



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated February 13, 2023 which reads as follows:

“A.C. No. 9543 [Formerly CBD Case No. 06-1717] (*Julia Guido-Christiansen and Ignacio Guido Ver, complainants vs. Atty. Nestor C. Rivera*¹ and *Atty. Ramon L. Carpio*,² respondents). - Before this Court is a Disbarment Complaint³ against Atty. Ramon L. Carpio (*respondent*) for violation of the Lawyer’s Oath, deceit, malpractice, and gross misconduct.

Antecedents

On May 2, 2006, Julia Guido-Christiansen (*Julia*) and Ignacio Guido Ver (hereinafter, *complainants*) filed the instant disbarment complaint and averred that they previously filed a Criminal Complaint⁴ charging respondent and Atty. Nestor Rivera (*Atty. Rivera*) with falsification and use of falsified document under Articles 171⁵ and 172⁶ of the Revised Penal Code,

¹ The Court in its October 1, 2012 Resolution considered the case against Atty. Nestor C. Rivera as CLOSED and TERMINATED; *rollo*, pp. 121-122.

² Referred to in the Complaint and in other parts of the *rollo* as “Atty. Roman Carpio.” However, it appeared that the correct name of respondent is “Atty. Ramon L. Carpio.”; *id.* at 133-136.

³ *Id.* at 2-10.

⁴ *Id.* at 12-16.

⁵ Art. 171. *Falsification by public officer, employee; or notary or ecclesiastical minister.* — The penalty of *prision mayor* and a fine not to exceed ₱5,000[.00] shall be imposed upon any public officer, employee, or notary who, taking advantage of his [or her] official position, shall falsify a document by committing any of the following acts:

x x x x

2. Causing it to appear that persons have participated in any act or proceeding when they did not in fact so participate[.]

⁶ Art. 172. *Falsification by private individuals and use of falsified documents.* — The penalty of *prision correccional* in its medium and maximum periods and a fine of not more than [₱]5,000[.00] shall be imposed upon:

1. Any private individual who shall commit any of the falsifications enumerated in the next preceding article in any public or official document or letter of exchange or any other kind of commercial document; and

2. Any person who, to the damage of a third party, or with the intent to cause such damage, shall in any private document commit any of the acts of falsification enumerated in the next preceding article.

respectively.⁷

Complainants alleged that on January 17, 2001, Atty. Rivera notarized an Extrajudicial Adjudication of Estate⁸ purportedly executed by the former which covered properties owned by their mother, Justa G. Vda. De Guido, located in Botolan, Zambales. They denied appearing before Atty. Rivera to execute the said document, and maintained that their signatures were forged.⁹

They also made similar allegations against respondent when he notarized a Deed of Absolute Sale¹⁰ (*DAS*) on September 17, 2002, purportedly executed by complainant Julia in favor of a certain Susana O. Lim (*Susana*). Julia denied signing the said document and appearing before respondent.¹¹ Complainants further averred that Susana used the falsified Extrajudicial Adjudication of Estate and *DAS* in cancelling their titles and in causing the issuance of new titles in her name.¹²

Only Atty. Rivera appeared during the mandatory conference held on November 14, 2006 before the Integrated Bar of the Philippines (*IBP*),¹³ while respondent failed to appear despite notice.¹⁴

Consequently, the IBP-Commission on Bar Discipline (*IBP-CBD*) issued a Report and Recommendation¹⁵ dated April 28, 2009, recommending the dismissal of the administrative complaint against Atty. Rivera for lack of merit. However, in the interest of due process, no recommendation was made with regard to the charges against respondent.¹⁶

On December 10, 2011, the IBP Board of Governors (*IBP-Board*) issued Resolution No. XX-2011-296¹⁷ recommending the dismissal of the complaint against Atty. Rivera. In the same Resolution, the IBP made no recommendation with regard to the charges against respondent who failed to participate in the proceedings therein. The pertinent portion of the said Resolution provides:

⁷ Id. at 3.

⁸ Id. at 21-26.

⁹ Id. at 3-4.

¹⁰ Id. at 17-20.

