legal and ethical standards.
- Consequences for breaches include suspension, revocation, or disbarment.

4. **\*\*Statutory Provisions:\*\***

- Art. 804 and 806 of the Civil Code.
- Canon 1 and Rule 1.01 of the Code of Professional Responsibility.

**\*\*Historical Background:\*\***

- In the legal context of the Philippines, stringent requirements for executing and acknowledging last wills and testaments serve to protect the validity and authenticity of such documents against potential fraud and forgery. This case underscores the importance of that legal framework, emphasizing rigorous adherence to procedural formalities to safeguard the decedent's true intentions and preserve public trust in the legal profession.