



Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated August 17, 2022 which reads as follows:*

“A.C. No. 13392 [formerly CBD Case No. 19-6109] (*Reydante Sager v. Atty. Merle Telan*). – The instant case is a Complaint for Disbarment<sup>1</sup> filed by Reydante M. Sager (Sager) against respondent Atty. Merle M. Telan (Atty. Telan) for supposedly notarizing a document denominated as Sales of Shares of Stocks<sup>2</sup> dated 26 September 2008 without complying with, and contrary to, the strict requirements of the 2004 Rules on Notarial Practice, as amended by A.M. No. 02-8-13-SC dated 19 February 2008.

**Antecedents**

Sometime in 2009, the Social Security System (SSS) filed a complaint for alleged violation of the SSS Law against the officers of Global Star International Alliance, Inc. (Global Star), including complainant Sager and Jose Ricky Abliter (Abliter).<sup>3</sup>

In his counter-affidavit, Abliter alleged that he should not be charged because he was no longer part of Global Star. To support his claim, Abliter presented the Sales of Shares of Stocks he had executed in favor of complainant Sager. The Sales of Shares of Stocks was notarized on 28 November 2008 by Atty. Telan, a notary public for and in the City of Pasig, as Document No. 219, Page 45, Book V, Series of 2008.<sup>4</sup>

The main contents of the Sales of Shares of Stocks are quoted below:

<sup>1</sup> *Rollo*, pp. 1-4.

<sup>2</sup> *Id.* at 5.

<sup>3</sup> *Id.* at 1.

<sup>4</sup> *Id.*

**SALES OF SHARES OF STOCKS****KNOW ALL MEN BY THESE PRESENTS:**

That I, **JOSE RICKY T. ABLITER**, Filipino of legal age, married and presently residing at 20 Malachi St., Dionisio Royale Executive Homes, Old Sauyo Road Novaliches, Quezon City, that for the value and consideration received amounting to **THIRTY EIGHT THOUSAND NINE HUNDRED FIFTY FIVE ONLY** do hereby **SELL, CEDE, TRANSFER** and **DELIVER** unto **REYDANTE M. SAGER** likewise Filipino, of legal age, married, my shares of capital stock with **GLOBAL STAR INTERNATIONAL ALLIANCES, INC.** as follows:

TYPE OF STOCKS	:	Common
NUMBER OF SHARES	:	10.500 Shares
PAR VALUE	:	Php100.00 / Share
AMOUNT PAID	:	Php38,955.00
CERTIFICATE No.	:	2008-001 & 08-002

I hereby [sic] affirm that the said shares are free from any unpaid claims from **GLOBAL STAR INTERNATIONAL ALLIANCES, INC.** or any other lien or claims in favor of any person or entity.

That I do hereby irrevocably constitute, name and appoint **REYDANTE M. SAGER** to cause the transfer of these shares to the books of the Corporation.

**IN WITNESS HEREOF**, I have hereunder affixed my signature this **26th** day of **September** 2008 at **Pasig City**.

[signed]  
**Reydante M. Sager**  
Vendee

[signed]  
**Jose Ricky T. Abliter**  
Vendor

**SUBSCRIBED AND SWORN** to before me this **28th** day of **November**, 2008 affiant exhibiting to me his / her Residence Certificate No. **22757638** issued on **3-10-08**, 2008 in **Quezon** City.<sup>5</sup>

On 22 May 2019, the Integrated Bar of the Philippines-Commission on Bar Discipline (IBP-CBD) received the Affidavit of Complaint sworn to and executed by Sager. He alleged that he was shocked and horrified upon learning of the notarized Sales of Shares of Stocks presented by Abliter to SSS.<sup>6</sup> He claimed that he never executed said document, nor did he transact with Abliter for the sale, transfer, or assignment of shares of stock of Global Star.<sup>7</sup>

Sager also argued that Atty. Telan violated the 2004 Rules on Notarial Practice, as amended by A.M. No. 02-8-13-SC, when she notarized the document, arguing that the Community Tax Certificate (CTC) is not an

<sup>5</sup> Id. at 5.

