

**NELSON BUENSUCESO, CORNELIO DE RUNA, GLORIA DE LA PENA,
JOSE ANDRADA AND SALVACION JABLO, COMPLAINANTS, VS. ATTY.
JOELITO T. BARRERA, RESPONDENT.**

Adm. Case No. 3727. December 11, 1992

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PER CURIAM:

The present administrative case instituted by complainants Nelson Buensuceso, Cornelio De Runa, Gloria de la Pena, Jose Andrada and Salvacion Jablo charges respondent Atty. Joelito T. Barrera with unauthorized notarization of documents. The basic allegation of complainants is that long after the notarial commission of respondent Atty. Barrera expired in 1978, the latter continued to perform acts of notarization and affixing, in connection therewith, his notarial seal and official signature on:

- (a) a complaint for ejectment in Civil Case No. 109, City Court of Iloilo, Branch 1;
- (b) an affidavit executed by plaintiff Candelaria Dayot dated 26 September 1990 in said Civil Case;
- (b) a supplemental affidavit dated 12 October 1990 executed by Candelaria Dayot;
- (c) a deed of sale dated 14 August 1990 between Remedios Jocson, Teresa Padilla and New Gold Star Management and Development Corporation; and
- (d) a contract to sell dated 29 July 1990 between Candelario Dayot and Ramon Que,

with intent to impart to said documents the appearance of notarial authenticity.

The Court required respondent Atty. Barrera to file a comment and this he did. The complaint dated 24 August 1991 and the comment dated 9 January 1992 were referred to the Integrated Bar of the Philippines (IBP) by a Resolution of this Court dated 9 March 1992 for investigation, report and recommendation.

The IBP Iloilo Chapter, in its report (not resolution) dated 15 July 1992, found that the five (5) documents referred to in this administrative complaint (Administrative Case No. 3727), as well as four (4) other documents which have been the subject of a separate administrative complaint filed by one Atty. Teodosio dated 12 August 1991 and lodged before the IBP Iloilo Chapter, were all notarized by respondent Atty. Barrera between 8 July 1989 and 12 October 1990. Respondent has adduced no records showing that his notarial commission had been renewed or that any application for such renewal had been filed, after 1978.

Respondent, in his comment dated 9 January 1992, does not deny that he had notarized the five (5) mentioned documents. He, however, maintains that his failure to apply for a renewal of his notarial commission was due to excusable inadvertence and negligence. His fault, according to him, if any, was caused by his secretary to whom he had entrusted the task of making sure that his notarial commission was renewed annually. He states that he had no intention to violate the notarial law nor intentionally to mislead and injure the public. Upon learning from his “adversaries” that his notarial commission had expired, he completely ceased all notarial activities and, to protect the validity of documents he had notarized during the period in question, he (respondent Atty. Barrera) filed

before the Regional Trial Court of Iloilo City, a petition for confirmation of his notarial acts and status as a notary public, dated 2 October 1991.

By a manifestation dated 28 March 1992, complainants Buensuceso, et al. withdrew their administrative complaint against respondent Barrera. The Court is not, of course, bound by such withdrawal, particularly in view of the character of the acts or omissions with which respondent Atty. Barrera was charged, which acts or omissions engage the public interest in marked degree.[1]

The Court observes that respondent Atty. Barrera has treated the requirements for issuance of a commission, and renewal of a commission, as notary public as a casual formality. Section 2632 of the Revised Administrative Code of 1917 takes a different view for it provides as follows:

“Sec. 2632. Certification after expiration of authority. -- Any person who, after the expiration of his commission as notary or after the termination of his authority to act as such, shall affix his seal or official signature to any document with intent to impart the appearance of notarial authenticity thereto, shall be punished by a fine of not exceeding P1,000.00 or imprisonment for a period not exceeding one year, or both.”

In the instant case, more than twelve (12) years lapsed before respondent Atty. Barrera “realized” that his commission as a notary public had expired in 1978 and had not thereafter been renewed. His effort to shift responsibility from his shoulders to those of his hapless secretary do not strike the Court as the kind of diligence properly required of a member of the Bar in performing his duties as notary public. We consider that respondent Atty. Barrera’s behavior constituted violation of law and gross misconduct on his part.

In *Joson v. Baltazar*,[2] the Court said:

“In *In the Matter of the Disbarment of Dominador E. Flores: City Fiscal R. Lozada v. Dominador E. Flores*, respondent attorney notarized six (6) documents consisting of an extrajudicial partition of an estate, a deed of sale with right of repurchase and four (4) deeds of absolute sale, all involving unregistered land, at a time when his commission as notary public had expired. The Court characterized his conduct as ‘reprehensible,’ ‘constituting as it does not only malpractice but also the commission, in six separate and distinct occasions, of the crime of falsification of public documents, [which] justifies his disbarment,’ and disbarred him.

Under the foregoing case, respondent Baltazar’s conduct must be similarly characterized as malpractice and falsification of a public document. Notarization of a private document converts such document into a public one, and renders it admissible in court without further proof of its authenticity. Courts, administrative agencies and the public at large must be able to rely upon the acknowledgement executed by a notary public and appended to a private instrument. Notarization is not an empty routine; to the contrary, it engages 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 courts and administrative offices generally.”[3] (Underscoring supplied)

The record shows that five (5) instances of unauthorized notarization are involved here and that respondent is responsible for at least five (5) separate instances of falsification of public documents (the other four [4] documents being the subject matter of a separate administrative complaint which is not presently before this Court, we put aside for present purposes only). Since respondent seemed unaware that his notarial commission expired in 1978, it seems entirely possible that he had similarly notarized, without legal authority, other still unidentified documents during the twelve (12) years from 1978 to 1990. In the circumstances of this case, and taking into account the recommendation of the IBP Iloilo Chapter in its report dated 15 July 1992, the Court believes that suspension of respondent Atty. Joelito Barrera from the practice of law for a period of one (1) year to be an appropriate administrative penalty.

ACCORDINGLY, the Court Resolved to SUSPEND respondent Atty. Joelito Barrera from the practice of law for a period of one (1) year from notice of this Resolution. Copies of this Resolution shall be furnished to all the courts of the land and as well to the Office of the Bar Confidant, Supreme Court, where it shall be spread on the personal record of respondent attorney.

Narvasa, C.J., (Chairman), Feliciano, Regalado, Nocon, and Campos Jr., JJ., concur.

[1] See, *Lantoria v. Atty. Ireneo Bunyi*, Administrative Case No. 1769, Resolution dated June 8, 1992 (Per Curiam).

[2] 194 SCRA 114 (1991).

[3] 194 SCRA at 118-119.

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