

ATTY. FLORITA S. LINCO, COMPLAINANT, VS. ATTY. JIMMY D. LACEBAL, RESPONDENT.

A.C. No. 7241 [Formerly CBD Case No. 05-1506]. October 17, 2011

Ponente: PERALTA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/a-c-no-7241/>

PERALTA, J.:

The instant case stemmed from an Administrative Complaint[1] dated June 6, 2005 filed by Atty. Florita S. Linco (complainant) before the Integrated Bar of the Philippines (IBP) against Atty. Jimmy D. Lacebal for disciplinary action for his failure to perform his duty as a notary public, which resulted in the violation of their rights over their property.

The antecedent facts are as follows:

Complainant claimed that she is the widow of the late Atty. Alberto Linco (Atty. Linco), the registered owner of a parcel of land with improvements, consisting of 126 square meters, located at No. 8, Macopa St., Phase I-A, B, C & D, Valley View Executive Village, Cainta, Rizal and covered by Transfer Certificate of Title (TCT) No. 259001.

Complainant alleged that Atty. Jimmy D. Lacebal (respondent), a notary public for Mandaluyong City, notarized a deed of donation[2] allegedly executed by her husband in favor of Alexander David T. Linco, a minor. The notarial acknowledgment thereof also stated that Atty. Linco and Lina P. Toledo (Toledo), mother of the donee, allegedly personally appeared before respondent on July 30, 2003, despite the fact that complainant's husband died on July 29, 2003.[3]

Consequently, by virtue of the purported deed of donation, the Register of Deeds of Antipolo City cancelled TCT No. 259001 on March 28, 2005[4] and issued a new TCT No. 29251[5] in the name of Alexander David T. Linco.

Aggrieved, complainant filed the instant complaint. She claimed that respondent's reprehensible act in connivance with Toledo was not only violative of her and her children's rights but also in violation of the law. Respondent's lack of honesty and candor is unbecoming of a member of the Philippine Bar.

In his Answer,[6] respondent admitted having notarized and acknowledged a deed of donation executed by the donor, Atty. Linco, in favor of his son, Alexander David T. Linco, as represented by Lina P. Toledo.

Respondent narrated that on July 8, 2003, he was invited by Atty. Linco, through an emissary in the person of Claire Juele-Algodon (Algodon), to see him at his residence located at Guenventille II D-31-B, Libertad Street, Mandaluyong City. Respondent was then informed that Atty. Linco was sick and wanted to discuss something with him.

Respondent pointed out that Atty. Linco appeared to be physically weak and sickly, but was articulate and in full control of his faculties. Atty. Linco showed him a deed of donation and the TCT of the property subject of the donation. Respondent claimed that Atty. Linco asked him a favor of notarizing the deed of donation in his

presence along with the witnesses.

However, respondent explained that since he had no idea that he would be notarizing a document, he did not bring his notarial book and seal with him. Thus, he instead told Algodon and Toledo to bring to his office the signed deed of donation anytime at their convenience so that he could formally notarize and acknowledge the same.

On July 30, 2003, respondent claimed that Toledo and Algodon went to his law office and informed him that Atty. Linco had passed away on July 29, 2003. Respondent was then asked to notarize the deed of donation. Respondent admitted to have consented as he found it to be his commitment to a fellow lawyer. Thus, he notarized the subject deed of donation, which was actually signed in his presence on July 8, 2003.

During the mandatory conference/hearing on September 7, 2005, it was established that indeed the deed of donation was presented to respondent on July 8, 2003.[7] Respondent, likewise, admitted that while he was not the one who prepared the deed of donation, he, however, performed the notarization of the deed of donation only on July 30, 2003, a day after Atty. Linco died.[8]

On November 23, 2005, in its Report and Recommendation,[9] the IBP-Commission on Bar Discipline (IBP-CBD) found respondent guilty of violating the Notarial Law and the Code of Professional Responsibility.

The IBP-CBD observed that respondent wanted it to appear that because the donor appeared before him and signed the deed of donation on July 8, 2003, it was just ministerial duty on his part to notarize the deed of donation on July 30, 2003, a day after Atty. Linco died. The IBP-CBD pointed out that respondent should know that the parties who signed the deed of donation on July 8, 2003, binds only the signatories to the deed and it was not yet a public instrument. Moreover, since the deed of donation was notarized only on July 30, 2003, a day after Atty. Linco died, the acknowledgement portion of the said deed of donation where respondent acknowledged that Atty. Linco "personally came and appeared before me" is false. This act of respondent is also violative of the Attorney's Oath "to obey the laws" and "do no falsehood."

The IBP-CBD, thus, recommended that respondent be suspended from the practice of law for a period of one (1) year, and that his notarial commission be revoked and he be disqualified from re-appointment as notary public for a period of two (2) years.

On April 27, 2006, in Resolution No. XVII-2006-215,[10] the IBP-Board of Governors resolved to adopt and approve the report and recommendation of the IBP-CBD.

