

**NAPOLEON R. GONZAGA AND RICARDO R. GONZAGA,  
COMPLAINANT, VS. ATTY. CRISANTO P. REALUBIN RESPONDENT.**

*A.C. No. 1955. March 14, 1995*

Ponente: MELO, J.

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**MELO, J.:**

This refers to a complaint filed by the Gonzaga brothers, Napoleon and Ricardo, for the disbarment of Atty. Crisanto P. Realubin on grounds of “malpractice, gross misconduct and violation of oath of office”, allegedly committed as follows:

That respondent Notary Public testified during the deposition taking in connection with the intestate estate of the late Don Julio Gonzaga and Dona Juliana de la Rama Gonzaga in Manila, that we previously appeared before him to have the authority of Atty. Eugenio Villanueva to appear as counsel for the estate of our late parents and the heirs, notarized;

That he likewise presented his notarial register No. 013753 purportedly showing that our document was duly notarized by him on August 1, 1977;

That this notarial register in the name of respondent Crisanto P. Realubin was never sold to him but to a certain Pedro Geling. The true name of the Notary Public in Notarial Register No. 013753 was erased and the name of respondent Crisanto P. Realubin was written. Likewise the year of the issuance of the receipt for the purchase of the said notarial register was likewise tampered instead of 1976 it was made to appear as 1977. Xerox copies of the certifications issued by the Office of the Solicitor General that Notarial Register No. 103753 was sold to Pedro Geling and that it was sold on January 29, 1976 and not January 29, 1977 is hereto attached as Annexes “A” and “B”. Likewise attached as Annex “C” is a xerox copy of Official Receipt No. 5266027 issued to Pedro Geling on January 29, 1976;

All these erasures and tampering made by the respondent Realubin and his false testimony during the deposition taking that we appeared before him to have said authority notarized constitute a violation of his oath of office, malpractice and gross misconduct. Xerox copy of page 1 of respondent's Notarial Register No. 013753 is hereto attached as Annex “D”;

That we never appeared before Crisanto P Realubin on August 1, 1977.

(pp. 4-5, Rollo .)

Following the referral of the complaint to the Solicitor General, a report was submitted confirming in substance the aforesaid charges and recommending the suspension of respondent, to wit:

The issue is one of credibility. Complainants claim they never appeared before respondent for the notarization of their authority to Atty. Villanueva to handle the criminal case. On the other hand, respondent claims they appeared before him.

Complainants should be sustained. Napoleon Gonzaga positively testified that he signed the questioned authority in the San Antonio Church at Forbes Park in the afternoon of August 1, 1977 (pp. 30-33, tsn., Aug. 24, 1979); that Napoleon never met respondent before August 1, 1977 and it was only during the instant investigation that he met respondent (p. 84, tsn., Ibid); that Napoleon Gonzaga did not appear before respondent for ratification, first because the document did not contain a jurat when he signed it; second, because it was already 6:30 in the evening of August 1, that there was no hurry for them to have the document notarized; third after signing the document, Atty. Villanueva took the same from them, without giving them a copy; fourth, if they wanted it notarized, they could have gone to Atty. Arturo Alafriz who offered his help to them (pp. 30--32, tsn., Oct. 26, 1979; pp. 32-33, tsn., Aug. 24, 1979; pp. 45-50, tsn., May 31, 1983).

Likewise, Ricardo Gonzaga, who co-signed with his brother Napoleon (Exhs. E, D, pp. 130, 131, Inv.), positively testified that he never appeared before respondent for the notarization of said document on August 1, 1977, and it was only during the instant investigation that he met respondent (pp. 33-36, tsn., Jan. 25, 1980); that Atty. Villanueva did not give him nor his brother Napoleon, a copy of said document after they signed the same (p. 36, tsn., Ibid); that they were so busy with their parents' coffins at the Forbes Park Church, that they were not in a hurry to notarize said authorization (pp. 37-38, tsn., Ibid).

Dionisio Jakosalem Buencamino also positively testified that Napoleon Gonzaga was beside him at about 6:00 to 6:20 in the afternoon of August 1, 1977, just before the start of the 6:30 requiem mass at the Santuario de San Antonio for the parents of Napoleon Gonzaga, on the eve of their departure for the interment in Bacolod the following day; that he noticed Napoleon stepping aside a few moments before the start of the mass, and he (Buencamino) saw Napoleon signing a piece of paper, which Napoleon told him later, was the authority for Atty. Villanueva to file the criminal case against the killers of Napoleon's parents (pp. 10, 16-23, tsn., March 25, 1983).

