

**\*\*Title: Gonzales v. Padiernos, A.C. No. 5426\*\***

**\*\*Facts:\*\***

1. **\*\*Complaint Initiated:\*\*** On May 12, 2003, Zenaida B. Gonzales filed a complaint for disbarment against Atty. Narciso Padiernos with the Commission on Bar Discipline of the Integrated Bar of the Philippines (IBP). The complaint stated that Atty. Padiernos notarized three documents with forged signatures of the complainant.

2. **\*\*Document Details:\*\*** The three documents in question were:

- A Deed of Absolute Sale dated July 16, 1979, involving Gonzales' property in Jaen, Nueva Ecija.
- A Subdivision Agreement dated September 7, 1988.
- An Affidavit of Non-Tenancy dated March 3, 1988.

Ms. Gonzales claimed her signatures on these documents were forged, and she never appeared before Atty. Padiernos for notarization as she was in the United States.

3. **\*\*Respondent's Answer:\*\*** On June 16, 2003, Atty. Padiernos filed an answer admitting to the notarization but denied allegations of forgery and false certification. He also argued that personal knowledge of the signatory is not required if they sign in the notary's presence, which he purportedly believed was the scenario.

4. **\*\*Motion to Dismiss:\*\*** A motion to dismiss was filed by Atty. Padiernos on October 13, 2003, citing lack of verification and absence of notification regarding the date of hearing.

5. **\*\*Amended Complaint:\*\*** On December 19, 2003, Ms. Gonzales amended her complaint, accusing the respondent of gross negligence and failure to exercise care in his notarial duties, leading to the unauthorized transfer of her property.

6. **\*\*Evidence Presented:\*\*** The complainant supported her claims with a Bureau of Immigration and Deportation (BID) certification confirming her absence from the Philippines during the relevant times and an affidavit from Guadalupe Ramirez Gonzales, widow of Rodolfo Gonzales, asserting the spurious nature of the documents.

7. **\*\*IBP Investigation and Resolution:\*\*** Commissioner Milagros V. San Juan of the IBP conducted an investigation, finding Atty. Padiernos negligent as a notary public. The conclusion pointed to a lack of diligence in confirming the identity of the signatories. On November 4, 2004, the IBP Board of Governors endorsed a resolution recommending

sanctions against the respondent.

**\*\*Issues:\*\***

1. Did Atty. Padiernos violate his duties as a notary public by notarizing documents when the complainant did not appear before him and her signatures were forged?
2. What is the proper disciplinary action for such negligence in notarization duties?

**\*\*Court's Decision:\*\***

1. **\*\*Negligence in Notarization:\*\*** The Supreme Court found that Atty. Padiernos failed to comply with the requirements of notarization, which mandated personal appearance and identity verification of the signatories. He notarized documents presented by an individual claiming to be Ms. Gonzales without adequate identity checks, contributing to fraudulent property transfers.
2. **\*\*Penalty Imposed:\*\*** Given the severity of the breach and following Ms. Gonzales' amended complaint that did not call for disbarment, the Court approved the IBP's recommendation to revoke Atty. Padiernos' notarial commission and suspend him from practicing law for three months.

**\*\*Doctrine:\*\***

The case underlines the doctrine that attorneys who serve as notaries must adhere strictly to the formal requirements of notarization, emphasizing personal presence and identity verification to protect against fraud. Failure to do so undermines public confidence in notarial acts and legal processes.

**\*\*Class Notes:\*\***

- **\*\*Key Concepts:\*\*** Notarial practice, personal appearance requirement, identity verification, negligence.
- **\*\*Legal Provision:\*\*** As per the 2004 Rules of Notarial Practice, an acknowledgment requires personal appearance and identification by the notary public.
- **\*\*Application:\*\*** A breach of notarial duties due to negligence can result in revocation of commission and suspension from law practice.

**\*\*Historical Background:\*\***

In the context of the Philippine legal and notarial system, notarized documents carry significant weight in establishing authenticity and validity. This case underscores the necessity of maintaining the integrity and reliability of notarized acts, reflecting a longstanding judicial emphasis on protecting public trust in legal processes. The decision

reinforces regulatory standards to mitigate fraudulent transactions in property and civil matters, aligning with broader judicial reforms to promote accountability and meticulousness in legal practice.