<sup>6</sup> Id. at 2.

<sup>7</sup> Id.

acceptable evidence of identity. He further argued that a Sales of Shares of Stocks should have an Acknowledgment instead of a *Jurat*. Sager also maintained that he never appeared nor subscribed to any document before any notary public. Thus, he concluded that the Sales of Shares of Stocks is falsified.<sup>8</sup>

Likewise, Sager obtained a Certification<sup>9</sup> from the Clerk of Court of Pasig City that the document in question forms part of the notarial records submitted by Atty. Telan.

On the other hand, Atty. Telan admitted in her Verified Answer<sup>10</sup> that she notarized the Sales of Shares of Stock.<sup>11</sup> She further admitted that only Abliter appeared before her, with the pre-signed Sales of Shares of Stocks, and he alone made the sworn declarations by means of a *jurat*. Atty. Telan also averred that although she saw the name and signature of a certain Reydante M. Sager appearing on the document, that person did not appear before her. She maintained that such signature was superfluous since the document was only Abliter's sworn declaration and not, in fact, a contract.<sup>12</sup>

She also pointed out that Sager had previously filed a criminal case against her for Falsification of Public Document before the Office of the City Prosecutor of Pasig City in I.S. No. XV-14-INV-181-01673.<sup>13</sup> However, the case was dismissed in a Resolution dated 17 December 2018,<sup>14</sup> the pertinent portion of which reads:

On the charge that [Complainant] did not appear before the notary public and so respondents must be held liable for making it appear that [Complainant] participated in an act or proceeding when in fact [Complainant] did not do so participate, we also find the evidence insufficient to charge respondents with said crime. A closer examination of the questioned document shows that the same was subscribed and sworn to by only one person as evidence [sic] by the word "affiant" and only one community tax certificate is mentioned. There is no showing that the affiant being referred to with the indicated community tax certificate is the complainant.<sup>15</sup>

Atty. Telan posited that Sager filed the instant administrative complaint because of "injured pride."

### **Recommendation and Report of the IBP-CBD**

In the Recommendation and Report<sup>16</sup> dated 07 September 2020,

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<sup>8</sup> Id. at 3.

<sup>9</sup> Id. at 6.

<sup>10</sup> Id. at 10-14.

<sup>11</sup> Id. at 10.

<sup>12</sup> Id. at 10-11.

<sup>13</sup> Id. at 12.

<sup>14</sup> Id. at 15-20.

<sup>15</sup> Id. at 17.

<sup>16</sup> Signed by Investigating Commissioner Patrick M. Velez.

Investigating Commissioner Patrick M. Velez (Commissioner) concluded:

**WHEREFORE**, under the attendant circumstances, it is Respectfully **RECOMMENDED** that Respondent Atty. Merle M. Telan's Notarial Commission [sic] for a period of one (1) year and six (6) months and be obliged to undergo additional three (3) MCLE units on legal ethics.<sup>17</sup>

The Commissioner determined that Atty. Telan did not require the presentation of any government-issued identification or adequate proof of identity, as mandated by the 2004 Notarial Law. Instead, she merely relied on the CTC presented by Abliter, as reflected in the *jurat*, as the lone instrument of identification. He stressed that a CTC or *cedula* is no longer an accepted mode of determination of the identity of an affiant.<sup>18</sup>

Further, the Commissioner found that there were no other witnesses present who attested to the identity of the vendor, nor did Atty. Telan claim that she personally knew the vendor. He stressed that Atty. Telan, upon ascertaining that the document is ready-made and pre-signed, should have questioned the intercalation of the signature of the apparent vendee considering that the Sales of Shares of Stocks is a unilateral declaration by the vendor. The Commissioner also held that since respondent Atty. Telan utilized a *jurat*, the parties were required to sign the document in the presence of the notary and should not have been accepted pre-signed, as in this case.<sup>19</sup>

