



Republic of the Philippines
 Supreme Court
 Manila

SECOND DIVISION

MARY JANE D. YUCHENGCO, A.C. No. 11892
 Complainant,

Present:

PERLAS-BERNABE, S.A.J.,
 Chairperson,

HERNANDO,
 INTING,
 DELOS SANTOS, and
 GAERLAN,* JJ.

- versus -

ATTY. ANATHALIA B. ANGARE, Promulgated:
 Respondent. 22 JUN 2020

X-----X

DECISION

INTING, J.:

Before the Court is a Verified Complaint¹ dated October 16, 2017 filed by Mary Jane D. Yuchengco (complainant) praying that Atty. Anathalia B. Angare (respondent) be disbarred and barred permanently from being commissioned as Notary Public.

In the Resolution² dated January 29, 2018, the Court referred the matter to the Integrated Bar of the Philippines (IBP) Commission on Bar Discipline for investigation, report, and recommendation.

The Antecedents

In the Verified Complaint,³ complainant alleged the following:

* Designated additional member per Special Order No. 2780 dated May 11, 2020. On leave.
¹ Rollo, pp. 1-4.
² *Id.* at 20-21.
³ *Id.* at 1-5.

She was the duly elected President and authorized representative of Amendoza Palawan Corporation, a domestic corporation, and the complainant in *Amendoza Palawan Corporation v. Johnny R. Mendoza* which was a civil case for recovery of possession with damages. The complaint was docketed as Civil Case No. 5436, and raffled to Branch 95, Regional Trial Court (RTC) of Palawan, Puerto Princesa City.⁴

Respondent notarized a falsified and defective “Deed of Extrajudicial Settlement of Estate of Late Cristituto Dandal, Sr. with Absolute Sale”⁵ (Deed) identified as “Doc. No. 733, Page No. 158, Book No. 02, Series of 2016.”⁶ Further, the Deed was attached to the Answer filed by Johnny R. Mendoza in Civil Case No. 5436.⁷

The Deed suffers from the following defects: (1) it was not dated; (2) it lacked the names and signatures of the required witnesses; (3) it lacked the details of the required competent identification cards of the parties thereto; (4) it was notarized without the presence of the parties and without verifying whether their signatures were genuine;⁸ and (5) while respondent was commissioned as notary public for the City of Puerto Princesa for the period beginning April 20, 2016 and ending December 31, 2017 as shown by a Certification from the Office of the Executive Judge, another certification indicates that the Deed notarized by respondent was identified as “Doc. No. 733; Page No. 158; Book No. 02; Series of 2014,” and not “Series of 2016” as indicated in the Deed.⁹

Further, complainant surmised that respondent anticipated the filing of a disbarment complaint against her. Thus, respondent filed a Motion to Correct before the RTC in Civil Case No. 5436, claiming that the Deed was yet to be notarized and that she unwittingly notarized it.¹⁰

Respondent appeared as collaborating counsel of Atty. Ryan Maristaza, defendant’s counsel in Civil Case No. 5436. Thus, they had a reason or interest to falsify said documents in order to protect and advance the interest of their client.¹¹

⁴ *Id.* at 1.

⁵ *Id.* at 12-16.

⁶ *Id.* at 16.

⁷ *Id.* at 1.

⁸ *Id.*

⁹ *Id.* at 3.