¹¹ Id. at 3-4 and 12.

¹² Id. at 12.

¹³ See Notice of Mandatory Conference, id. at 65-67.

¹⁴ Id. at 66-67.

¹⁵ Id. at 112-120. Penned by Commissioner Edmund T. Espina.

¹⁶ Id. at 119-120.

¹⁷ Id. at 110-111. Signed by Acting National Secretary Nasser A. Marohomsalic.

RESOLUTION No. XX-2011-296
CBD Case No. 06-1717
Julia Guido-Chirstiansen¹⁸
and Ignacio Guido Ver vs.
Atty. Nestor C. Rivera and
Atty. Roman (sic) Carpio

RESOLVED TO ADOPT and APPROVE, as it is hereby unanimously ADOPTED and APPROVED the Report and Recommendation of the Investigating Commissioner in the above-entitled case, herein made part of this Resolution as Annex "A" and finding the recommendation fully supported by the evidence on record and the applicable laws and rules, and considering that the case against Atty. Nestor C. Rivera lacks merit, the same is hereby **DISMISSED**. However, Atty. Rivera is **Admonished** to take extra care in his functions as commissioned notary public and to keep himself abreast with the latest laws and rules of procedure, and in the interest of due process no recommendation is made with regards to the charges against Atty. Roman (sic) Carpio.¹⁹ (*Italics in the original*)

Consequently, the Court issued a Resolution,²⁰ dated October 1, 2012, adopting the recommendation of the IBP and deemed the complaint against Atty. Rivera as closed and terminated. As regards respondent, the Court resolved to refer his case back to the IBP for further investigation, report, and recommendation.²¹

It appears that respondent failed to previously participate in the proceedings before the IBP because complainants provided a wrong address and misspelled his name (*i.e.*, "Roman" instead of "Ramon"). Hence, the IBP-CBD issued an Order²² on January 22, 2016, furnishing respondent a copy of the complaint at his correct address.

Respondent submitted his Answer²³ on March 22, 2016, wherein he denied knowing complainants. He also claimed that he could no longer recall notarizing the purported DAS and that his signature therein was forged. He then submitted a certified true copy of his Petition for Renewal of Notarial Commission as Notary Public²⁴ to prove his claim of forgery.²⁵

¹⁸ Referred to in the IBP-Board Resolution No. XX-2011-296 as Julia Guido Chirstiansen. However, it appeared that the correct name of complainant is "Julia Guido Christiansen" (*rollo*, p. 9).

¹⁹ *Rollo*, p. 110.

²⁰ *Id.* at 121-122.

²¹ Resolution dated December 10, 2012; *Id.* at 123.

²² *Id.* at 126.

²³ *Id.* at 133-136.

²⁴ *Id.* at 137-140.

²⁵ *Id.* at 161.

Consequently, a Mandatory Conference was held on July 13, 2016 wherein the counsel for complainants manifested the desire to withdraw their administrative complaint against respondent and Atty. Rivera. On September 13, 2016, Julia, through her counsel, filed a Manifestation withdrawing her complaint case against the two.²⁶

IBP Report and Recommendation

In his January 24, 2018 Report and Recommendation,²⁷ Commissioner Dr. Jose I. De La Rama, Jr. (*Dr. De La Rama*), recommended: (a) the revocation of respondent's notarial commission for a period of two (2) years; and, (b) his suspension from the practice of law for six (6) months.²⁸ Dr. De La Rama rejected the defense of forgery since respondent failed to controvert the existence of the DAS which appeared to have been notarized in Pasig City where his notarial commission was issued.²⁹ Dr. De La Rama further opined that Atty. Carpio could have easily secured a certified true copy of his Notarial Book to disprove the existence of the subject document, but he inexplicably failed to do so.³⁰

In its July 12, 2018 Resolution, the IBP-Board adopted the recommendation of Dr. De La Rama, viz.:

CBD Case No. 06-1717
(Adm. Case No. 9543)
Julia Guido-Christiansen, et al. vs.
Atty. Roman (sic) L. Carpio, et al.