The Commissioner noted that these circumstances should have prompted Atty. Telan to probe deeper into the provenance of the document. Instead, the latter showed no remorse and never acknowledged the infringement she committed, and the probable danger her action posed to the notarial system in the Philippines. She should, thus, be held accountable and liable for her acts.<sup>20</sup>

### **Resolution of the IBP Board of Governors**

On 19 November 2021, the IBP Board of Governors issued its resolution modifying the recommendation of the Commissioner,<sup>21</sup> to wit:

**RESOLVED**, to **MODIFY**, as it is hereby MODIFIED the Report and Recommendation of the Investigating Commissioner in the instant case, to recommend instead the imposition upon Respondent Atty. Merle M. Telan of [sic] the penalties of — 1) **SUSPENSION from the practice of law for a period of One (1) Year**, 2) the **IMMEDIATE REVOCATION of his [or her] Notarial Commission**, if subsisting, and 3) **DISQUALIFICATION from being commissioned as Notary Public**

<sup>17</sup> *Rollo*, unpaginated. See Recommendation and Report, p.17.

<sup>18</sup> *Id.* at 9.

<sup>19</sup> *Id.* at 12-13.

<sup>20</sup> *Id.* at 15.

<sup>21</sup> Notice of Resolution. Signed by Assistant National Secretary Jose Angel B. Guidote, Jr.

for **Two (2) Years**, after taking into consideration the facts of the case.<sup>22</sup>

### Issue

For the Court's resolution is whether Atty. Telan violated the 2004 Rules on Notarial Practice or the Code of Professional Responsibility (CPR) when she notarized the subject Sales of Shares of Stocks.

### Ruling of the Court

The Court adopts the recommendation of the IBP Board of Governors, with modification as to penalty.

Rule II, Section 6 of the 2004 Rules on Notarial Practice states:

SECTION 6. Jurat. — "Jurat" refers to an act in which an individual on a single occasion:

(a) appears in person before the notary public and presents an instrument or document;

(b) **is personally known to the notary public or identified by the notary public through competent evidence of identity** as defined by these Rules;

(c) **signs the instrument or document in the presence of the notary**; and

(d) takes an oath or affirmation before the notary public as to such instrument or document. (Emphases supplied.)

In the instant case, the Sales of Shares of Stock was not signed in the presence of Atty. Telan for notarization. The document was already prepared and signed when it was presented to her. Despite bearing two signatures, only Abliter appeared before her. She did not inquire about the appearance of Sager or ask for the latter's proof of identity. Moreover, Atty. Telan accepted the CTC as proof of identity of the affiant. She did not ask Abliter for any other government-issued identification, nor did she claim that Abliter or Sager is personally known to her.

In A.M. No. 02-8-13-SC dated 19 February 2008, amending Section 12(a), Rule II of the 2004 Rules of Notarial Practice, the Court laid down the documents considered as "competent evidence of identity," to wit:

"Sec. 12. Component Evidence of Identity. The phrase "**competent evidence of identity**" refers to the identification of an individual based on:

(a) at least one current identification document issued by an official agency **bearing the photograph and signature** of the individual, such as but not limited to, passport, driver's license, Professional Regulations Commission ID, National Bureau of Investigation clearance, police clearance, postal ID, voter's ID, Barangay certification, Government Service and Insurance System (GSIS) e-card, Social Security

<sup>22</sup> *Rollo*, unpaginated. See Notice of Resolution.

System (SSS) card, Philhealth card, senior citizen card, Overseas Workers Welfare Administration (OWWA) ID, OFW ID, seaman's book, alien certificate of registration/immigrant certificate of registration, government office ID, certification from the National Council for the Welfare of Disable Persons (NCWDP), Department of Social Welfare and Development (DSWD) certification; or

(b) xxxx.”

