

PIKE P. ARRIETA, COMPLAINANT, VS. ATTY. JOEL A. LLOSA, RESPONDENT.

A.C. No. 4369. November 28, 1997

Ponente: ROMERO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/a-c-no-4369/>

ROMERO, J.:

Complainant Pike P. Arrieta prays for the disbarment of Atty. Joel A. Llosa for certifying under oath a Deed of Absolute Sale.

Particularly, complainant avers that respondent notarized a Deed of Absolute Sale dated March 24, 1993[1] making it appear that some of the vendors in said Deed namely, Edelina T. Bonilla, Jesus T. Bonilla and Leonardo P. Toledano were parties and signatories thereto when in truth and in fact, all three were already dead prior to the execution of the said Deed of Absolute Sale. Jesus T. Bonilla died on August 22, 1992[2] while Leonardo P. Toledano died on November 1, 1992.[3] Edelina T. Bonilla allegedly died on or about June 11, 1992.

In answer, respondent admitted having notarized the Deed of Absolute Sale. But before affixing his notarial seal, he first ascertained the authenticity of the signatures, verified the identities of the signatories, and determined the voluntariness of its execution. Satisfied with all of the above, it was only then that he certified the document.

Curiously, on September 9, 1996, complainant had a complete turn-around and moved for the dismissal of his complaint. He alleged that the instant case is only a product of misunderstanding and misinterpretation of some facts and is now convinced that everything is in order.

The designated Investigating Commissioner of the Integrated Bar of the Philippines recommended the dismissal of the instant case. The Board of Governors of the Integrated Bar of the Philippines adopted the above recommendation and resolved to dismiss the instant case after finding no compelling reason to continue with the disbarment proceedings.

This Court cannot agree.

“Sec. 1 of Public Act No. 2103 provides:

(a) The acknowledgment shall be made before a notary public or an officer duly authorized by law of the country to take acknowledgment of instruments or documents in the place where the act is done. The notary public or the officer taking the acknowledgment shall certify that the person acknowledging the instrument or document is known to him and that he is the same person who executed it, and acknowledged that the same is his free act and deed. The certificate shall be made under his official seal, if he is by law required to keep a seal, and if not, his certificate shall so state.”

It is thus clear from the foregoing that the party acknowledging must appear before the notary public or any person authorized to take acknowledgment of instruments or documents.[4] Aside from being required to appear before the Notary Public, it is similarly incumbent upon the person acknowledging the instrument to declare before the same Notary Public that the execution of the instrument was done by him of his own free will.

In the Acknowledgment of the Deed of Sale, respondent certified: "BEFORE ME, this 24th day of March, 1993 at Dumaguete City, Philippines, personally appeared x x x Jesus Bonilla; x x x Leonardo Toledano; x x x." [5] Respondent claims that as a Notary Public, he asked the signatories whether the signatures appearing above their respective names were theirs, and whether they voluntarily executed the Deed of Absolute Sale. In order to ascertain their identities, respondent asked for their respective residence certificates.

Except for Edelina T. Bonilla whose alleged death was not evidenced by a death certificate, respondent certified in the acknowledgment that Jesus T. Bonilla and Leonardo P. Toledano personally appeared before him. Respondent's acts require the presence of the vendors to be able to verify the authenticity of their signatures, the identities of the signatories and the voluntariness of the execution of the Deed. It defies imagination and belief how these could have happened. It would have been impossible, both physically and legally, for Jesus T. Bonilla and Leonardo P. Toledano to have personally subscribed and sworn before respondent as to the authenticity and validity of the Deed of Sale as they had already passed on to the Great Beyond prior to the execution of the said documents.

Yet, respondent certified to this effect. By affixing his notarial seal on the instrument, he converted the Deed of Absolute Sale, from being a private document into a public document. By certifying the Deed, respondent, in effect, proclaimed to the world (1) that all the parties therein personally appeared before him; (2) that they are all personally known to him; (3) that they were the same persons who executed the instruments; (4) that he inquired into the voluntariness of execution of the instrument; and (5) they acknowledged personally before him that they voluntarily and freely executed the same.

