

****Case Title:****

Dr. Basilio Malvar vs. Atty. Cora Jane P. Baleros

****Facts:****

- ****January 7, 2011****: Dr. Basilio Malvar (complainant) sells a parcel of land to Leah Mallari for P500,000. The sale is acknowledged by the complainant's children through a Confirmation of Sale document.
- ****Agreement****: Dr. Malvar undertakes to facilitate the transfer of the land title to Mallari.
- ****Delay in Title Transfer****: Mallari, impatient with the delay, allegedly files an Application for Certification of Alienable and Disposable Land using Dr. Malvar's name and signature without his consent, at the Community Environment and Natural Resources Office (CENRO) of the Department of Environment and Natural Resources (DENR), San Fernando City, La Union.
- ****Civil Case****: Mallari files a civil case for the collection of sums before the Municipal Trial Court (MTC) of Aringay, La Union, claiming expenses for title transfer. A compromise agreement fails as Malvar issues unfunded checks.
- ****Criminal Case****: Mallari files a criminal case for violation of Batas Pambansa Bilang 22 (Bouncing Checks Law).
- ****Falsification Case****: Dr. Malvar files a criminal case for falsification of a public document against Mallari, involving Atty. Baleros who notarized the application.

****Procedural Posture:****

- ****June 30, 2014****: Dr. Malvar files a disbarment complaint against Atty. Baleros for grave misconduct and violations of the Notarial Rules and Code of Professional Responsibility (CPR).
- ****August 19, 2014****: Commission on Bar Discipline (CBD) of the Integrated Bar of the Philippines (IBP) issues a notice for a mandatory conference on November 18, 2014, later reset to December 2, 2014.
- ****June 15, 2015****: Commissioner Esquivel recommends disciplinary action against Atty. Baleros for negligence and Notarial Rules violations.
- ****June 20, 2015****: IBP Board adopts and modifies Esquivel's recommendations, suspending Atty. Baleros from practice for six months and revoking her notarial commission for two years.

****Issues:****

1. Whether Atty. Baleros is administratively liable for making it appear that Dr. Malvar signed and executed the notarized Application for Certification of Alienable and Disposable Land.
2. Whether Atty. Baleros notarized the document without Dr. Malvar's presence.
3. Whether Atty. Baleros committed double entries in her notarial register.

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

1. ****Falsification of Public Document****: The Supreme Court did not delve into the falsification charge as it was pending before the MTCC.
2. ****Notarization Without Presence****: The Court found that Atty. Baleros violated Section 2(b) of Rule IV of the Notarial Rules by notarizing the document in Dr. Malvar's absence and failing to ascertain his identity. Evidence showed Dr. Malvar was in Manila, making it improbable for him to have appeared before the respondent in La Union.
3. ****Double Entries in Notarial Register****: The respondent failed to record the Application for Certification of Alienable and Disposable Land in her notarial register, instead listing a different document. This failure of proper documentation violated Section 2 of Rule VI of the Notarial Rules.

****Doctrine:****

1. ****Prohibition on Notarizing In Absentia & Audi Es Oculos****: Notaries must personally know the affiant or require competent evidence of identity. Affidavits must be signed in the notary's presence (Section 2(b), Rule IV, 2004 Notarial Rules).
2. ****Diligence in Notarial Entries****: Notaries must record all details accurately in the notarial register (Section 2, Rule VI, 2004 Notarial Rules).
3. ****Non-delegation Rule****: A notary public cannot delegate their notarial function to non-qualified individuals (Canon 9, Rule 9.01 of the Code of Professional Responsibility).

****Class Notes:****

- ****Notarial Act Essentials****: Presence of affiant, proper identification, affirmation before the notary.
- ****Competent Evidence****: Identification document with photo/signature or credible witness(es).
- ****Notarial Register Entries****: Detailed recording, unique notarial numbers.

- **Legal Responsibility**: Lawyers must not delegate notarial duties, must maintain proper entries.

Historical Background:

This case exemplifies the rigorous expectations placed on notaries to prevent fraudulent activities and maintain public trust in notarized documents. The enforcement of notarial rules ensures the integrity of notarized documents, upholding the reputation and authority of legal professionals in the Philippines.