¹⁰ *Id.*

¹¹ *Id.*

On the other hand, respondent, in her Answer,¹² argued that she inadvertently notarized the Deed as part of the Answer filed in Civil Case No. 5436, and insisted that the notarization of the Deed was a pure and honest mistake.¹³

Respondent also emphasized that the Deed had the same docket number as that of the Answer filed before the RTC in Civil Case No. 5436. Thus, had she intended to falsify the Deed as averred by complainant, the Deed should have had a separate docket number. Further, her notarial register showed that the said docket number for the Answer was in the name of LTCOL Rumpon, a senior military officer/lawyer.¹⁴

As to the accusation that she had no authority to notarize documents in 2014, respondent clarified that the Deed bearing the notarial docket is actually 2016, only that it looked like 2014. Thus, respondent suggested that there might have been a mistake in the Certification by the Clerk of Court which indicated 2014 as the year the Deed was supposedly notarized.¹⁵

Subsequently, on November 16, 2018, the IBP Commission on Bar Discipline conducted a mandatory conference with both parties present.¹⁶ The parties then agreed to simultaneously prepare and submit their respective position papers.¹⁷

On November 29, 2018¹⁸ and December 7, 2018,¹⁹ the IBP Commission on Bar Discipline received complainant's Position Paper and Respondent's Position Paper, respectively.

*Report and Recommendation
of the IBP Investigating Commissioner*

In the Report and Recommendation²⁰ dated January 22, 2019, the IBP Investigating Commissioner Jose Alfonso M. Gomos (IBP

¹² Temporary *rollo*, pp. 29-31.

¹³ *Id.* at 29.

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.* at 70.

¹⁷ *Id.* at 72.

¹⁸ *Id.* at 73-79.

¹⁹ *Id.* at 85-87.

²⁰ *Id.* at 106-113.

Investigating Commissioner) ruled that while there was not enough evidence to support the suggestion that respondent falsified any of the documents involved, it was clear that either respondent did not appreciate the formalities required by the notarial rules or was careless in observing them, or both.²¹

The IBP Investigating Commissioner submitted the following findings:

First, there was an irregularity with the notarial docket “Doc. No. 733; Page No. 158; Book No. 02; Series of 2017(6).” The two documents: (1) the Answer dated March 30, 2017 supposedly notarized on even date and filed in Civil Case No. 5436; and (2) the Deed, which was an attachment to the Answer, bear the same notarial docket. While respondent explained that the notarization of the Deed was an honest mistake and that she was thinking of the Answer when she affixed her signature on the Deed, the IBP Investigating Commissioner ruled that the notarization of the Deed did not merely involve affixing her signature because there was a handwritten effort of indicating “Series of 2016(4)” which respondent failed to explain.²²

Second, respondent’s assertion that the notarial detail of the Deed is “Series of 2016” was puzzling since the Certification from the Office of the Clerk of Court, RTC, Fourth Judicial Region, Puerto Princesa City indicated that the Deed which had the notarial docket number “Doc. No. 733; Page No. 158, Book No. 02; Series of 2014” was included in the O/SJA White Book 2017 submitted by respondent to the Office of the Clerk of Court. Further, while respondent claimed that she erroneously notarized the Deed as part of the Answer, the Answer which was filed in Civil Case No. 5436 was dated March 30, 2017 and appeared to have been notarized by respondent on the same day.²³

Third, while respondent attached to her Position Paper her notarial log to prove that she only notarized the Answer and not the Deed, a perusal of the notarial log showed not the name of the affiant or the person who subscribed and swore to before her but a certain “LTCOL RUMPON JAGS (PAF)” who appeared to be a complete stranger to the Answer.²⁴

²¹ *Id.* at 112.

²² *Id.* at 110.

²³ *Id.* at 110-111.

²⁴ *Id.* at 111.

Fourth, a perusal of the Answer showed that its verification was made by defendant in Civil Case No. 5436 and was duly notarized by a certain Atty. Henry T. Adaza. Thus, the IBP Investigating Commissioner was wondering as to the purpose of the *jurat* which respondent made on the Answer. In any case, respondent's notarization of the Answer was not compliant with the requirement under the 2004 Rules on Notarial Practice since there were no details of the supposed competent evidence of identity referred to in the notarization. Also, while the records indicate that the Answer was prepared on March 30, 2017 and notarized by respondent on the same date, its verification appeared to have been notarized a day earlier, *i.e.*, March 29, 2017.²⁵