RESOLVED to ADOPT the findings of fact and recommendation of the Investigating Commissioner to impose upon the Respondent the penalties of – *i) IMMEDIATE REVOCATION OF HIS COMMISSION, IF SUBSISTING, ii) DISQUALIFICATION FROM BEING COMMISSIONED AS A NOTARY PUBLIC FOR A PERIOD OF TWO (2) YEARS, and iii) SUSPENSION FROM THE PRACTICE OF LAW FOR A PERIOD OF SIX (6) MONTHS.*³¹ (Italics in the original)

Aggrieved, respondent filed a Motion for Reconsideration,³² but the IBP denied the same in its February 28, 2020 Resolution.³³

²⁶ Id.

²⁷ Id. at 160-164.

²⁸ Id. at 164.

²⁹ Id. at 162.

³⁰ Id. at 163.

³¹ Id. at 159.

³² Id. at 165-171.

³³ Id. at 176; signed by IBP National Secretary Roland B. Inting.

Issue

The sole issue in this case is whether respondent should be held administratively liable for violation of the 2004 Rules on Notarial Practice³⁴ (*Notarial Rules*) and the Code of Professional Responsibility³⁵ (*CPR*) for notarizing a document without ascertaining the identity of the affiant/s therein.

Ruling of the Court

The Court adopts and accepts the findings of fact of the IBP but modifies its recommendation as to the penalty imposed on respondent.

Time and again, the Court has stressed that the duties of a notary public are dictated by public policy. As such, a notary public is mandated to discharge with fidelity the duties of his [or her] office. Having taken a solemn oath under the CPR, a lawyer commissioned as a notary public has a responsibility to faithfully observe the rules governing notarial practice.³⁶

Complainants' manifestation to withdraw the administrative complaint does not automatically exonerate Atty. Carpio or cause the dismissal of the complaint against him.

³⁴ A.M. No. 02-8-13-SC promulgated on July 6, 2004.

³⁵ Promulgated on June 21, 1988. According to complainants, Atty. Rivera and respondent violated the Code of Professional Responsibility, particularly:
Canon 1 - A lawyer shall uphold the Constitution, obey the laws of the land and promote respect for law of and legal processes.

Rule 1.01 - A lawyer shall not engage in unlawful, dishonest, immoral or deceitful conduct.

Canon 7 - A lawyer shall at all times uphold the integrity and dignity of the legal profession and support the activities of the Integrated Bar.

Rule 7.03 - A lawyer shall not engage in conduct that adversely reflects on his fitness to practice law, nor shall he whether in public or private life, behave in a scandalous manner to the discredit of the legal profession.

Canon 10 - A lawyer owes candor, fairness and good faith to the Court.

Rule 10.01 - A lawyer shall not do any falsehood, nor consent to the doing of any in Court; nor shall he mislead, or allow the Court to be misled by any artifice.

Rule 10.02 - A lawyer shall not knowingly misquote or misrepresent the contents of a paper, the language or the argument of opposing counsel, or the text of a decision or authority, or knowingly cite as law a provision already rendered inoperative by repeal or amendment, or assert as a fact that which has not been proved. (*Rollo*, pp. 2-3).

³⁶ *Orenia III v. Atty. Gonzales*, A.C. No. 12766, October 7, 2020; see *Roa-Buenafe v. Atty. Lirazan*, 850 Phil. 1, 7 (2019); see also *Agbulos v. Atty. Viray*, 704 Phil. 1, 9 (2013); *Heirs of Pedro Alilano v. Atty. Examen*, 756 Phil. 608, 619 (2015).

At the outset, complainants' manifestation to withdraw the administrative complaint does not automatically exonerate respondent. A case of suspension or disbarment may proceed regardless of interest or lack thereof by the complainant.³⁷

In *Quitazol v. Atty. Capela*,³⁸ the Court emphasized that an affidavit of withdrawal or desistance does not terminate the disciplinary proceedings against an errant lawyer. Thus:

Section 5, Rule 139-B of the Rules of Court state that "[n]o investigation shall be interrupted or terminated by reason of the desistance, settlement, compromise, restitution, withdrawal of the charges, or failure of the complainant to prosecute the same, unless the Supreme Court *motu proprio* or upon recommendation of the IBP Board of Governors, determines that there is no compelling reason to continue with the disbarment or suspension proceedings against the respondent."

