

Title: Dela Cruz, et al. v. Atty. Jose R. Dimaano, Jr.

Facts:

1. **Document Creation and Notarization**: On July 16, 2004, Atty. Jose R. Dimaano notarized a document titled “Extrajudicial Settlement of the Estate with Waiver of Rights.” This document was purportedly executed by complainants Dolores L. Dela Cruz, Milagros L. Principe, Narcisa L. Faustino, Jorge V. Legaspi, and Juanito V. Legaspi, along with their sister Zenaida V.L. Navarro.
2. **Forgery Allegation**: Complainants contended that their signatures on the document were forged, their community tax certificates were falsified, and that they did not personally appear before the respondent as indicated.
3. **Effect of the Document**: The notarized document allowed Zenaida Navarro to assume full ownership of their deceased parents’ property in Tibagan, San Miguel, Bulacan, covered by Transfer Certificate of Title No. T-303936, which she then sold to the Department of Public Works and Highways.
4. **Respondent’s Defense**: Atty. Dimaano admitted notarizing the document, relying on Navarro’s assurance that the signatures and tax certificates were legitimate. He argued that he acted in good faith and contended that the revocation of the document negated any liability.
5. **Findings of the IBP Commissioner**: The Investigating Commissioner found that the notarization occurred without the complainants’ presence and based on Navarro’s representations. It concluded that respondent failed in verifying the authenticity of the signatures and committed falsification and violation of the Notarial Law.
6. **IBP Board of Governors**: On September 28, 2007, the IBP Board of Governors adopted and approved the Commissioner’s Report and Recommendation, proposing a one-year suspension from practice, revocation of notarial commission, and a two-year disqualification from reappointment as notary public.

Issues:

1. **Whether the respondent committed falsification and violation of the Notarial Law by notarizing a document without the personal appearance and acknowledgment of the signatories.**
2. **Whether the penalties recommended by the IBP (suspension from law practice for one year, revocation of the notarial commission, and disqualification from reappointment as notary public for two years) are appropriate.**

Court’s Decision:

1. **On Falsification and Notarial Law Violation**:

- The Supreme Court found that respondent indeed violated the Notarial Law. The acknowledgment stated that the parties personally appeared before the respondent, which was not true. This misrepresentation facilitated the illegal transfer and sale of the property.
- Section 1 of Public Act No. 2103 or the Notarial Law requires that a notary public certifies the personal acknowledgment and presentation of proper identification by signatories.
- The respondent relied solely on Navarro's assurance and did not verify the signatures and tax certificates, failing his duties as a notary public.

2. **On Penalties**:

- The Supreme Court agreed with the IBP's recommended penalties. The respondent's actions compromised the integrity and trustworthiness expected of notarized documents.
- The Court emphasized the vital role of notary publics in ensuring the authenticity of documents and maintaining public trust.

Doctrine:

- **Falsification of Documents**: A notary public who fails to ascertain the authenticity of the signatures and the personal appearance of the parties before notarizing a document is liable for falsification.
- **Notarial Law Compliance**: Strict adherence to the requirements of personal appearance and identification presentation by signatories is mandated under the Notarial Law to convert private documents into public instruments.
- **Penalties for Notarial Misconduct**: The revocation of notarial commission and suspension from legal practice are appropriate sanctions for violating notarial duties.

Class Notes:

- **Key Elements of Notarial Practice**:
- **Personal Appearance**: Signatories must personally appear before the notary.
- **Verification of Identity**: A notary must verify the signatories' identities through competent evidence.
- **Acknowledgment Certification**: The notary must certify that the signatories acknowledged the document as their free act and deed.
- **Public Act No. 2103, Section 1**: Highlights the requirement for the personal appearance and proper identification of signatories.
- **Sanctions for Violations**: Includes suspension from legal practice and revocation of notarial commission.

Historical Background:

This case is situated within the broader context of maintaining legal and ethical standards within the practice of law in the Philippines. The role of notary publics is critical in ensuring the authenticity and reliability of public documents. The case underscores the judicial system's commitment to upholding the integrity of legal proceedings and the trust placed in notarized documents, reflecting the professional responsibility that lawyers have in their official capacity as notaries.