However, the IBP Investigating Commissioner ruled that respondent was not guilty of misconduct in having appeared as co-counsel for defendant in Civil Case No. 5436 despite being a member of the Armed Forces of the Philippines (AFP). He explained that respondent presented a Certification from the Office of the Judge Advocate General, AFP, indicating that she was granted limited authority to practice law.²⁶

Thus, the IBP Investigating Commissioner recommended that respondent's notarial commission be revoked if still subsisting, and that she be barred from being commissioned as notary public for two years.²⁷

IBP Board of Governors' Ruling

In the Resolution²⁸ dated February 16, 2019, the IBP Board of Governors resolved to adopt the findings of fact and recommendation of the IBP Investigating Commissioner, thus:

RESOLVED, to ADOPT the findings of fact and recommendation of the Investigating Commissioner and impose upon the Respondent the penalty of IMMEDIATE REVOCATION of his notarial commission, if subsisting, DISQUALIFICATION from being appointed as notary public for two (2) years.²⁹

²⁵ *Id.* at 111-112.

²⁶ *Id.* at 112.

²⁷ *Id.* at 113.

²⁸ *Id.* at 104-105.

²⁹ *Id.* at 104. Italics omitted.

The Court's Ruling

The Court adopts and affirms the IBP Board of Governors' Resolution dated February 16, 2019 with modification only as to the penalty imposed.

At the outset, the Court settles any confusion as to the notarial details of the Deed. While respondent asserts that the Deed bears the detail "Series of 2016," the Certification dated June 19, 2017 from the Office of the Clerk of Court, RTC, Fourth Judicial Region, Puerto Princesa City is to the effect that the Deed bears the detail "Series of 2014." However, the Court finds that the seeming discrepancy was due to the fact that the notarial details were partly handwritten such that the numerical figure "2016" appears to be "2014" in the copy of the Deed submitted to the Office of the Clerk of Court. In fact, a perusal of the Deed attached to the Answer which in turn was attached by complainant to her Complaint shows that the notarial detail of the Deed is in fact "Series of 2016." Thus, the Court is inclined to believe respondent's claim that the notarial detail of the Deed is 2016 and not 2014.

Now, as to respondent's liability.

In *Lustestica v. Atty. Bernabe*,³⁰ the Court had the occasion to reiterate that notarization is not an empty, meaningless routinary act; thus, lawyers commissioned as notary public must observe the basic requirements in the performance of their duties with utmost care. The Court declared:

x x x We cannot overemphasize the important role a notary public performs. In *Gonzales v. Ramos*, we stressed that notarization is not an empty, meaningless routinary act but one invested with substantive public interest. The notarization by a notary public converts a private document into a public document, making it admissible in evidence without further proof of its authenticity. A notarized document is, by law, entitled to full faith and credit upon its face. It is for this reason that a notary public must observe with utmost care the basic requirements in the performance of his duties; otherwise, the public's confidence in the integrity of a notarized document would be undermined.³¹

³⁰ 643 Phil. 1 (2010).

³¹ *Id.* at 8-9, citing *Gonzales v. Ramos*, 499 Phil. 345, 347 (2005).

As correctly ruled by the IBP Investigating Commissioner, respondent failed to appreciate the formalities required by the notarial rules and/or was careless in implementing the rules.

Records show that respondent notarized two documents, *i.e.*, the Answer³² which was filed in Civil Case No. 5436 and the Deed which was attached as part of the Answer in Civil Case No. 5436. However, both documents were identified as “Doc. No. 733, Page No. 158, Book No. 02, series of 2016.”

