

Title: Rizalina L. Gemina vs. Atty. Isidro S. Madamba

Facts:

Rizalina L. Gemina filed a complaint against Atty. Isidro S. Madamba, alleging deceit, malpractice, and gross negligence, and seeking his disbarment or suspension. Gemina claimed that certain parcels of land in Laoag City, in which she had hereditary interests, were unlawfully sold by Francisco Eugenio with the respondent's involvement. Gemina accused Madamba of notarizing several documents:

1. Waiver of Rights & Interest
2. Affidavit of Buyer/Transferee
3. Deed of Adjudication & Sale
4. Affidavit of Non-Tenancy
5. Deed of Absolute Sale

Gemina stated that documents were notarized without the affiants' presence or with forged signatures. Upon verification, discrepancies were found in the respondent's Notarial Register. Despite being commissioned as a Notary in 2003 and 2004, Madamba failed to submit notarial reports for these years. Documents such as the Deed of Adjudication and Sale and Affidavit of Non-Tenancy lacked copies or had cancellations and discrepancies that were unexplained. The complainant sought certified copies, which were unavailable, thus suspecting forged activities.

In response, Madamba admitted to notarizing the documents but denied any direct involvement in fraudulent sales. He claimed his signature was a formality, relying on his secretary for document handling due to his old age and health issues. The complaint was referred to the Integrated Bar of the Philippines (IBP) for investigation.

During the hearing, Madamba acknowledged his negligence partly attributed to his secretary's wrongdoing. Commissioner Rebecca Villanueva-Maala recommended dismissing the complaint, based on insufficient evidence proving the complainant's claims and maintaining the presumption of innocence for the respondent. However, the IBP Board of Governors, siding with Maala, dismissed the complaint for lack of merit.

Issues:

1. Whether Atty. Isidro S. Madamba committed deceit, malpractice, and gross negligence as a notary public and a lawyer.
2. Whether the respondent's actions warranted disciplinary measures like suspension or

disbarment.

Court's Decision:

The Supreme Court disagreed with the IBP's findings.

1. **Deceit and Malpractice:** The Court held that Madamba's admissions confirmed that he notarized documents without due diligence, failing to uphold the principles of notarization which converts documents into public instruments. The failure to ensure the presence of signatories and to maintain an accurate Notarial Register demonstrated misconduct.

2. **Gross Negligence:** Madamba's complete reliance on his secretary for the notarial tasks betrayed a neglect of duty. A notary public must personally perform essential notarial acts. His age and health issues did not excuse failing to keep the integrity of the notarial process intact.

The Supreme Court found Madamba guilty of violating the Notarial Law, the 2004 Rules on Notarial Practice, and the Code of Professional Responsibility. His commission as a notary public was revoked, with an indefinite suspension from reappointment. The Court suspended him from legal practice for one year, considering his age and illness.

Doctrine:

1. The notary public's role is strict and demands personal diligence; notarization is not a mere formality but a significant act that imparts public faith in documents.
2. Lawyers are bound to act with fidelity to legal processes, and negligence in their duties, if proven, undermines the legal profession's integrity.

Class Notes:

- Essential to proving deceit and malpractice is evidence of notarizing without the presence of affiants or verifying the authenticity of signatures.
- Gross negligence in the context of legal practice involves abdicating responsibilities to support staff, neglecting the due process in a notary public's mandated role.
- The Code of Professional Responsibility and Notarial Law require meticulousness in entering and verifying notarial records.

Historical Background:

The case examines the broader cultural and procedural neglect in notarial practices, highlighting the systemic issues in land ownership and notarization, especially pertinent

given the historical context of land disputes in the Philippines. The decision reiterates the judicial effort to maintain legal and ethical standards among practitioners.