



Republic of the Philippines
 Supreme Court
 Manila

SECOND DIVISION

HENRIETTA PICZON-HERMOSO and BEZALEL PICZON HERMOSO,
 Complainants,

A.C. No. 8116

Present:

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

- versus -

ATTY. SYLVESTER C. PARADO,
 Respondent.

Promulgated:

16 SEP 2020

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DECISION

PERLAS-BERNABE, J.:

Before the Court is an administrative complaint¹ for disbarment filed by complainants Henrietta Piczon-Hermoso and Bezalel Piczon Hermoso (complainants) against respondent Atty. Sylvester C. Parado (Atty. Parado) for purportedly notarizing two documents without the affiants personally appearing before him, in violation of the 2004 Rules on Notarial Practice.

The Facts

Complainants alleged that they are the successors-in-interest of Estrella Piczon-Patalinghug (Estrella), the declared owner of a parcel of land

* On Leave.
¹ Rollo, pp. 1-4.

designated as Lot No. 3545 situated in Simala, Sibonga, Cebu and registered for tax purposes under Tax Declaration No. 12357 (subject property). After the demise of Estrella, portions of the subject property were transferred and conveyed to Spouses Salvador and Darlwin Cesar (Spouses Cesar) by virtue of two (2) Deeds of Absolute Sale² (Deeds) both of which were notarized by Atty. Parado on February 15, 2007.³

Complainants averred that on the purported date of notarization on February 15, 2007, Estrella could not have personally executed, appeared, or signed the Deeds before Atty. Parado as she had just been discharged from the hospital in the afternoon of the said date after undergoing confinement. As a result of her chemotherapy treatments, Estrella's mental faculties were deteriorating, making it impossible for her to attend to her personal affairs and enter into a contract of sale. Similarly, complainants alleged that Michelangelo C. Patalinghug (Michelangelo), Estrella's blind husband, could not have appeared, signed, and executed the Deeds before Atty. Parado since he was already bedridden even before then and up to his demise on August 13, 2007.⁴ Stressing the impossibility of the execution of the Deeds notarized by Atty. Parado, complainants thus filed the present administrative case against him before the Court.

Unfortunately, despite several directives from the Court to file his comment to the administrative complaint, Atty. Parado failed to do so. When the case was referred to the IBP for investigation, report, and recommendation,⁵ it also required Atty. Parado to submit his answer⁶ and directed the parties to submit their mandatory conference briefs⁷ and position papers. However, during the entire proceedings before the IBP, only complainants complied with the submission of their pleadings; Atty. Parado neither submitted any pleading nor appeared during the mandatory conference.⁸

The IBP Recommendation and Report

In a Recommendation and Report⁹ dated February 4, 2019, the IBP Investigating Commissioner (IBP Commissioner) recommended that Atty. Parado be disbarred from the practice of law and his notarial commission be revoked effective immediately, if still existing,¹⁰ for having violated Canon

² Id. at 30-31.

³ Id. at 2-3. The two (2) Deeds have different document numbers, although it pertained to the same property.

⁴ See id. at 5-10.

⁵ Id. at 94. See Supreme Court Minute Resolution dated July 27, 2017.

⁶ Id. at 105. See Order dated March 16, 2017.

⁷ Id. at 106. See Notice of Mandatory Conference/Hearing dated September 7, 2017.

⁸ Id. at 157.

⁹ Id. at 155-163. Signed by Investigating Commissioner Atty. Patrick M. Velez, MNSA.

¹⁰ Id. at 162-163.

10¹¹ and Rule 10.01¹² of the Code of Professional Responsibility. The IBP Commissioner found that Atty. Parado notarized the subject Deeds despite the lack of authority to act as notary public in 2007. Likewise, the IBP Commissioner took note of Atty. Parado's various other transgressions, consisting of his failure to comply with the Court's orders, submit his Mandatory Continuing Legal Education (MCLE) compliance or exemption, and update the IBP of his personal circumstances.¹³

In a Resolution¹⁴ dated June 17, 2019, the IBP Board of Governors adopted and approved the Recommendation and Report of the IBP Commissioner, with the modification imposing the penalty of suspension from the practice of law for one (1) year, immediate revocation of his notarial commission, if subsisting, and disqualification from being appointed as notary public for a period of two (2) years, with a stern warning that a repetition of a similar offense will be dealt with more severely.¹⁵

The Issue Before the Court

The essential issue in this case is whether or not Atty. Parado should be held administratively liable.

The Court's Ruling

Notarization is not an empty, meaningless routinary act, but one invested with substantive public interest. Notarization converts a private document into a public document, making it admissible in evidence without further proof of its authenticity. Thus, 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 notarial duties; otherwise, the public's confidence in the integrity of a notarized document would be undermined.¹⁶

Section 2 (b), Rule IV of the 2004 Rules on Notarial Practice requires a duly-commissioned notary public to perform a notarial act only **if the person involved as signatory to the instrument or document is: (a) in the notary's presence personally at the time of the notarization; and (b) personally known to the notary public or otherwise identified by the notary public through competent evidence of identity as defined by these**

¹¹ CANON 10 — A lawyer owes candor, fairness and good faith to the court.

¹² 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.

¹³ *Rollo*, pp. 159-162.

¹⁴ *Id.* at 153-154.

¹⁵ *Id.* at 153.

¹⁶ *Vda. de Miller v. Miranda*, 772 Phil. 449, 455 (2015), citing *De Jesus v. Sanchez-Malit*, 738 Phil. 480, 491-492 (2014).

