

Title: Carmelo Iringan vs. Atty. Clayton B. Gumangan (Disbarment Case)

Facts:

Civil Case No. 518-09 was filed by spouses Renato and Carmen Iringan against Carmelo Iringan for illegal detainer and ejectment with damages. Renato and Carmen alleged they owned a piece of land in Tabuk, Kalinga, registered under Renato's name, and that they had leased a two-storey building on this land to Carmelo in a notarized Contract of Lease prepared by Atty. Clayton B. Gumangan on December 30, 2005. The lease expired, but Carmelo remained on the property past the agreed period. Despite demands to vacate, including a final demand signed by Atty. Gumangan, Carmelo refused to leave, leading to legal proceedings.

Carmelo claimed that the property was inherited by all siblings from their deceased parents and that the Contract of Lease was spurious, alleging he did not sign nor appear before Atty. Gumangan for notarization. The MTCC ruled in favor of the spouses, holding the Contract of Lease as valid and ordering Carmelo to vacate and pay rentals plus damages.

Carmelo appealed to the RTC, which affirmed the MTCC decision. Meanwhile, Carmelo filed an administrative complaint against Atty. Gumangan alleging fraudulent notarization of the lease contract. Atty. Gumangan refuted these claims, asserting that both parties executed the contract in his presence, supported by affidavits from witnesses Hilda Langgaman and Narcisa Padua, and by Carmelo's daughter-in-law, indicating payments made as rent under the Contract of Lease.

Issues:

1. Whether Atty. Gumangan committed violations of the Notarial Law, the 2004 Rules on Notarial Practice, and the Code of Professional Responsibility in notarizing the Contract of Lease.
2. Whether Atty. Gumangan should be disbarred or suspended from the practice of law.

Court's Decision:

1. Notarization Violations: The Supreme Court found Atty. Gumangan guilty of violating the Notarial Law and the 2004 Rules on Notarial Practice. Specifically, Atty. Gumangan notarized the Contract of Lease without competent evidence of identity for Renato and Carmelo, who did not present any current identification documents or community tax certificates on the date of notarization. Furthermore, Atty. Gumangan failed to submit his notarial report and a duplicate original of the lease contract to the Clerk of Court, which

further undermined the integrity of his notarial practices.

2. Professional Responsibility: Atty. Gumangan's conduct was deemed grossly negligent, violating the Code of Professional Responsibility by disregarding the formalities required for notarization. This action not only contravened ethical guidelines but also could potentially have harmed public trust in notarial documents.

The Court directed the revocation of Atty. Gumangan's current notarial commission and prohibited him from being commissioned as a notary public for two years. Moreover, the Court warned Atty. Gumangan against similar offenses in the future, emphasizing that further violations would attract more severe penalties.

Doctrine:

1. Competent Evidence of Identity: Under the 2004 Rules on Notarial Practice, a notary public must verify the identity of persons through competent evidence before notarizing any document.
2. Maintenance of Notarial Register: A notary public must diligently maintain and submit their notarial register and duplicate originals of notarized documents to the Clerk of Court.
3. Ethical Duties: Upholding ethical duties outlined in the Code of Professional Responsibility is crucial for attorneys to maintain integrity and public trust in legal processes and notarized documents.

Class Notes:

- Notarial Law's significance in ensuring the authenticity of documents.
- The obligation of notaries to obtain sufficient identification through competent evidence before notarizing documents.
- Proper maintenance and submission of the notarial register and duplicate originals.
- Canon 1 of the Code of Professional Responsibility: Responsibility to uphold the law.

Verbatim Citation:

Sec. 12. Competent Evidence of Identity. - The phrase "competent evidence of identity" refers to an identification based on at least current identification documents with photographs and signatures or the oath/affirmation of credible witnesses.

Historical Background:

This case highlights the critical role of notarial practices and the responsibilities bestowed upon public notaries to maintain the sanctity of notarized documents. The emphasis on proper identification and accurate record maintenance dates back to ensure the veracity

and reliability of legal documents, reflecting longstanding public policies intended to protect the integrity of the judicial process. The case also underscores the judicial system's commitment to reinforcing ethical standards among legal professionals to uphold public trust.