Furthermore, in *Spouses Soriano v. Atty. Reyes*:³⁹

A proceeding for suspension or disbarment is not in any sense a civil action where the complainant is a plaintiff and the respondent lawyer is a defendant. Disciplinary proceedings involve no private interest and afford no redress for private grievance. They are undertaken and prosecuted solely for the public welfare. They are undertaken for the purpose of preserving courts of justice from the official ministrations of persons unfit to practice in them. The attorney is called to answer to the court for his [or her] conduct as an officer of the court. The complainant or the person who called the attention of the court to the attorney's alleged misconduct is in no sense a party, and has generally no interest in the outcome except as all good citizens may have in the proper administration of justice. Hence, if the evidence on record warrants, the respondent may be suspended or disbarred despite the desistance of complainant or withdrawal of the charges.⁴⁰

Accordingly, despite complainants' manifestation to withdraw the instant administrative complaint, the disbarment proceeding against respondent should still proceed.

*Atty. Carpio is administratively
liable for violation of the
Notarial Rules.*

³⁷ *Spouses Soriano v. Atty. Reyes*, 523 Phil. 1, 12 (2006).

³⁸ A.C. No. 12072, December 9, 2020.

³⁹ *Supra* note 37, at 12.

⁴⁰ *Quitazol v. Atty. Capela*, A.C. No. 12072, December 9, 2020; see also *Spouses Soriano v. Atty. Reyes*, *supra* note 37.

Looking into the merits of the complaint against respondent, the Court concurs with the findings of the IBP.

In *Heirs of Pedro Alilano v. Atty. Examen*,⁴¹ this Court stated:

[N]otarization 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. The protection of that interest necessarily requires that those not qualified or authorized to act must be prevented from imposing upon the public, the courts, and the administrative offices in general. It must be underscored that the notarization by a notary public converts a private document into a public document making that document admissible in evidence without further proof of the authenticity thereof. A notarial document is by law entitled to full faith and credit upon its face. For this reason, **notaries public must observe with utmost care the basic requirements in the performance of their duties.**⁴² (Emphasis in the original, citation omitted)

It bears emphasis that Sec. 5(b),⁴³ Rule IV of the Notarial Rules⁴⁴ prohibits a notary public from affixing his/her signature on an incomplete notarial certificate. On the other hand, a notarial certificate, as defined in Sec. 8, Rule II of the Notarial Rules, requires a statement of the facts attested to by the notary public in a particular notarization,⁴⁵ viz.:

SEC. 8. *Notarial Certificate*. — “Notarial Certificate” refers to the part of, or attachment to, a notarized instrument or document that is completed by the notary public, bears the notary’s signature and seal, and states the facts attested to by the notary public in a particular notarization as provided for by these Rules.

Meanwhile, an Acknowledgment is, among others, an attestation that the person who presented the instrument or document to be notarized is personally known to the notary public or identified by the notary public, through competent evidence of identity as defined by the Notarial Rules. This is clear under Sec. 1, Rule II of the said Rules which reads:

SECTION 1. *Acknowledgment*. - “Acknowledgment” refers to an act in which an individual on a single occasion:

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

⁴¹ 756 Phil. 608 (2015).

⁴² Id. at 618; citing *Nunga v. Atty. Viray*, 366 Phil. 155, 160-161 (1999).

⁴³ SEC. 5. *False or Incomplete Certificate*. — A notary public shall not:

x x x x

(b) affix an official signature or seal on a notarial certificate that is incomplete.

⁴⁴ A.M. No. 02-8-13-SC, supra note 34.

⁴⁵ *Atty. Bartolome v. Atty. Basilio*, 771 Phil. 1, 6 (2015).

- (b) is attested to be personally known to the notary public or identified by the notary public through competent evidence of identity as defined by these Rules; and
- (c) represents to the notary public that the signature on the instrument or document was voluntarily affixed by [the individual] for the purposes stated in the instrument or document, declares that [the individual] has executed the instrument or document as [the individual's] free and voluntary act and deed, and, if [the individual] acts in a particular representative capacity, that [the individual] has the authority to sign in that capacity.

