

Title: Aquino, et al., vs. Atty. Edwin Pascua, A.C. No. 5645

Facts:

- Background:** Father Ranhilio C. Aquino, Academic Head of the Philippine Judicial Academy, along with Lina M. Garan and several co-complainants, filed a letter-complaint dated August 3, 1999, against Atty. Edwin Pascua for falsifying notarized documents.
- Allegations:**
 - Atty. Pascua allegedly notarized an "Affidavit-Complaint" of Joseph B. Acorda as "Doc. No. 1213, Page No. 243, Book III, Series of 1998, dated December 10, 1998."
 - Similarly, he notarized the "Affidavit-Complaint" of Remigio B. Domingo as "Doc. No. 1214, Page No. 243, Book III, Series of 1998, dated December 10, 1998."
- Certification Discrepancies:** Certifications from Atty. Angel Beltran, Clerk of Court of Tuguegarao's Regional Trial Court, on June 23 and July 26, 1999, indicated that these entries did not appear in Atty. Pascua's Notarial Register. The last recorded entry was Document No. 1200 on December 28, 1998.
- Atty. Pascua's Admission:** He admitted notarizing the documents on December 10, 1998, but claimed they were not recorded in his Notarial Register due to the oversight of his legal secretary, Lyn Elsie C. Patli.
- Subsequent Actions:** Complainants filed a Motion to Join the Complaint and Reply to Respondent's Comment, reiterating their accusation of intentional falsification.
- Referral to Office of the Bar Confidant:** The case was referred to the Office of the Bar Confidant for investigation, report, and recommendation. A comprehensive report was issued on April 21, 2003.

Issues:

- Whether Atty. Pascua falsified the notarization of documents by assigning fictitious numbers and dates.**
- Whether Atty. Pascua's omission to record documents constitutes misconduct deserving disciplinary action.**

Court's Decision:

- Falsification of Notarization:**
 - The Supreme Court determined Atty. Pascua's failure to record the subject documents in his notarial register was not due to mere oversight but represented a deliberate action. The documents purported to have notarized entries that were fictitiously numbered as 1213 and 1214, while the actual last entry had been Document No. 1200 as of December 28, 1998.

2. **Misconduct and Disciplinary Actions:**

- The court interpreted Atty. Pascua's actions as misconduct in the performance of his duties, regardless of his claim that the omission was an isolated error.
- Citing past precedent, where similar misconduct of a notary public led to suspension or disbarment, the Court correlated to an appropriate penalty.
- Given it was Atty. Pascua's first offense, the Court opted for a lenient penalty of a three-month suspension from legal practice and revocation of his notarial commission.

Doctrine:

- **Notarial Document Presumption:** A notarial document is presumed to be authentic and executed with utmost care. Notaries public must rigorously adhere to notarial laws and requirements (Realino v. Villamor, 87 SCRA 318).
- **Misconduct:** Defined as wrongful conduct that does not necessarily imply corruption or criminal intent but demonstrates a premeditated, obstinate, or intentional purpose.
- **Disciplinary Actions:** Misconduct by a notary can lead to varying penalties, depending on the severity and frequency of the offense. First-time offenders may face suspension, while repeated or egregious violations could merit disbarment.

Class Notes:

- **Elements of Misconduct for Notaries:**
 1. **Wrongful Conduct:** Improper actions in notarizing documents.
 2. **Intentional Purpose:** Deliberate failure to adhere to procedural requirements, such as registering notarized documents.
 3. **Disciplinary Consequences:** Penalties can include suspension, revocation of commission, or disbarment based on the nature and frequency of the offense.
- **Key Statutory Provisions:**
 - **Notarial Law (Sec. 246, Article V, Title IV, Chapter II of the Revised Administrative Code):** Mandates chronological entry and recording of notarized documents, assignment of corresponding numbers, and prohibition of blank lines between entries.
 - **Penalty for Non-Compliance (Sec. 249, Article VI):** Outlines that failure to make proper entries is grounds for revocation of notarial commission.

Historical Background:

This case serves as a critical example of the judiciary's rigorous standards for notaries public within the legal framework of the Philippines. By strictly enforcing notarial laws, the Supreme Court aims to preserve the integrity and credibility of notarial acts, ensuring public trust in legal documentation. Notaries act as vital gatekeepers in maintaining the

authenticity of legal instruments, which underscores the importance of adherence to statutory procedures and ethical norms.