

Title:

Marciano Joson vs. Atty. Gloria M. Baltazar-Aguirre (1990): A Disciplinary Case on Notarial Malpractice

Facts:

The administrative case for disbarment against Atty. Gloria M. Baltazar-Aguirre arises from a complaint filed by Marciano Joson, alleging malpractice and violation of the Revised Penal Code. The complaint centers around two main issues: one, concerning the misrepresentation of land area in a notarized deed of sale, and two, notarizing the document with an expired commission.

The detailed sequence of events begins on 10 July 1957, when Atty. Baltazar notarized a deed of sale indicating the sale of 150 square meters of Joson's unregistered land in Pulilan, Bulacan, to a third party. Joson claims the agreement was only for 50 square meters. Moreover, at the time of notarization, Atty. Baltazar's commission had expired (31 December 1956), and was only renewed on 17 September 1957.

Upon filing the complaint, the Supreme Court required Baltazar to respond, leading to the referral of the matter to the Office of the Solicitor General on 29 August 1963 for investigation. The Solicitor General submitted a report and recommendation on 28 March 1990.

Issues:

1. Whether Atty. Baltazar committed malpractice by misrepresenting the land area in the deed of sale.
2. Whether notarizing a document with an expired commission constitutes malpractice and falsification of a public document.

Court's Decision:

The Supreme Court addressed each issue meticulously:

1. **Misrepresentation of Land Area**: The Court found no substantial evidence to support the claim of malpractice regarding the misrepresentation of the land area in the deed of sale. Joson's testimony was deemed insufficient, especially in light of admissions that he had read and approved the document. This issue hinged on the parole evidence rule, which prevents the use of verbal testimony to contradict written agreements, absent clear proof of mistake or imperfection.

2. **Expired Notarial Commission**: On the second charge, the Court did not accept Atty. Baltazar's defense of acting in good faith under the belief her commission was renewed. The Court critically viewed her casual approach to the renewal process and lack of verification before notarizing documents as a serious lapse. Drawing parallels to a previous disbarment case (*City Fiscal R. Lozada v. Dominador E. Flores*), the Court ruled this behavior as constituting malpractice and falsification of a public document since notarization confers public trust.

Consequently, Atty. Baltazar was suspended from the practice of law for three months.

Doctrine:

This case reiterates the critical role of notarization in legal practice, emphasizing that notarization transforms a private document into a public one, necessitating strict compliance with relevant procedural requirements. It underscores the legal system's dependence on the authenticity and reliability of notarized documents.

Class Notes:

1. **Parole Evidence Rule**: Verbal testimony cannot be used to contradict the terms of a written agreement, except under specific circumstances of mistake or imperfection.
2. **Notarial Malpractice**: Acting as a notary public with an expired commission is considered malpractice and constitutes falsification of a public document.
3. **Administrative Penalty for Malpractice**: The severity of the penalty depends on factors like the frequency of misconduct and its impact on the public trust.

Historical Background:

This case, resolved in 1990, reflects the stringent standards the Philippine legal system places on the integrity of notarial acts, an aspect that remains central in legal administrative actions against lawyers. It serves as a pivotal reminder of the expectations on legal professionals to adhere strictly to procedural legalities in their practice.