Rules.¹⁷ In other words, a notary public is not allowed to notarize a document unless the persons who signed the same are the very same persons who executed and personally appeared before him to attest to the contents and truth of what are stated therein. The purpose of this requirement is to enable the notary public to verify the genuineness of the signature of the acknowledging party and to ascertain that the document is the party's free act and deed.¹⁸

Parenthetically, in the realm of legal ethics, a breach of the aforesaid provision of the 2004 Rules on Notarial Practice would also constitute a violation of the Code of Professional Responsibility (CPR), considering that an erring lawyer who is found to be remiss in his functions as a notary public is considered to have violated his oath as a lawyer as well.¹⁹ He does not only fail to fulfill his solemn oath of upholding and obeying the law and its legal processes, but he also commits an act of falsehood and engages in an unlawful, dishonest, and deceitful conduct.²⁰ Thus, Rule 1.01, Canon 1 and Rule 10.01, Canon 10 of the CPR categorically state:

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.**

x x x x

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. (Emphases and underscoring supplied)

In this case, Atty. Parado's administrative liability is beyond dispute. Despite due notice, he failed to file any comment or answer to the complaint filed against him or appear at the mandatory conference hearings. As such, the allegations and claims of complainants remain uncontroverted.²¹ In any event, the IBP found that Atty. Parado notarized the subject Deeds without

¹⁷ Section 2. Prohibitions. —

x x x x

(b) A person shall not perform a notarial act if the person involved as signatory to the instrument or document —

(1) is not in the notary's presence personally at the time of the notarization; and

(2) is not personally known to the notary public or otherwise identified by the notary public through competent evidence of identity as defined by these Rules.

¹⁸ *Fabay v. Resuena*, 779 Phil. 151, 158 (2016).

¹⁹ *Id.* at 160-162.

²⁰ See *De Jesus v. Sanchez-Malit*, supra at 491-492.

²¹ See *Velasco v. Doroin*, 582 Phil. 1, 10-11 (2008).

Estrella and Michelangelo personally appearing before him on February 15, 2007 due to serious physical illness. Worse, it appears that Atty. Parado was not a commissioned notary public in 2007. On both counts, it is clear that Atty. Parado violated the 2004 Rules on Notarial Practice.

By misrepresenting himself as a commissioned notary public at the time of the alleged notarization in 2007, Atty. Parado also violated the provisions of the CPR, particularly Rule 1.01, Canon 1 and Rule 10.01, Canon 10 thereof.²² His acts undermined the integrity of the office of a notary public and degraded the function of notarization. In so doing, his conduct fell miserably short of the high standards of morality, honesty, integrity and fair dealing required from lawyers, and thus, it is only but proper that he be sanctioned.²³ Also, he displayed an utter lack of respect for the Court, the IBP, and its proceedings²⁴ when he failed to comply with the separate directives of the Court and the IBP to file his comment and answer to the complaint. In *Ngayan v. Tugade*,²⁵ the Court ruled that “[a lawyer’s] failure to answer the complaint against him and his failure to appear at the investigation are evidence of his flouting resistance to lawful orders of the court and illustrate his despicency for his oath of office.”²⁶

With respect to the proper penalty, the Court in a similar case²⁷ imposed upon the erring lawyer the following sanctions: (a) suspension from the practice of law for a period of two (2) years; (b) immediate revocation of the lawyer’s notarial commission, if existing; and (c) disqualification for being appointed as notary public for a period of two (2) years. Finding the same to be appropriate in this case, Atty. Parado is accordingly meted the said penalties.

WHEREFORE, the Court finds respondent Atty. Sylvester C. Parado **GUILTY** of violating the 2004 Rules on Notarial Practice and the Code of Professional Responsibility. Accordingly, the Court hereby **SUSPENDS** him from the practice of law for a period of two (2) years; **PROHIBITS** him from being commissioned as a notary public for a period of two (2) years; and **REVOKES** his incumbent commission as a notary public, if any. He is **WARNED** that a repetition of the same offense or similar acts in the future shall be dealt with more severely.

The suspension from the practice of law, the prohibition from being commissioned as notary public, and the revocation of his notarial commission, if any, shall take effect immediately upon receipt of this Decision by Atty. Parado. He is **DIRECTED** to immediately file a

²² See *Baysac v. Acheron-Papa*, 792 Phil. 635, 646 (2016); *Bartolome v. Basilio*, 771 Phil. 1, 9-10 (2015); and *Sappayani v. Gasmien*, 768 Phil. 1, 8-9 (2015).

²³ See *Tenoso v. Echanez*, 709 Phil. 1, 6 (2013); citation omitted.

²⁴ See *Small v. Banares*, 545 Phil. 226, 230 (2007).

²⁵ 271 Phil. 654 (1991).

²⁶ *Id.* at 659.

²⁷ See *Triol v. Agcaoili, Jr.*, A.C. No. 12011, June 26, 2018, 868 SCRA 175.

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Manifestation to the Court that his suspension has started, copy furnished all courts and quasi-judicial bodies where he has entered his appearance as counsel.

Let copies of this Decision be furnished to the Office of the Bar Confidant to be appended to Atty. Parado's personal record as an attorney; the Integrated Bar of the Philippines for its information and guidance; and the Office of the Court Administrator for circulation to all courts in the country.


SO ORDERED.


ESTELA M. PERLAS-BERNABE
Senior Associate Justice

WE CONCUR:


RAMON PAUL L. HERNANDO
Associate Justice


HENRI JEAN PAUL B. INTING
Associate Justice


EDGARDO L. DELOS SANTOS
Associate Justice

On Leave
PRISCILLA J. BALTAZAR-PADILLA
Associate Justice