It is clear from the 2004 Rules on Notarial Practice that two different documents cannot bear the same notarial details. Specifically, Section 2, Rule VI of the 2004 Rules on Notarial Practice provides:

SEC. 2. *Entries in the Notarial Register.* — (a) For every notarial act, the notary shall record in the notarial register at the time of notarization the following:

- (1) **the entry number and page number;**
- (2) the date and time of day of the notarial act;
- (3) the type of notarial act;
- (4) the title or description of the instrument, document or proceeding;
- (5) the name and address of each principal;
- (6) the competent evidence of identity as defined by these Rules if the signatory is not personally known to the notary;
- (7) the name and address of each credible witness swearing to or affirming the person’s identity;
- (8) the fee charged for the notarial act;
- (9) the address where the notarization was performed if not in the notary’s regular place of work or business; and
- (10) any other circumstance the notary public may deem of significance or relevance.

x x x x

(d) When the instrument or document is a contract, the notary public shall keep an original copy thereof as part of his records and enter in said records a brief description of the substance thereof and shall give to each entry a consecutive number, beginning with number one in each calendar year. He shall also retain a duplicate original copy for the Clerk of Court.

(e) **The notary public shall give to each instrument or document executed, sworn to, or acknowledged before him a number corresponding to the one in his register,** and shall also state on the instrument or document the page/s of his register on which the same is recorded. No blank line shall be left between entries. (Emphasis supplied.)

³² *Rollo*, pp. 7-9.

Further, the Deed appeared to be notarized despite the fact that it did not contain the competent evidence of identities of the parties-signatories thereto. Specifically, there were blanks allotted for the competent evidence of identities of the signatories to the Deed, but these blanks were unfilled.

In an effort to excuse herself from failing to observe the requirements under the 2004 Rules on Notarial Practice, respondent harped on her defense that she only mistakenly notarized the Deed as part of the Answer in Civil Case No. 5436 and that the notarization was supposed to pertain to the Answer only.

However, the Certification³³ dated June 19, 2017 from the Office of the Clerk of Court, RTC, Fourth Judicial Region, Puerto Princesa City militates against her claim. It indicates that what respondent submitted before the court is not a copy of the Answer, but of the Deed. The Certification provides in part:

THIS IS TO CERTIFY that based on records, the Deed of Extrajudicial Settlement of Estate of Late Cristituto Dandal, Sr. with Absolute Sale executed by Thelma Dandal, et. al. in favor of Johnny Mendoza, with Doc. No. 733, Page No. 158, Book No. 02, Series of 2014 and notarized by Atty. Anathalia B. Angare exist in our files. This is to certify further, that the 5-page document is a mere photocopy except for the signature of Atty. Anathalia B. Angare on the last page and the corresponding numbers for document number, page number, book number and series of 2014. Furthermore, the said document was included in the O/SJA White Book 2017 submitted to this office by Atty. Anathalia B. Angare.³⁴

Unfortunately, considering that respondent denied intentionally notarizing the Deed, she miserably failed to explain as to why she submitted a copy of the Deed to the Office of the Clerk of Court. The Court finds it unbelievable that after allegedly notarizing the Deed by mistake, respondent would again mistakenly submit a copy of the Deed as a duly notarized document to the Office of the Clerk of Court.

In another attempt to establish that what she intentionally notarized was the Answer in Civil Case No. 5436 and not the Deed, she presented her notarial log with the following emphasized details:³⁵

³³ *Id.* at 19.

³⁴ Temporary *rollo*, p. 75.

³⁵ *Id.* at 45.

Doc	Page	Number	Name	Purpose	Date
x x x	x x x	x x x		x x x	30-03-17
733	158	1	Notary/ LTCOL RUMPON JAGS (PAF), Answer		-do-

However, the Court finds that such notarial log failed to establish that “Doc. No. 733, Page No. 158, Book No. 02, series of 2016” corresponded to the Answer in Civil Case No. 5436 which she notarized. As correctly pointed out by the IBP Investigating Commissioner, the notarial log shows the name of a certain “LTCOL RUMPON JAGS (PAF)” who appears to be a complete stranger to the Answer.

