



Republic of the Philippines
 Supreme Court
 Manila

SECOND DIVISION

MANUEL R. LEONOR,
Complainant,

A.C. No. 12624 [Formerly
 CBD Case No. 15-4508]

Present:

- versus -

PERLAS-BERNABE, S.A.J.,
Chairperson,
 HERNANDO,
 INTING,
 DELOS SANTOS, and
 BALTAZAR-PADILLA,* JJ.

ATTYS. DICKSON C. AYON-
 AYON AND EULOGIO C.
 MANANQUIL, JR.,
Respondents.

Promulgated:

16 SEP 2020

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DECISION

INTING, J.:

This is a verified Complaint¹ filed by Manuel R. Leonor (complainant) with the Integrated Bar of the Philippines (IBP)-Commission on Bar Discipline (CBD) filed on January 29, 2015 against Atty. Dickson C. Ayon-Ayon (Atty. Ayon-Ayon) and Atty. Eulogio C. Mananquil, Jr. (Atty. Mananquil) for notarizing the Deed of Absolute Sale² (Deed) dated March 13, 2014 and Sworn Statement³ dated April 15, 2014, respectively, without them requiring the physical appearance of complainant and his wife, Teresita R. Leonor (Teresita) (collectively, Spouses Leonor), in violation of Administrative Matter (A.M.) No. 02-8-13-SC, or the 2004 Rules on Notarial Practice.

* On leave.

¹ Rollo, pp. 2-4.

² *Id.* at 14-15.

³ *Id.* at 16.

The Antecedents

Complainant is the registered owner of a parcel of land located in Project 6, Quezon City (subject property) covered by Transfer Certificate of Title (TCT) No. 46664.⁴ Sometime in September 2013, he learned that a certain “Frederick Bonamy” (Bonamy) was in possession of a Deed of Absolute Sale (Deed) over the subject property allegedly signed by him and his wife, Teresita. Acting on this information, complainant personally informed Bonamy that the subject property, where he lives, was not for sale and that he and his wife, Teresita, did not sign any Deed involving the subject property.⁵

Sometime in June 2014, complainant discovered that the title over the subject property was cancelled, and a new one was issued in the name of Bonamy and his wife, Jane Anne C. Bonamy (collectively, Spouses Bonamy). The successful transfer of title to Spouses Bonamy was made possible by the registration of the Deed notarized by Atty. Ayon-Ayon on March 13, 2014⁶ with the Registry of Deeds of Quezon City; and the Sworn Statement notarized by Atty. Mananquil on April 15, 2014.⁷ The names and purported signatures of Spouses Leonor appear in the questioned documents.⁸

Complainant averred that he neither signed the questioned documents nor appeared before Atty. Ayon-Ayon and Atty. Mananquil. Complainant further alleged that Teresita, on the other hand, did not and could not sign and appear before Atty. Ayon-Ayon and Atty. Mananquil considering that she was already residing in the United States of America since December 2013.⁹

Given the circumstances, complainant caused the annotation of his adverse claim on Bonamy’s title. Also, he filed a Complaint-Affidavit¹⁰ for Falsification and another Complaint¹¹ for Reconveyance of Title with Damages of the subject property against Spouses Bonamy.¹²

⁴ *Id.* at 180-184.

⁵ *Id.* at 224.

⁶ *Id.* at 15.

⁷ *Id.* at 16.

⁸ *Id.* at 224.

⁹ *Id.* at 224-225.

¹⁰ *Id.* at 23-25.

¹¹ *Id.* at 17-22.

¹² *Id.* at 225.

On January 29, 2015, complainant then filed a complaint for disbarment/disciplinary action against Atty. Ayon-Ayon and Atty. Mananquil with the IBP-CBD.

In his Answer to the Complaint-Affidavit,¹³ Atty. Mananquil argued that he did not notarize the Sworn Statement. He attached a Certification¹⁴ dated March 3, 2015 issued by the Office of the Clerk of Court (OCC)-Regional Trial Court (RTC), Caloocan City as proof that the Sworn Statement was not among the documents submitted or reported by Atty. Mananquil. He likewise alleged that the signature appearing above his name in the Sworn Statement was not his as based on the specimen signatures on file with the OCC-RTC. He further alleged that sometime in December 2012, he discovered that unscrupulous persons had been using his name and notarial seal, and falsifying his signature as notary public in Caloocan City. In connection with the unscrupulous acts of those persons, he filed a criminal complaint against them with the Northern Metro Manila Criminal Investigation and Detection Team of Caloocan City.

On the other hand, Atty. Ayon-Ayon, in his Answer,¹⁵ explained that the Spouses Leonor and Bonamy personally appeared before him to have the Deed notarized; that he and his staff inspected the questioned documents pertinent to the sale; that he requested the parties to submit proof of their identities; and that he asked the Spouses Leonor whether they voluntarily executed and signed the Deed. He argued that, at the time of the notarization, he ascertained the true identities of the sellers, herein Spouses Leonor.¹⁶ Hence, he asserted that he did not commit any infraction of the 2004 Rules on Notarial Practice.