The foregoing provisions mandate the notary public to require the physical or personal presence of the person/s who executes a document, before notarizing the same. In other words, a document should not be notarized unless the person/s who is/are executing it is/are personally or physically present before the notary public. The personal and physical presence of the parties to the deed is necessary to enable the notary public to verify the genuineness of the signature/s of the affiant/s therein and the due execution of the document.⁴⁶

*Boers v. Atty. Calubaquib*⁴⁷ emphasized, to wit:

[T]hat a party acknowledging an instrument must appear before the notary public. This rule is hinged on the obligation of a notary public to guard against any illegal arrangements. The appearance of the parties to the deed helps the notary public to ensure that the signatures appearing on the document are genuine and that the document itself is not spurious. The persons who signed the document must appear before the notary public to enable the latter to verify that the persons who signed the document are the same persons making the acknowledgment. Their presence also enables the notary public to ensure that the document was signed freely and voluntarily. Thus, We have consistently repeated that a notary public should not notarize a document unless the persons who signed it are the very same persons who executed and personally appeared before him or her to attest to the contents and truth of the matters stated in the document.⁴⁸ (Citations omitted)

In here, respondent failed to live up to the duties of a notary public as dictated by the Notarial Rules. The Court is convinced, based on the submission of Julia, that respondent notarized the DAS without requiring her presence.

⁴⁶ *Almario v. Atty. Llera-Agno*, 823 Phil. 1, 10 (2018).

⁴⁷ 815 Phil. 1 (2017).

⁴⁸ *Id.* at 6; see also *Cabanilla v. Atty. Cristal-Tenorio*, 461 Phil. 1, 10-11 (2003).

Notably, the DAS⁴⁹ itself shows that Julia did not personally appear before respondent. The Acknowledgment,⁵⁰ which Atty. Carpio signed, only showed Susan's name, thus:

ACKNOWLEDGMENT

REPUBLIC OF THE PHILIPPINES
(PASIG CITY) S.S
(-----)

BEFORE ME, personally appeared the following persons with Community Tax Certificates opposite their respective names, to wit:

<i>NAME</i>	<i>CTC No.</i>	<i>DATE/PLACE ISSUED</i>
SUSANA LIM		

Both known to me and to me known (sic) to be the same persons who executed the signed every page of the foregoing instruments, consisting of four (4) pages, including this page on which this acknowledgment appears, and they acknowledged to me that the same is their free and voluntary act and deed.⁵¹

Clearly, respondent issued a false and incomplete certification. The document itself established that Julia did not personally appear before respondent. Sec. 5(b), Rule IV of the Notarial Rules prohibits respondent from affixing his signature on a certificate that does not completely indicate the names of the affiants who appeared before him, as well as their respective competent proofs of identity. His claim that he can no longer recall notarizing the document does not help his cause. Such manifestation only corroborates Julia's claim that she did not personally appear before him during the purported notarization.

The Court reiterates that faithful observance and utmost respect of the legal solemnity of the oath in an acknowledgment or jurat is sacrosanct.⁵² Respondent should not notarize a document unless he is certain that the persons who signed such and appear before him are the same.

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. To reiterate, 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 the notary public to attest to the contents and truth of what are stated therein.⁵³

⁴⁹ *Rallo*, pp. 17-20.

⁵⁰ *Id.*, at 20.

⁵¹ *Id.*

⁵² *Atty. Linco v. Atty. Lacebal*, 675 Phil. 160, 167 (2011).

⁵³ *Id.*, at 167-168.

The Court likewise agrees with the observation of the IBP that there cannot be any hindrance on the part of respondent to secure a certified true copy of his Notarial Book to disprove the existence of the said notarized DAS. Furthermore, the specimen signatures⁵⁴ attached to his Petition for Renewal of his Notarial Commission, do not distinctly differ from the signature⁵⁵ appearing in the notarized DAS. Evidently, the IBP correctly rejected his claim of forgery due to his failure to substantiate the same.