Further, while complainant was only questioning the notarization of the Deed, the Court cannot help but notice respondent’s notarization of the Answer in Civil Case No. 5436. Specifically, respondent’s notarial act appeared right after the prayer and the signature of defendant’s counsel. However, the Court is at a loss as to the purpose of said notarial act of respondent. As correctly explained by the IBP Investigating Commissioner, the verification of the Answer was made by defendant in Civil Case No. 5436 and was duly notarized by a certain Atty. Henry T. Adaza. Thus, aside from the Deed, respondent was left with nothing to notarize.

Even assuming for the sake of argument that respondent only mistakenly notarized the Deed, such excuse would not exculpate her from being disciplined by the Court. If at all, her “mistake” only shows her negligence and her failure to appreciate the gravity of her duties as a notary public.

Specifically, respondent could not have missed that she was notarizing the Deed if only she was diligent in performing her duties. Section 2, Rule VI of the 2004 Rules on Notarial Practice requires the notary public to identify and record in the notarial register the title or description of the instrument, document or proceeding for which the notarial act is being performed.

However, the Court finds that respondent is not guilty of unauthorized practice of law in having appeared as co-counsel for defendant in Civil Case No. 5436. Suffice it to state that as explained by

the IBP Investigating Commissioner and based on the records, the Office of the Judge Advocate General, AFP issued a Certification³⁶ dated October 12, 2018 to the effect that respondent was granted limited authority to practice law by the Acting Judge Advocate General.

As for the penalty to be imposed, the Court in *Dr. Malvar v. Atty. Baleros*³⁷ imposed upon Atty. Cora Jane P. Baleros (respondent Baleros) therein the penalty of revocation of her notarial commission if still existing, disqualification from appointment as a notary public for two years, and suspension from the practice of law for six months.³⁸ In that case, Dr. Basilio Malvar (complainant Malvar) alleged that an Application for Certification of Alienable Land and Disposable Land was filed using her name and without her knowledge, and that such document was notarized by respondent Baleros.³⁹ The Court found respondent Baleros guilty of notarizing a document without the presence of complainant Malvar who was purportedly the affiant. The Court also ruled that even assuming the presence of complainant before the notary public at the time of notarization, the notary public remained unjustified in not requiring complainant Malvar to show a competent proof of identity. The Court further observed that respondent assigned the same notarial details to two distinct documents, one of them being the aforementioned application. However, respondent Baleros indubitably failed to record the assailed document in her notarial register.⁴⁰

Clearly, *Dr. Malvar v. Atty. Baleros*⁴¹ is a case where the notary public failed to appreciate the importance of his role as a notary public by exhibiting an utter disregard of the notarial rules.

Here, considering that respondent similarly exhibited a lack of basic understanding of the notarial rules, the Court deems it proper to revoke the notarial register of respondent if still existing and to disqualify respondent from being appointed as notary public for two years. She should also be suspended from the practice of law for six months.

³⁶ *Id.* at 90.

³⁷ 807 Phil. 16 (2017).

³⁸ *Id.* at 31.

³⁹ *Id.* at 21.

⁴⁰ *Id.* at 24-29.


⁴¹ *Supra* note 37.

WHEREFORE, respondent Atty. Anathalia B. Angare is found **GUILTY** of violating the 2004 Rules on Notarial Practice. Her notarial commission, if existing is **REVOKED**, and she is hereby **DISQUALIFIED** from reappointment as Notary Public for a period of two (2) years. She is likewise **SUSPENDED** from the practice of law for six (6) months effective immediately. Further, she is **WARNED** that a repetition of the same or similar acts in the future shall be dealt with more severely.

SO ORDERED.


HENRI JEAN PAUL B. INTING
Associate Justice

WE CONCUR:


ESTELA M. PERLAS-BERNABE
Senior Associate Justice
Chairperson


RAMON PAUL L. HERNANDO
Associate Justice


EDGARDO L. DELOS SANTOS
Associate Justice

(On leave)
SAMUEL H. GAERLAN
Associate Justice