

**RAMON ELICAN, JOINED BY HIS WIFE, FLAVIANA BALANSAG,
PETITIONER, VS. PEDRO SIOSON, NOTARY PUBLIC IN AND FOR THE
CITY OF MANILA, AND TWO WITNESSES IN NOTARIAL REGISTER
IDENTIFIED...**

Adm. Case No. 1067. August 15, 1973

Ponente: MAKASIAR, J.

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MAKASIAR, J.:

In a complaint dated February 15, 1972, complainants-spouses Ramon Elican and Flaviana Balansag charge respondent Atty. Pedro Sioson with having acknowledged and notarized on June 13, 1967 in the City of Manila a deed of absolute sale of a parcel of land situated in Banga, South Cotabato, residence of complainants-spouses who were never in Manila on June 13, 1967.

In his answer dated April 19, 1972 and filed on April 21, 1972, respondent stated that: On June 13, 1967, a certain person who represented himself as Ramon Elican with several companions approached him to notarize an unsigned deed of absolute sale of a parcel of land covered by OCT No. V-4007 (NARRA) of the Register of Deeds of Cotabato; that respondent asked for the original certificate of title for verification; that after having been shown the original certificate of title No. V-4007 (NARRA) and verifying that it covers the same land described in the deed of absolute sale, respondent asked the supposed Ramon Elican together with a woman who represented herself as his wife, Flaviana Balansag, and his two companions to sign the deed after showing his residence certificate, and that complainants-spouses should file their criminal action against the impostor-vendors and their witnesses and a civil suit to recover their land from the vendee, adding that he wonders why the complainants should file this action only after about five (5) years from the execution of the deed of sale.

Thereafter, the case was referred to the Executive Judge of the Court of First Instance of Manila, who has supervision over all notaries public in Manila, for investigation, report and recommendation.

At the hearing on November 17, 1972, of which both parties were duly notified, only the respondent appeared; but, for unexplained reason, the investigation was not conducted on said date.

At the next hearing on April 17, 1973, only the respondent appeared despite the fact that the case was called twice that afternoon of that day. Despite the oral motion of respondent thru counsel to dismiss the case for lack of interest on the part of the complainants, the Executive Judge re-set the investigation for the last time on May 31, 1973 at 2:00 P.M., of which the parties were likewise notified.

Again, on May 31, 1973, only the respondent appeared. Upon motion of the respondent on the ground that he wants to present his evidence to clear his name despite the repeated failure of the complainants-spouses to appear at the scheduled date for investigation, the Executive Judge re-set the reception of evidence for the respondent on June 18, 1973 at 2:00 P.M., on which date the complainants-spouses again did not appear, constraining the Executive Judge to re-set on June 25, 1973 at 2:00 P.M. the reception of evidence for the respondent, who on the

latter date presented his evidence.

The respondent testified that while he was at the fifth floor of the Bureau of Lands building in Manila on June 13, 1967, a group of persons accompanied by Romeo Manicat, an employee of the Bureau of Lands, approached him. Manicat told him that the persons were looking for a notary public. One of the persons handed him an unsigned deed of sale. When he asked for the torrens title covering the land being sold and for the vendor, one of the persons in the group represented himself as the vendor, Ramon Elican and also presented a woman as his wife, Flaviana Balansag. After ascertaining that the original certificate of title presented to him by the impostor, who represented himself as Ramon Elican, relates to the same land described in the deed of sale, he asked the impostor-vendor, the supposed Flaviana Balansag, and his witnesses to sign the deed of sale, after which he notarized the same. He was at the Bureau of Lands that day, because he was often called by his surveyor friends to notarize their survey plans to be submitted to the Bureau of Lands for approval.

The foregoing testimony of the respondent is corroborated by Romeo Manicat, employee of the Survey Division of the Bureau of Lands.

Respondent's own testimony however reveals that he did not probe deeper into the true identity of the vendors-spouses. He did not ask the vendors-spouses searching questions on:

- (1) the description of the topography as well as the nature of the boundaries of the land;
- (2) the kind of land they were selling — whether it can be exploited for fish ponds or is planted to rice, corn, coconuts, bananas, nipa or abaca;
- (3) the distance of the land from the national, provincial, municipal or barrio road;
- (4) the reasonability of the price of P3,200.00 for an area of about 7.4783 hectares or about P500.00 per hectare;
- (5) the denominations of the money actually paid to them by the buyer and the place of payment;
- (6) the date and manner they obtained possession and title to the land and the duration of their possession, especially in this case where according to him the title is an old one;
- (7) their reason for coming to Manila to execute the deed of sale when there are also notaries public in Cotabato;
- (8) the person who prepared or drafted the deed of sale;

(9) whether they speak any of the local dialects, like the Cebu- Visayan or Muslim dialect; and

(10) whether the torrens title was secured thru voluntary or cadastral proceedings or whether the land was formerly part of the public domain.

The aforesaid suggested questions would have tripped an impostor.

Respondent did not ascertain whether the age of the vendors-spouses as indicated by their faces approximates the age appearing in their residence certificates. It is most unfortunate that the complainants did not appear at the hearing so that respondent can state whether they were the real vendors or not. Neither did he try to ascertain the true identity of the buyer and the witnesses to the instrument.

Respondent was 65 years old when he testified on June 25, 1972. He was therefore about 59 years old when he notarized the deed of sale on June 13, 1967 (Exhibit 1, p. 35, rec.) and has been in the practice of law for quite a long time. Romeo Manicat himself stated that he had known respondent as a notary public for about ten years. He failed to summon to his aid his long experience as a practitioner in exhausting all available means to unmask the vendors, if they were really impostors.

Hence, while We are persuaded that the respondent acted in good faith, he was quite precipitate in notarizing the deed of sale, when his vast experience and the circumstances demanded that as an officer of the court, he should have acted with great caution, to protect the interest of the owners of the land and save them from anguish, apprehension, and expense. While it is true that the owners can institute criminal and civil actions against the impostor, that would entail a lot of expense in time, money and effort on their part, aside from the fact that they may no longer be in possession of the land by virtue of the forged document and therefore can no longer enjoy the fruits thereof during the pendency of the suit.

WHEREFORE, THIS ADMINISTRATIVE CASE AGAINST RESPONDENT ATTY. PEDRO SIOSON IS HEREBY DISMISSED WITH THE ADMONITION THAT HENCEFORTH HE SHOULD BE MORE CAREFUL.

Makalintal, Acting C.J., Ruiz Castro, Fernando, Teehankee, Barredo, Antonio, and Esguerra, JJ., concur.

Zaldivar, J., on official leave.

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