In Complainant's Position Paper,¹⁷ he alleged that after verifying with the OCC-RTC Notarial Division of Caloocan City, he was able to confirm that the Sworn Statement was not, in fact, notarized by Atty. Mananquil; that the document number, page number, and book number therein indicated pertained to a different document found in Atty. Mananquil's notarial book.¹⁸ Hence, he withdrew his complaint against Atty. Mananquil, but maintained his allegations against Atty. Ayon-Ayon.

¹³ *Id.* at 31-32.

¹⁴ *Id.* at 35.

¹⁵ *Id.* at 55-57.

¹⁶ *Id.* at 56-58.

¹⁷ *Id.* at 118-129.

¹⁸ *Id.* at 123.

Report and Recommendation of the IBP-CBD

On January 11, 2016, Investigating Commissioner Rico A. Limpingo (Investigating Commissioner Limpingo) submitted his Report and Recommendation¹⁹ recommending that: (1) the complaint against Atty. Mananquil be dismissed; (2) Atty. Ayon-Ayon's notarial commission be revoked; and (3) that he be suspended from the practice of law for a period of three months for his negligence in the performance of his duty as a notary public.²⁰

Resolution of the IBP-Board of Governors (BOG)

On September 24, 2016, the IBP-BOG issued an Extended Resolution²¹ adopting the findings of fact and recommendation of the Investigating Commissioner Limpingo dismissing the complaint against Atty. Mananquil, and further adopting the findings of fact and recommendation of the Investigating Commissioner Limpingo against Atty. Ayon-Ayon with modification as to the penalty to be imposed, to wit: (a) increasing the suspension from the practice of law for a period of six months; and (b) imposing disqualification on Atty. Ayon-Ayon from being commissioned as notary public for a period of two years. Further, the IBP-BOG likewise ordered Atty. Ayon-Ayon's current notarial commission, if any, revoked.²²

Aggrieved, Atty. Ayon-Ayon filed his Motion for Reconsideration of Resolution No. XXII-2016-530 dated September 24, 201[6]²³ stating the following grounds, to wit:

I.

THE HONORABLE BOARD OF GOVERNORS
COMMITTED A REVERSIBLE ERROR WHEN IT SAID THAT
HEREIN RESPONDENT FAILED TO EXERCISE DUE
DILIGENCE IN THE PERFORMANCE OF HIS DUTIES AS
NOTARY PUBLIC.

¹⁹ *Id.* at 215-222.

²⁰ *Id.* at 221.

²¹ *Id.* at 223-236.

²² *Id.* at 236.

²³ *Id.* at 237-244.

II.

THE HONORABLE BOARD OF GOVERNORS COMMITTED A REVERSIBLE ERROR WHEN THEY FAILED TO CONSIDER THE FACT THAT HEREIN RESPONDENT'S ACT OF REQUIRING THE SUPPOSED SELLERS TO PRESENT AND SUBMIT COPIES OF PROOFS OF THEIR IDENTITIES AS FAITHFUL AND SUBSTANTIAL COMPLIANCE OF HIS DUTY.

III.

ASSUMING *ARGUENDO* THAT HEREIN RESPONDENT IS LIABLE THE PENALTY TO BE IMPOSED SHOULD BE TEMPERED AND REDUCED CONSIDERING THAT HE NOTARIZED THE SUBJECT DEED OF SALE IN GOOD FAITH WITHOUT INTENTION TO CAUSE DAMAGE OR INJURY TO ANY PARTY.²⁴

Then, Atty. Ayon-Ayon filed a Supplemental Motion for Reconsideration of Resolution No. XXII-2016-530 dated September 24, 201[6]²⁵ alleging that the notarized document, in question, pertained only to the Deed which he attached to his answer to the complaint,²⁶ that the Deed attached to his answer did not contain any alteration and/or intercalation as against the one submitted by the complainant that contain several intercalations, which were obviously done after its notarization without his knowledge and participation.²⁷

On May 9, 2019, the IBP-BOG issued an Extended Resolution²⁸ absolving Atty. Ayon-Ayon of any administrative liability arising from the complaint considering that he performed all acts necessary and consistent with what was required under the Rules on Notarial Practice, *i.e.*, to ascertain the identities of the persons appearing before him prior to his notarization of the Deed, and that the alleged intercalations and alterations to the Deed were done after he notarized it.²⁹

Per Office of the Bar Confidant, no motion for reconsideration or petition for review was filed as of September 2019.

²⁴ *Id.* at 238-239.

²⁵ *Id.* at 246-249.

²⁶ *Id.* at 247.

²⁷ *Id.*

²⁸ *Id.* at 260-271.

²⁹ *Id.* at 270-271.

