

IN THE MATTER OF THE DISBARMENT OF DOMINADOR E. FLORES, RESPONDENT, VS. CITY FISCAL LUIS R. LOZADA, COMPLAINANT.

A.C. No. 546. December 18, 1967

Ponente: RUIZ CASTRO, J.

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RUIZ CASTRO, J.:

The City Fiscal of Toledo City filed this case for disbarment against Dominador E. Flores a member of the Philippine Bar, for unprofessional and unethical conduct, more specifically, for notarizing certain documents during the years 1961 and 1962, after his commission as notary public had expired. The complaint further alleges that the respondent deliberately omitted to submit to the Clerk of Court of First Instance of Cebu certified copies of the entries in his notarial register as well as of the documents acknowledged before him, as required by the Notarial Law, in order to conceal the fact that he did not at the time have an appointment as notary public.

In his answer, the respondent admitted having notarized some documents in 1961 and 1962 but claimed that his commission, which expired on December 31, 1960, was renewed in 1961, to expire on December 31, 1962.

The case was referred to the Solicitor General who, on November 11, 1965, submitted the following findings and recommendation:

"(1) That respondent's commission as notary public for the city and province of Cebu expired on December 31, 1960;

"(2) That respondent had not been commissioned as notary public for the city and province of Cebu for the years 1961 and 1962;

"(3) That notwithstanding his lack of commission as notary public for the years 1961 and 1962, respondent notarized several documents (Exhs. B, C, D, E, F, G), which documents became the basis of the cancellation by the city tax assessor of the tax declarations of the properties involved in said documents in the names of the former owners and their transfer to the new owners;

"(4) That respondent had not filed his monthly notarial reports and copies of the documents he had notarized for the years 1961 and 1962 with the notarial section of the Court of First Instance of Cebu, nor had he surrendered his notarial register to said office for the year 1960, when his commission as notary public expired.

* * * *

"Respondent, in spite of the many postponements given to him and the repeated warnings issued by the investigating fiscal that if he still failed to appear at the hearing, the case would be considered submitted without his evidence, failed to appear at the last date set for the reception of his evidence. Even respondent's own counsel, who pleaded that a last chance be given his client by postponing the hearing again for the last time to another date, and that if his client would still fail to appear at the latter date, he would withdraw as his counsel (p. 150, t.s.n.), did not appear anymore at the last hearing set, obviously knowing that his own client would not appear, as he in fact failed to appear thereat (pp. 153-155, id.). Respondent's complete lack of

interest and indifference in presenting his defense to the charges and evidence against him in this case can only mean that he has no strong and valid defense to present herein.

"For the foregoing reasons, we find that sufficient grounds exist to proceed against the respondent Dominador E. Flores in this administrative case on the grounds of malpractice, gross misconduct in office as attorney, and violation of the lawyer's oath, and for this reason, it is respectfully recommended that after appropriate proceeding, said respondent be removed from the practice of law."

On November 22, 1965 we required the respondent to answer the above-quoted report of the Solicitor General. After several extensions of time granted to him, he finally filed his answer on March 15, 1966, in which he stated, among other things, that "he admits his negligence in not renewing his commission as notary public, and of notarizing documents without previous authority", and prays this Court "to temper justice with mercy, and to render such orders that will give herein poor respondent, who has no derogatory record so far, another chance to make a living and prove his worth as a good member of the bar". The case was set for hearing on May 4, 1966. On this date neither the Solicitor General nor the respondent appeared. Although the respondent was thereafter given time within which to file a memorandum in lieu of oral argument, the respondent never submitted any.

It is to state the obvious that the evidence conclusively establishes the misconduct imputed to the respondent. The six documents referred to in the Solicitor General's report are an extra judicial partition of an estate, a deed of sale with a right of repurchase, and four deeds of absolute sale -- all involving unregistered lands. The respondent presented these documents to the city assessor of Toledo, and it was on the strength of the former's representation that he had authority to ratify the instruments that the latter accepted the documents for registration and cancelled the tax declarations in the name of the former owners of the properties involved. As the Solicitor General aptly-observes, without the criminal falsification of these documents by the respondent, the city assessor would not have made the corresponding transfers of the tax declarations of the properties, which transfers thus impaired the integrity of the documents and caused disturbance, of and prejudice to the property rights of the parties thereto.[1]

Against the evidence presented by the complainant, the respondent did not even attempt to present any. He did not even attend the investigation conducted by the provincial fiscal of Cebu to whom the Solicitor General endorsed this case. Several times the investigation was postponed to afford the respondent an opportunity to appear and be heard in his defense, but not once did he show up. Nor did he manifest a desire to present evidence before this Court when required, pursuant to section 5 of Rule 139, to file an answer to the formal complaint lodged by the Solicitor General. Instead he now offers the unacceptable excuse that in the past the preparation of "his petition for renewal of his commission" was attended to by a friend who, "for one reason or another . . . failed to comply with [the respondent's] last request."

The respondent's reprehensible conduct, constituting as it does not only malpractice but also the commission, in six separate and distinct occasions, of the crime of falsification of public document, justifies his disbarment.[2] His excuse, contained in his answer to the complaint of the Solicitor General, can hardly be reconciled with his first answer in which he stoutly denied having no commission to act as a notary public for the years 1961 and 1962, and even expressed mock surprise "why it had been reported that he had none." This facile resort to contradictory denials cannot be regarded as anything better than trifling with this Court, and makes the respondent undeserving of the mercy which, he so fervently prays, justice should be tempered with.

ACCORDINGLY, the respondent Dominador E. Flores is disbarred from the practice of law and his name is ordered stricken from the Roll of Attorneys. He is further ordered to surrender his lawyer's certificate of title to the Clerk of Court within ten days from the date this judgment becomes final.

Concepcion, C.J., Reyes, JBL, Dizon, Makalintal, Bengzon, Zaldivar, Sanchez, Angeles, and Fernando, JJ., concur.

[1] Cf. *Ramirez v. Ner*, Adm. Case 500, Sept. 27, 1967.

[2] See *Agdoma v. Celestino*, Adm. Case 289, Nov. 29, 1962.

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