Furthermore, in his Motion for Reconsideration⁵⁶ before the IBP, respondent in effect, admitted the charges and even begged the IBP to temper the recommended penalty. Respondent averred:

3. With all humility and candor, the respondent is now compelled to the file [sic] the instant motion x x x as he humbly believes that *while he may be remiss in his duties as a notary public under the circumstances of the present controversy, the penalties imposed are too harsh and not commensurate to the degree of his thoughtlessness, with all due respect. While it may be admitted here that he may also be at fault under the situation, he is likewise a victim himself of those unscrupulous individuals who are true culprit and author of the forgery. And while it may be admitted also that the alleged document was notarized in his office, the gospel truth likewise shows that respondent's signature was being forged (sic) x x x.*⁵⁷ (Italics supplied)

Sec. 27, Rule 130 of the Revised Rules on Evidence⁵⁸ provides that “[t]he act, declaration or omission of a party as to a relevant fact may be given in evidence against him or her.” Indeed, respondent’s admission further established his negligence.

As aptly observed by the IBP, respondent was still remiss in the faithful observance of his duties as a notary public in light of his admission that the document was notarized inside his office. Patently, he failed to exert effort to safeguard the sanctity of a notarized document, and allowed somebody else to sign the said document inside his office. As a notary public, respondent should have taken reasonable measures that would preclude opportunities for the abuse and misuse of his notarial commission by his staff or persons in his office. Evidently, he is guilty of negligence in the performance of his notarial duty which the Court cannot countenance.

In notarizing the subject DAS, the Court sees his active role in perpetuating a deceitful act to prejudice complainants. He did not even refute

⁵⁴ *Rollo*, p. 140.

⁵⁵ *Id.* at 20.

⁵⁶ *Id.* at 165-171.

⁵⁷ *Id.* at 168.

⁵⁸ Amendments to the 1989 Revised Rules on Evidence, A.M. No. 19-08-15-SC, October 8, 2019.

knowing Susana, the supposed buyer. He certified in the acknowledgment that he knew the parties in the said deed and knew them to be the same person who executed the document,⁵⁹ despite the nonappearance of Julia. Clearly, he deliberately made false representations in the said document.

It is well to emphasize that it was respondent's bounden duty, as a lawyer and notary public, to obey the laws of the land and to promote respect for legal processes. His failure to faithfully discharge the duties of a notary public likewise makes him guilty of violating Canon 1⁶⁰ of the CPR, which requires every lawyer to uphold the Constitution, obey the laws of the land, and promote respect for the law and legal processes, and Rule 1.01,⁶¹ Canon 1 of the CPR, which prohibits a lawyer from engaging in any unlawful, dishonest, immoral, and deceitful conduct.

Respondent's failure to perform his duty as a notary public resulted not only in damaging complainants' rights over the property subject of the DAS but also in undermining the integrity of a notary public. Therefore, he should be held liable for his acts not only as a notary public, but also as a lawyer.

Proper Penalty

Since respondent not only failed to uphold his duty as a notary public but also failed to uphold his Lawyer's Oath which ran afoul of the provisions of the CPR, the Court deems it proper to revoke respondent's notarial commission for a period of two (2) years and to suspend him from the practice of law for a period of one (1) year based on prevailing jurisprudence on the matter.

In *Fire Officer 1 Sappayani v. Atty. Gasmen*,⁶² the Court ruled that a notary public who fails to discharge the duties required of the office shall be meted with the penalties of: (1) revocation of notarial commission, (2) disqualification from being commissioned as notary public, and (3) suspension from the practice of law — the terms of which vary based on the circumstances of each case. Upon finding therein respondent notary public not denying notarizing documents without the presence of the affiants, the Court found as proper to impose the penalties of disqualification from being commissioned as notary public for a period of two (2) years, and suspension from the practice of law for one (1) year are proper.⁶³

⁵⁹ *Rallo*, p. 20.

⁶⁰ Canon 1 - A lawyer shall uphold the Constitution, obey the laws of the land and promote respect for law of and legal processes.