As against said three (3) witnesses, namely Napoleon Gonzaga, Ricardo Gonzaga and Dionisio Jakosalem Buencamino, is the lone testimony of respondent, claiming that the document was not yet signed when the Gonzaga brothers presented the same to him for notarization at respondent's Padre Faura Office at about 9:00 o'clock of August 1, 1977 (pp. 6, 9-10, 14, tsn., Aug. 7, 1980); that after examining the residence certificates of the Gonzagas which tallied with the residence certificates appearing in the prepared authorization, the Gonzaga brothers affixed their signatures in respondent's presence (pp. 14-17, tsn., Ibid).

Respondent's lone denial cannot prevail over the positive testimonies of said three (3) witnesses. Respondent could have presented his secretaries who were allegedly present when the alleged notarization took place to corroborate his testimony (pp. 271-272, Inv.). He chose not to present any of them. The testimony of Atty. Villanueva could have been availed of by respondent because complainants claim that their signatures were procured by Atty. Villanueva (see p. 40-41, tsn., June 26, 1980). Yet respondent did not present Atty. Villanueva.

Furthermore, the evidence is indisputable that respondent was in the practice of leaving blank spaces between entries in his Notarial Register with only the consecutive numbers of the documents listed (Exhs. L-1, M-1, N-1, N-2, o-1, O-2, P-1, Q-1, R-1, pp. 197-203, Inv.). He did not note on said spaces why they were left blank. From August 2, 1977 to August 11, 1977, he left no less than eleven (11) spaces blank between entries. This is clear violation of Section 246 of the Revised Administrative Code, which states:

“No blank line shall be left between entries.”

This practice would make easy the ante-dating of documents for the convenience of the parties and of the Notary Public.

It is clear that the respondent has violated the oath he took as a member of the Bar that has resulted in extreme

delay, inconvenience and damage to the complainants. There is no justification for this violation and corresponding penalty is called therefor.

WHEREFORE, it is respectfully recommended that respondent be suspended from the practice of law for six (6) months.

(pp. 049-052, Rollo .)

The Court agrees with the foregoing findings. The very first canon of the Code of Professional Responsibility states that a “lawyer shall uphold the Constitution, obey the laws of the land and promote respect for law and legal process”. Moreover, Rule 138 Section 3 of the Revised Rules of Court requires every lawyer to take an oath to “obey the laws of the Republic of the Philippines as well as the legal orders of the duly constituted authorities therein.” And for any violation of this oath, a lawyer may be suspended or disbarred by this Court. All of these underscore the role of the lawyer as the vanguard of our legal system. The transgression of any provision of law by a lawyer is a repulsive and reprehensible act which the court will not countenance. In the instant case, respondent clearly violated the provisions of the Revised Administrative Code, more particularly Section 246 thereof.

Then too, respondent has manifestly violated that part of his oath as a lawyer that he shall not do any falsehood. Not only that, he has likewise violated Rule 10.01 of the Code of Professional Responsibility which provides:

Rule 10.01. A lawyer shall not do any falsehood, nor consent to the doing of any in court, nor shall be misled or allow the court to be misled by any artifice.

Notarization is not an empty routine; to the contrary, it involves public interest in a substantial degree and the protection of that interest requires preventing those who are not qualified or authorized to act as notaries public from imposing upon the public and the court and administrative offices generally (Buensucero vs. Barrera, 216 SCRA 309 [1992] Joson v. Baltazar, 194 SCRA 114 [1991]).

Respondent’s act of falsely certifying that complainants Napoleon and Ricardo Gonzaga personally appeared before him and acknowledged that the document was their free and voluntary act and deed is reprehensible, constituting as it does, violation of law and gross misconduct on his part.

However, since only one instance of unauthorized or false notarization is here involved, the Court considers the recommended penalty of suspension from the practice of law for a period of six (6) months as adequate and commensurate to the offense.

ACCORDINGLY, the Court Resolved to SUSPEND respondent Atty. Crisanto P. Realubin from the practice of law for a period of six (6) months commencing upon receipt of this Resolution. Copies of this Resolution shall be distributed to the courts and to the Bar Confidant and shall be spread on the personal record of respondent.

**SO ORDERED.**

Feliciano, (Chairman), Romero, Vitug, and Francisco, JJ., concur.

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