The CTC does not contain any photo or signature of the person in whose name it was issued. As such, it cannot be considered as competent evidence of identity. Atty. Telan, being a notary public, is expected to be aware of this provision. Thus, this fact alone should have been cause for Atty. Telan to refuse to notarize the document, or to require the presentation of a competent proof of identity from Abliter.

Further, there were other circumstances that should have restrained Atty. Telan from giving her notarial imprimatur to the subject document, namely, the questionable form of the subject document (an affidavit in a form of a contract of sale), and the significant lapse of time between the execution of subject document and its presentation for notarization.

The act of notarization is not an ordinary routine but is imbued with substantive public interest. It converts a private document into a public document resulting in the document's admissibility in evidence without further proof of its authenticity. A notarial document is therefore entitled to full faith and credit on its face and by law. It is the duty of notaries public to observe utmost care in complying with the formalities intended to protect the integrity of the notarized document and the act or acts it embodies.<sup>23</sup>

In this case, Atty. Telan fell short of the high standard of conduct expected of a notary public when she failed to employ even the slightest care in notarizing the subject document. She not only disregarded the most basic requirements set by the rules, she continues to deny any wrongdoing.

Be as it may, disbarment is the most severe form of disciplinary sanction. Hence, it must be exercised with great caution. It must therefore be imposed only for serious reasons and in clear cases of misconduct affecting the standing and moral character of the lawyer as an officer of the court and member of the bar.<sup>24</sup>

In line with current jurisprudence,<sup>25</sup> We modify the penalty recommended by the IBP Board of Governors by reducing the period of suspension from the practice of law to six months, and adopting the recommendation for revocation of Atty. Telan's current notarial commission,

<sup>23</sup> *Ang v. Belaro, Jr.*, A.C. No. 12408, 11 December 2019.

<sup>24</sup> *Cansino v. Sederiosa*, A.C. No. 8522, 06 October 2020.

<sup>25</sup> *See Ong v. Bijis*, A.C. No. 13054, 23 November 2021; *Montinola III v. Rubrico*, A.C. No. 10904, 14 July 2021.

if any, and disqualification from being commissioned as a notary public for two years.

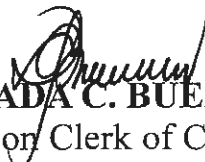
Membership in the legal profession is bestowed with privileges and responsibilities. Lawyers must possess good moral character and should comport themselves with honesty and integrity, with the aim of uplifting the public's faith in the legal profession. By falling short of the standard of conduct required of a member of the Bar and a notary public, Atty. Telan has cast a shadow over the integrity of the profession. Such behavior cannot be countenanced.

**WHEREFORE**, the Court finds respondent Atty. Merle M. Telan **GUILTY** of violating the 2004 Rules on Notarial Practice, as amended by A.M. No. 02-8-13-SC. She is hereby **SUSPENDED** from the practice of law for **six months**; her current notarial commission, if any, is immediately **REVOKED**; and she is **DISQUALIFIED** from reappointment as notary public for **two years**. She is further **WARNED** that a repetition of the same or similar offense shall be dealt with more severely. Atty. Merle M. Telan is also **DIRECTED** to file a manifestation to the Court that her suspension has started.

Let a copy of this Resolution be entered in Atty. Merle M. Telan's record with the Office of the Bar Confidant, and notice of the same be served on the Integrated Bar of the Philippines and on the Office of the Court Administrator for circulation to all courts in the country.

**SO ORDERED."**

**By authority of the Court:**

  
**LIBRADA C. BUENA**  
Division Clerk of Court

by:

**MARIA TERESA B. SIBULO**  
Deputy Division Clerk of Court

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OCT 04 2022

Mr. Reydante M. Sager  
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Respondent  
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Integrated Bar of the Philippines  
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