⁶¹ Rule 1.01 - A lawyer shall not engage in unlawful, dishonest, immoral or deceitful conduct.

⁶² 768 Phil. 1 (2015).

⁶³ *Id.*, at 9.

Also, in *Agbulos v. Atty. Viray*,⁶⁴ the Court suspended Atty. Viray from the practice of law for one (1) year and disqualified him from being commissioned as notary public for a period of two (2) years. The Court found therein that Atty. Viray notarized a document without ascertaining the identity of the affiant and merely relied on the assurance of his client and the presentation of Community Tax Certificates despite the strict requirement of the rules on the presentation of competent evidence of identity such as an identification card with photograph and signature.⁶⁵

In *Tabas v. Atty. Mangibin*,⁶⁶ the Court found Atty. Mangibin to have notarized a document without ascertaining the identity of the affiant who claimed to be the mortgagee. Accordingly, the Court suspended him from the practice of law for a period of one (1) year and disqualified him from being commissioned as notary public for a period of two (2) years.⁶⁷ Similarly in *Ang v. Atty. Gupana*,⁶⁸ therein respondent was suspended from the practice of law for one (1) year, and was also disqualified from reappointment as notary public for a period of two (2) years when he notarized an affidavit of loss without the presence of the party acknowledging the document.⁶⁹

Finally, the complainant in *Atty. Linco v. Atty. Lacebal*⁷⁰ filed an administrative case against therein respondent notary public for notarizing a deed of donation despite the latter's knowledge that the purported donor had previously passed away. For this reason, the respondent's notarial commission was revoked and he was disqualified from being commissioned as a notary public for a period of two (2) years. Furthermore, he was suspended from the practice of law for one (1) year.⁷¹

Based on the foregoing jurisprudence, the Court deems as proper to revoke respondent's existing notarial commission, if any, and disqualifies him from being commissioned as a notary public for a period of two (2) years. He is further suspended from the practice of law for a period of one (1) year.

WHEREFORE, the Court finds respondent Atty. Ramon L. Carpio **GUILTY** of violating the 2004 Rules on Notarial Practice and Canon 1, Rule 1.01 of the Code of Professional Responsibility. The notarial commission of Atty. Ramon L. Carpio, if still existing, is hereby **REVOKED**, and he is **DISQUALIFIED** from being commissioned as notary public for a period of two (2) years. He is also **SUSPENDED** from the practice of law for one

⁶⁴ 704 Phil. 1 (2013).

⁶⁵ Id. at 9-10.

⁶⁶ 466 Phil. 296 (2004).

⁶⁷ Id. at 304.

⁶⁸ 726 Phil. 127 (2014).

⁶⁹ Id. at 136.

⁷⁰ 675 Phil. 160 (2011).

⁷¹ Id. at 168.

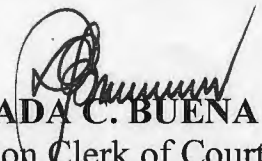
(1) year effective immediately, with a **WARNING** that the repetition of a similar violation will be dealt with more severely. He is **DIRECTED** to **REPORT** the date of his receipt of this Resolution to enable the Court to determine when his suspension shall take effect.

Let a copy of this Resolution be entered in the personal records of respondent Atty. Ramon L. Carpio, as a member of the Bar, and copies be furnished the Office of the Bar Confidant, the Integrated Bar of the Philippines, and the Office of the Court Administrator for circulation to all courts in the country.

The copy of the Resolution dated March 23, 2022 sent to respondent Atty. Roman L. Carpio at Room 326 Doña Consolacion Bldg., Gen. Santos Ave., Araneta Center, Cubao, 1109 Quezon City, which was returned to this Court on October 7, 2022 unserved with postal notation "RTS-moved out" is **NOTED**. The Integrated Bar of the Philippines and the Mandatory Continuing Legal Education Office are **DIRECTED** to **SUBMIT** the current and complete address of respondent, within ten (10) days from notice hereof.

SO ORDERED." *Rosario, J., on official leave.*

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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MAR 01 2023

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& Ignacio Guido Ver
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