

Title:

Dela Cruz vs. Zabala, A.C. No. 4963 (2004)

Facts:

In a disbarment case, Atty. Miniano B. Dela Cruz filed a complaint against Atty. Alejandro P. Zabala, alleging malpractice in notarizing a Deed of Absolute Sale by relying on false witnesses and apparently notarizing a document purportedly executed by two deceased individuals.

1. **Initial Engagement (Dec 21, 1996)**:

- Dela Cruz was retained by Demetrio C. Marero to file a petition for the issuance of a second duplicate original of the Owner's copy of Original Certificate of Title (OCT) No. 4153, in the names of Sps. Pedro Sumulong and Cirila Tapales.
- The Regional Trial Court of Antipolo City, Branch 72, approved the petition on March 10, 1997.

2. **Property Purchase (May 20, 1997)**:

- Dela Cruz bought the property from Marero and transferred the title to himself and his wife, leading to the issuance of TCT No. 330000.

3. **Registration Attempt and Discovery (May 21, 1997)**:

- Dela Cruz's agents discovered that the property was already registered under Antipolo Properties, Inc., bearing TCT No. N-107359.

4. **Notarization Incident (May 27, 1997)**:

- Zabala notarized the Deed of Absolute Sale supposedly executed by the already deceased Pedro Sumulong and Cirila Tapales.

5. **Subsequent Legal Disputes (Dec 9, 1997)**:

- Marero filed complaints for Reconveyance of Title and Estafa through Falsification of Public Document, as well as a disbarment case against Dela Cruz.

6. **Disbarment Complaint Against Zabala**:

- Dela Cruz filed for the disbarment of Zabala, asserting that he grossly violated notarial law by notarizing a fraudulent document.

Issues:

1. **Whether Zabala violated his notarial obligations as mandated by the Notarial Law and

other relevant provisions.**

2. **Whether the evidence presented warranted the disbarment of Atty. Zabala.**
3. **Appropriate disciplinary measures for Zabala based on the findings of negligence or malpractice.**

Court's Decision:

1. **Violation of Notarial Obligations**:

- The Court found Zabala guilty of gross negligence in notarizing the document. Although Zabala argued that his obligations were limited to verifying the appearance and certifications provided, the Court emphasized that the transformative power of notarization requires stringent due diligence.
- The Court pointed to noted abnormalities such as the non-appearance of one of the supposed signatories and lack of attachment for the title to the Deed of Sale. These should have been red flags for the respondent.

2. **Evidence on Grounds for Disbarment**:

- The Integrated Bar of the Philippines recommended repealing the prayer for disbarment due to insufficient evidence to prove intent of deceit or unlawful behavior. This recommendation was partly followed, but the Court found the evidence sufficient to showcase gross negligence.

3. **Disciplinary Measures**:

- The Court overruled the IBP's recommendation for mere reprimand and instead revoked Zabala's notarial commission, disqualifying him from notarization duties for two years. Additionally, the Court ordered Zabala to show cause why he should not face further disciplinary action as a member of the Bar.

Doctrine:

- **Due Diligence in Notarization**:

- Notaries must perform thorough due diligence in verifying the identities and circumstances of the signatories. Negligence in such duties can result in severe legal consequences.

- **Public Interest and Notarial Acts**:

- Notarizations convert private documents into public ones, demanding uncompromised integrity and due care in the evoking procedure.

Class Notes:

- **Key Elements**:

- Responsibility and diligence of a notary in verifying documents.
- Legal implications of notarizing fraudulent or incomplete documents.
- Consequences for notaries failing to meet their obligations (i.e., revocation of commission, suspension, disbarment).

- **Statutory Provisions**:

- **Section 1 of Public Act No. 2103**: Notary must verify the identity of the person acknowledging the document.
- **2004 Rules on Notarial Practice**: Emphasizes heightened scrutiny and verification by notaries.

Historical Background:

- This case showcases the rigorous standards applied to notarial acts in the Philippines and the significant consequences for failing to meet these standards. The ruling emphasizes the public's reliance on the integrity of notarized documents, reflecting the Supreme Court's commitment to upholding the trust and integrity essential in the legal profession. The context reflects a broader legal environment where the courts clamp down on any form of negligence by legal professionals that could undermine public confidence in legal documents and processes.