Respondent moved for reconsideration, but was denied.[11]

On July 29, 2009, considering respondent's petition for review dated May 19, 2009 of IBP Resolution No. XVII-2006-215 dated April 27, 2006 and IBP Resolution No. XVIII-2008-678 dated December 11, 2008, denying complainant's motion for reconsideration and affirming the assailed resolution, the Court resolved to require complainant to file her comment.[12]

In her Compliance,[13] complainant maintained that respondent has not stated anything new in his motion for reconsideration that would warrant the reversal of the recommendation of the IBP. She maintained that respondent violated the Notarial Law and is unfit to continue being commissioned as notary public; thus, should be sanctioned for his infractions.

On August 16, 2011, in view of the denial of respondent's motion for reconsideration, the Office of the Bar Confidant, Supreme Court, recommended that the instant complaint is now ripe for judicial adjudication.

RULING

The findings and recommendations of the IBP are well taken.

There is no question as to respondent's guilt. The records sufficiently established that Atty. Linco was already dead when respondent notarized the deed of donation on July 30, 2003. Respondent likewise admitted that he knew that Atty. Linco died a day before he notarized the deed of donation. We take note that respondent notarized the document after the lapse of more than 20 days from July 8, 2003, when he was allegedly asked to notarize the deed of donation. The sufficient lapse of time from the time he last saw Atty. Linco should have put him on guard and deterred him from proceeding with the notarization of the deed of donation.

However, respondent chose to ignore the basics of notarial procedure in order to accommodate the alleged need of a colleague. The fact that respondent previously appeared before him in person does not justify his act of notarizing the deed of donation, considering the affiant's absence on the very day the document was notarized. In the notarial acknowledgment of the deed of donation, respondent attested that Atty. Linco personally came and appeared before him on July 30, 2003. Yet obviously, Atty. Linco could not have appeared before him on July 30, 2003, because the latter died on July 29, 2003. Clearly, respondent made a false statement and violated Rule 10.01 of the Code of Professional Responsibility and his oath as a lawyer.

We will reiterate that faithful observance and utmost respect of the legal solemnity of the oath in an acknowledgment or jurat is sacrosanct.[14] Respondent should not notarize a document unless the persons who signed the same are the very same persons who executed and personally appeared before him to attest to the contents and truth of what are stated therein.[15]

Time and again, we have repeatedly reminded notaries public of the importance attached to the act of notarization. Notarization is not an empty, meaningless, routinary act. It is invested with substantive public interest, such that only those who are qualified or authorized may act as notaries public. Notarization converts a private document into a public document; thus, making that document admissible in evidence without further proof of its authenticity. A notarial document is by law entitled to full faith and credit upon its face. Courts, administrative agencies and the public at large must be able to rely upon the acknowledgment executed by a notary public and appended to a private instrument.[16]

For this reason, notaries public must observe with 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.[17] Hence, again, a notary public should not notarize a document unless the persons who signed the same are the very same persons who executed and personally appeared before him to attest to the contents and truth of what are stated therein.

This responsibility is more pronounced when the notary public is a lawyer. A graver responsibility is placed upon him by reason of his solemn oath to obey the laws and to do no falsehood or consent to the doing of any. He is mandated to the sacred duties appertaining to his office, such duties, being dictated by public policy and impressed with public interest.[18] Respondent's failure to perform his duty as a notary public resulted not only in damaging complainant's rights over the property subject of the donation but also in undermining the integrity of a notary public. He should, therefore, be held liable for his acts, not only as a notary public but also as a lawyer.

In *Lanuzo v. Atty. Bongon*,[19] respondent having failed to discharge his duties as a notary public, the revocation of his notarial commission, disqualification from being commissioned as a notary public for a period of two years and suspension from the practice of law for one year were imposed. We deem it proper to impose the same penalty.

WHEREFORE, for breach of the Notarial Law and Code of Professional Responsibility, the notarial commission of respondent ATTY. JIMMY D. LACEBAL, is REVOKED. He is DISQUALIFIED from reappointment as Notary Public for a period of two years. He is also SUSPENDED from the practice of law for a period of one year, effective immediately. He is further WARNED that a repetition of the same or similar acts shall be dealt with more severely. He is DIRECTED to report the date of receipt of this Decision in order to determine when his suspension shall take effect.

Let copies of this Decision be furnished the Office of the Bar Confidant, the Integrated Bar of the Philippines, and all courts all over the country. Let a copy of this Decision likewise be attached to the personal records of the respondent.

SO ORDERED.

Velasco, Jr., (Chairperson), Abad, Mendoza, and Perlas-Bernabe, JJ., concur.

[1] Rollo, pp. 2-3.

[2] Id. at 8-9.

[3] Id. at 7.

[4] Id. at 5-6.

[5] Id. at 10.

[6] Id. at 12-17.

[7] Id. at 95.

[8] Id. at 95-96.

[9] Id. at 105-109.

[10] Id. at 104.

[11] Id. at 155.

[12] Id. at 256.

[13] Id. at 261-262.

[14] *Follosco v. Atty. Mateo*, 466 Phil. 305, 314 (2004).

[15] *Atty. Dela Cruz v. Atty. Zabala*, 485 Phil. 83, 88 (2004).

[16] *Bernardo v. Atty. Ramos*, 433 Phil. 8, 15-16 (2002).

[17] Id. at 16.

[18] *Gokioco v. Atty. Mateo*, 484 Phil. 626, 633 (2004).

[19] A.C. No. 6737, September 23, 2008, 566 SCRA 214, 218.

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.