Our Ruling

The Court adopts the findings and approves the IBP-BOG's Extended Resolution dated September 24, 2016 dismissing the complaint against Atty. Mananquil. With respect to Atty. Ayon-Ayon, the Court adopts the findings and approves the Extended Resolution³⁰ dated May 9, 2019 reversing the prior resolution of the IBP-BOG, and dismissing the case against Atty. Ayon-Ayon on the ground that the latter had exhausted all means to determine the identities of the parties.³¹

Under Section 1, Rule II of the 2004 Rules on Notarial Practice, provides that:

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;*

(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 him for the purposes stated in the instrument or document, declares that he has executed the instrument or document as his free and voluntary act and deed, and, if he acts in a particular representative capacity, that he has the authority to sign in that capacity. (Italics supplied.)*

As correctly found by the IBP-BOG, Atty. Ayon-Ayon substantially complied with the provisions of the 2004 Rules on Notarial Practice, and he observed utmost care and diligence in the performance of his duty as notary public.³²

First, the persons who appeared before Atty. Ayon-Ayon and claimed to be the sellers of the subject property were able to present the Deed.³³

³⁰ *Id.* at 260-271.

³¹ *Id.* at 270-271.

³² *Id.* at 267-268.

³³ *Id.* at 258.

Second, before Atty. Ayon-Ayon affixed his signature on the Acknowledgment and his notarial seal on the Deed, he required the persons appearing before him to present their respective identification cards, and the following were shown to him:

- (a) Unified Multi-Purpose ID No. CRN-0003-6696782-9 issued in the name of Teresita Leonor;
- (b) Tax Identification Number 103-090-285 issued in the name of Manuel Leonor; and
- (c) Driver's License No. N09-75-024598 issued in the name of Manuel Leonor.³⁴

Third, the mentioned identification cards, presented by the persons who appeared before Atty. Ayon-Ayon, are considered competent evidence of identity pursuant to Section 12, Rule II of the 2004 Rules on Notarial Practice that provides that a "competent evidence of identity" refers to the identification of an individual based on at least one current identification document issued by an official agency bearing the photograph and signature of the individual.³⁵

In the present case, the identification cards presented by the persons who appeared before Atty. Ayon-Ayon were sufficient for him to reasonably believe that the persons were the same persons indicated as owners in the Deed.³⁶

Lastly, the persons who appeared before Atty. Ayon-Ayon manifested that they voluntarily affixed their signatures on the Deed and even declared that they had executed it as their free and voluntary act and deed.³⁷

Equally important to note, the persons who appeared before Atty. Ayon-Ayon also presented an original copy of TCT No. 46664 of the subject property bearing the same names in the identification cards presented to him.³⁸ Thus, Atty. Ayon-Ayon is justified in believing that

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Id.* at 269.

³⁷ *Id.*

³⁸ *Id.*

the persons who appeared before him were the true owners of the subject property considering that they were able to present not only their respective identification cards, but also TCT No. 46664 of the subject property. As found by the IBP-BOG, Atty. Ayon-Ayon reasonably relied in good faith that the persons who appeared before him were indeed the persons that they purport to be.³⁹

Further, in the Supplemental Motion for Reconsideration of Resolution No. XXII-2016-530 dated September 84, 201[6]⁴⁰ of Atty. Ayon-Ayon, he alleged that the Deed he notarized is attached to his answer to the complaint; and that the Deed he attached to his answer is different from what was submitted by the complainant and contains alterations and intercalations that were not present at the time of notarization, to wit:

“the abbreviated word “*Sps.*” placed before the name of FREDERICK BONAMY and the typewritten phrase “*and JANE ANNE C. BONAMY both*” which was included as one of the buyers were inserted after the deed of sale was already notarized, and the same were done without the knowledge and participation of herein respondent.”⁴¹

All told, Atty. Ayon-Ayon had indeed performed all acts necessary as required under the 2004 Rules on Notarial Practice to ascertain the identities of the persons who appeared before him prior to the notarization of the document. Also, the alterations and intercalations appearing on the Deed submitted by the complainant were made after the notarization of Atty. Ayon-Ayon.


WHEREFORE, the complaint for disbarment/disciplinary action against respondents Atty. Dickson C. Ayon-Ayon and Atty. Eulogio C. Mananquil, Jr. is **DISMISSED**.

SO ORDERED.

³⁹ *Id.* at 270.


⁴⁰ *Id.* at 246-249.

⁴¹ *Id.*

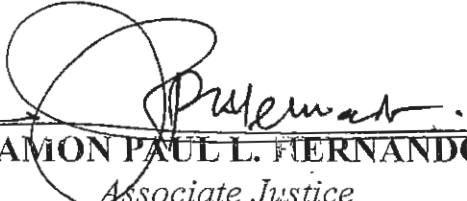


HENRI JEAN PAUL B. INTING
Associate Justice

WE CONCUR:



ESTELA M. PERLAS-BERNABE
Senior Associate Justice
Chairperson



RAMON PAUL L. FERNANDO
Associate Justice



EDGARDO L. DELOS SANTOS
Associate Justice

(On leave)

PRISCILLA J. BALTAZAR-PADILLA
Associate Justice