Notarization is not an empty, meaningless, routinary act. On the contrary, it is invested with substantial public interest, such that only those who are qualified or authorized may act as notaries public. Notarization of a private document converts the document into a public one making it admissible in court without further proof of its authenticity. [6] A notarial document is by law entitled to full faith and credit upon its face and, for this reason, notaries public must observe with the utmost care the basic requirements in the performance of their duties. Otherwise, the confidence of the public in the integrity of this form of conveyance would be undermined. [7]

As a lawyer commissioned to be a notary public, respondent is mandated to discharge his sacred duties which are dictated by public policy and, as such, impressed with public interest. Faithful observance and utmost respect of the legal solemnity of an oath in an acknowledgment or jurat is sacrosanct. [8]

It is for the above reason that this Court is most concerned about the explanation given by complainant for withdrawing his complaint against respondent. In his Motion to Dismiss dated September 9, 1996, complainant declares:

That he is now fully convinced that everything was in order, and that nobody was ever prejudiced by the acts of the respondent. Herein complainant has realized that he himself, or any other legal practitioner, would have done similarly as the respondent, if confronted with such an urgent voluntary transaction in an emergency situation; x x x."

That respondent acted the way he did because he was confronted with an alleged urgent situation is no excuse at all. As an individual, and even more so as a member of the legal profession, he is required to obey the laws of the land AT ALL TIMES, to refrain from engaging in unlawful, dishonest, immoral or deceitful conduct AT ALL TIMES, to uphold the integrity of his profession AT ALL TIMES, to promote respect to his profession AT ALL TIMES, and to act with justice AT ALL TIMES.

It is dismaying to note how respondent so cavalierly disregarded the requirements and solemnities of the Notarial Law simply to accommodate his clients. Not only did he commit an illegal act but also did so without thinking of

the possible damage or prejudice that might result from non-observance of the same.

As a lawyer, respondent breached his professional responsibility by certifying under oath an instrument fully knowing that some of the signatories thereto were long dead. This Court cannot countenance this practice, especially coming, as it does, from respondent who formerly served as president of the Integrated Bar of the Philippines-Negros Oriental Chapter, President of the Dumaguete Lions Club and City Councilor of Dumaguete. If indeed respondent had taken steps to verify the identities of the signatories, he would have easily known that the signatures were fake as they purported to be those of his former clients.

It is worth stressing that the practice of law is not a right but a privilege bestowed by the State on those who show that they possess, and continue to possess, the qualifications required by law for the conferment of such privilege.[9] [M]embership in the bar is a privilege burdened with conditions. There being no lifetime guaranty, a lawyer has the privilege and right to practice law only during good behavior and can be deprived of it for misconduct ascertained and declared by judgment of the court after opportunity to be heard has been afforded him.[10]

Pursuant to the foregoing, it is primarily required of lawyers to obey the Constitution and laws of the land.[11] They must refrain from engaging in unlawful, dishonest, immoral or deceitful conduct.[12]

An attorney may be disbarred or suspended for any violation of his oath or of his duties as an attorney and counsellor, which include statutory grounds enumerated in Section 27, Rule 138 of the Rules of Court, all of these being broad enough to cover practically any misconduct of a lawyer in his professional or private capacity.[13]

Respondent's act of certifying under oath a Deed of Absolute Sale knowing that some of the vendors were already dead, they being his former clients, constitutes misconduct. But this being his first administrative offense, such should not warrant the supreme penalty of disbarment.

ACCORDINGLY, this Court finds respondent Atty. Joel A. Llosa guilty of misconduct. Consequently, he is ordered **SUSPENDED** from the practice of law for six (6) months effective immediately, with a warning that another infraction would be dealt with more severely.

Let copies of this Resolution be furnished all the courts of the land as well as the Integrated Bar of the Philippines, the Office of the Bar Confidant and recorded in the personal files of respondent himself.

SO ORDERED.

Narvasa, C.J., (Chairman), Melo, Francisco, and Panganiban, JJ., concur.

[1] Deed of Absolute Sale, Annex "C", Rollo, p. 11.

[2] Certificate of Death of Jesus Jose Bonilla issued by Local Civil Registrar, Cebu City, Annex "A", Rollo, p. 9.

[3] Certificate of Death of Leonardo Toledano issued by Local Civil Registrar, City of Manila, Annex "B", Rollo, p. 10.

[4] *Jamildo v. New Bilibid Prisons (NBP) Officials*, 242 SCRA 87 (1995).

[5] "An Act Providing for the Acknowledgment and Authentication of Instruments and Documents Without the Philippine Islands," enacted January 26, 1912.

[6] *Romana R. Maligsa, v. Atty. Arsenio Fer Cabanting*, A.C. No. 4539, May 14, 1997.

[7] *Ramirez v. Ner*, 21 SCRA 207 (1967).

[8] See Note 6.

[9] Bongalonta v. Castillo, 240 SCRA 313 (1995).

[10] Marcelo v. Javier, 214 SCRA 13 (1992).

[11] Canon I, Code of Professional Responsibility.

[12] Rule 1, *supra*.

[13] Marcelo v. Javier, Sr., 214 SCRA 1 (1992).

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.