

Title: Javier vs. Rivera (A.C. No. 12709)

Facts:

- Duration of Offense:** Atty. Carlos P. Rivera (Respondent) was alleged by Lazaro G. Javier, Jr. (Complainant) to have notarized eight documents in Tuguegarao City, Cagayan from 2005 to 2006.
- Lack of Notarial Commission:** The Certification from the Office of the Clerk of Court, Regional Trial Court, Tuguegarao City, Cagayan, dated February 12, 2007, confirmed that Atty. Rivera lacked a notarial commission from 2005 to 2007.
- Initial Court Action:** On June 27, 2007, the Court directed Atty. Rivera to file a Comment on the Complaint within 10 days. He did not comply.
- Show Cause Order:** On January 30, 2008, the Court ordered Atty. Rivera to show cause why he should not be disciplined or held in contempt and to submit the required Comment. He remained non-compliant.
- Imposition of Fines:** The Court imposed an initial fine of P1,000.00, followed by an additional P1,000.00, with a warning of arrest and detention.
- Eventual Compliance:** On March 11, 2011, Atty. Rivera filed his Comment and stated compliance with the fines.
- Referral to IBP:** Due to non-reply from Javier, the Court referred the case to the Integrated Bar of the Philippines (IBP) for investigation, report, and recommendation.
- IBP Proceedings:** The IBP scheduled a mandatory hearing on January 7, 2019, and later on February 27, 2019, both of which were unattended by the parties. The mandatory conference was terminated, and position papers were requested but not submitted.
- IBP Findings:** The Investigating Commissioner recommended dismissal of Javier's complaint due to insufficient evidence but suggested a stern warning for non-compliance by Atty. Rivera.
- IBP Board of Governors:** The IBP Board of Governors reversed the recommendation of dismissal, revoking Atty. Rivera's notarial commission (if subsisting) and suspending him from the practice of law for one year, with an additional fine of P10,000.00 for disobedience.

Issues:

- Sufficiency of Evidence:** Was the evidence sufficient to prove the charges of unauthorized notarization against Atty. Rivera?
- Relevance of Unauthenticated Documents:** Are machine copies of notarized documents and the Certification admissible and given probative weight?
- Disobedience to Court and IBP Directives:** How should Atty. Rivera's repeated non-compliance with Court and IBP directives be treated?

4. **Appropriate Penalty**: What should be the appropriate penalty for notarizing documents without a commission, considering Atty. Rivera's past disciplinary sanctions?

Court's Decision:

1. **Sufficiency of Evidence**: The Court found the evidence on record, including machine copies of the notarized documents and the Certification, to be sufficient. Atty. Rivera's failure to object to the authenticity of these documents precluded him from invoking the Best Evidence Rule.
2. **Deliberate Falsehood**: By not denying notarizing the documents without a commission, Atty. Rivera was found to have engaged in deliberate falsehood, violating the Lawyer's Oath and the Code of Professional Responsibility (CPR).
3. **Disobedience to Directives**: Atty. Rivera's continuous disobedience to the Court's and IBP's orders was treated as an aggravating circumstance.
4. **Penalty**: Although already disbarred for previous infractions, Atty. Rivera was disbarred again for recording purposes, consistent with the maintenance of a complete personal record for any future reinstatement applications.

Doctrine:

1. **Importance of Notarization**: Notarization is crucial for the authenticity and reliability of documents; performing unauthorized notarial acts undermines public trust and legal integrity.
2. **Lawyer's Oath**: Unauthorized notarial acts amount to a violation of the Lawyer's Oath and the CPR, specifically Rule 1.01 of Canon 1 and Canon 7.
3. **Best Evidence Rule**: Proper and timely objection is essential to invoke the Best Evidence Rule; absence of such objection allows the court to consider secondary evidence.

Class Notes:

- **Key Elements**:

- Lawyer's Oath
- Code of Professional Responsibility (CPR)
- Notarial Law

- **Critical Statutory Provisions**:

- **Rule 1.01 of Canon 1 (CPR)**: A lawyer shall not engage in unlawful, dishonest, immoral, or deceitful conduct.
- **Canon 7 (CPR)**: A lawyer shall uphold the integrity and dignity of the legal profession.
- **Section 11, Rule III of A.M. No. 02-8-13-SC (Notarial Rules)**: Commission validity, notarial jurisdiction.

****Historical Background**:**

In the Philippines, the legal profession has a long history of emphasizing the integrity and reliability of notarized documents. The stringent rules around notarization reflect the country's broader commitment to maintaining public trust in legal procedures. This case is a vital reminder of the strict adherence required for notarial practices and the severe penalties for breaches, contextualized within a legal framework that aims to preserve the profession's sanctity.