

ARLENE VILLAFLORES--PUZA, COMPLAINANT, V. ATTY. ROLANDO B. ARELLANO, RESPONDENT.

A.C. No. 11480 (Formerly CBD Case No. 05-1558). June 20, 2017

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PER CURIAM:

Subject of this disposition is the February 25, 2016 Resolution[1] of the Integrated Bar of the Philippines-Board of Governors (IBP-BOG), which adopted and approved with modification the Report and Recommendation[2] of the Investigating Commissioner.

In her Complaint,[3] dated August 26, 2005, Arlene O. Villaflores-Puza (complainant) accused Atty. Rolando B. Arellano (respondent) of notarizing affidavits of his witnesses without a notarial commission.

The Complaint

Complainant was the defendant in a case for declaration of nullity of marriage filed by her husband, Ernesto Puza (Puza), who was represented by respondent as his counsel. On July 21, 2005, Puza, through respondent, filed his formal offer of evidence, which included some affidavits of witnesses notarized by him.

In the aforesaid affidavits, it was indicated that respondent was issued a notarial commission in Mandaluyong City. Upon inquiry, however, complainant discovered that he was never issued a notarial commission in Mandaluyong City. In support thereof, she attached a Certification,[4] issued by the Office of the Clerk of Court of the Regional Trial Court (RTC) of Mandaluyong City, attesting that he was not a commissioned notary public in said city.

Report and Recommendation

In her Report and Recommendation,[5] dated February 10, 2016, Commissioner Rebecca Villanueva-Maala (Commissioner Villanueva-Maala) recommended respondent's suspension from the practice of law for a period of five (5) years. She stressed that respondent's failure to answer the complaint against him, in spite of due notice and order to attend the scheduled hearings, illustrated his flouting resistance to the lawful orders of the court, which deserves disciplinary action. In addition, Commissioner Villanueva-Maala noted that notarizing documents without a notarial commission constituted gross misconduct and deserved to be punished.

In its February 25, 2016 Resolution,[6] the IBP-BOG adopted and approved with modification the recommendation of Commissioner Villanueva-Maala. The resolution reads:

RESOLVED to ADOPT with modification the recommendation of the Investigating Commissioner reducing the penalty to THREE (3) YEARS SUSPENSION FROM THE PRACTICE OF LAW to make it commensurate with the gravity of the offense committed.[7]

Hence, the case was transmitted to the Court for review.

The Court's Ruling

The Court agrees with the IBP-BOG but modifies the penalty imposed.

In *Mariano v. Atty. Echanez*,^[8] the Court reiterated that notarization is not a hollow act which may be brushed aside lightly:

Time and again, this Court has stressed that notarization is not an empty, meaningless and routine act. It is invested with substantive public interest that only those who are qualified or authorized may act as notaries public. It must be emphasized that the act of notarization by a notary public converts a private document into a public document making that document admissible in evidence without further proof of authenticity. A notarial document is by law entitled to full faith and credit upon its face, and for this reason, notaries public must observe with utmost care the basic requirements in the performance of their duties.^[9]

Any transgression of the notarial rules should not be treated trivially but must be punished accordingly to preserve the integrity of notarization. Under the rules, only persons who are commissioned as notary public may perform notarial acts within the territorial jurisdiction of the court which granted the commission.^[10]

In the present case, it was sufficiently established that respondent was without a notarial commission when he notarized the affidavits he offered in evidence. This was supported by the certification issued by the RTC of Mandaluyong City that from January 1998 until August 2005, respondent was never commissioned as a notary public. A lawyer who notarizes documents without a valid notarial commission is remiss in his professional duties and responsibilities.^[11]

Further, it is noteworthy that respondent did not even attempt to answer the accusations against him. He failed to comply with the orders of the investigating commissioner and he did not attend the scheduled hearings. On this ground alone, respondent could have been penalized more heavily because he was bound to comply with all the lawful directives of the IBP, not only because he is a member, but more importantly because the IBP is the Court-designated investigator of his case.^[12]

Thus, the Court agrees with the suspension meted against respondent. In addition, he should be forever barred from being commissioned a notary public all over the Philippines after exhibiting conduct, which renders him unfit to perform the sacred duties of a notary public. Respondent deliberately performed notarial acts despite full knowledge that he was never commissioned as a notary in Mandaluyong City.

WHEREFORE, respondent Atty. Rolando B. Arellano is **SUSPENDED** from the practice of law for three (3) years and **PERMANENTLY DISQUALIFIED** from being commissioned as a Notary Public.

This order is **IMMEDIATELY EXECUTORY**.

Let copies of this decision be furnished the Office of the Bar Confidant to be attached to the personal record of Atty. Rolando B. Arellano; the Office of the Court Administrator for dissemination to all lower courts; and the Integrated Bar of the Philippines, for proper guidance and information.

SO ORDERED.

Velasco, Jr.,^[*] (Acting C.J.), Leonardo-De Castro, Peralta, Bersamin, Del Castillo, Mendoza, Reyes, Perlas-Bernabe, Leonen, Jardeleza, Martires, and Tijam, JJ., concur.
Serenio, C.J., Carpio, and Caguioa, JJ., on leave.

^[*]Per Special Order No. 2450 dated June 20, 2017.

^[1] Rollo, pp. 58-59.

[2] Id. at 60-62.

[3] Id. at 2-4.

[4] Id. at 43.

[5] Id. at 60-62.

[6] Id. at 58-59.

[7] Id. at 58.

[8] A.C. No. 10373, May 31, 2016.

[9] Id.

[10] Re: Violation of Rules on Notarial Practice, A.M. No. 09-6-1-SC, January 21, 2015, 746 SCRA 331, 336.

[11] Japitana v. Atty. Parado, A.C. No. 10859, January 26, 2016.

[12] Vecino v. Atty. Ortiz, Jr., 579 Phil. 14, 17 (2008).

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