



Republic of the Philippines
Supreme Court
Manila

EN BANC

SUSAN LOBERES-PINTAL,
Complainant,

A.C. No. 11545
[Formerly CBD Case No. 12-3439]

Present:

SERENO, C.J.,
CARPIO,
VELASCO, JR.,
LEONARDO-DE CASTRO,
PERALTA,
BERSAMIN,
DEL CASTILLO,
MENDOZA,
REYES,
PERLAS-BERNABE,
LEONEN,
JARDELEZA, and
CAGUIOA, JJ.

- versus -

ATTY. RAMONCITO B.
BAYLOSIS,
Respondent.

Promulgated:
January 24, 2017

X ----- X

DECISION

Per Curiam:

This case stemmed from a verified complaint¹ for disbarment filed by complainant Susan Loberes-Pintal (*complainant*) before the Integrated Bar of the Philippines (*IBP*) against respondent Atty. Ramoncito B. Baylosis (*Atty. Baylosis*) for gross violation of the 2004 Rules on Notarial Practice.

¹ *Rollo*, pp. 2-5.

The Antecedents:

Complainant filed a complaint for disbarment against Atty. Baylosis for committing perjury, falsification of public documents and the use of falsified documents. She alleged that Roldan C. Pinal (*Roldan*) filed a Petition for Declaration of Nullity of Marriage, entitled *Roldan C. Pinal v. Susan Loberes-Pinal*, docketed as Civil Case No. C-22815 (2011) before the Regional Trial Court of Caloocan City (*RTC*); that Atty. Baylosis conspired with Roldan by making it appear in the petition that he was a resident of Caloocan City when, in truth and in fact, he was a resident of Quezon City; and that Atty. Baylosis notarized the verification and certification against non-forum shopping of the petition on May 13, 2011, but, at that time, Roldan was out of the country. Complainant submitted a Certification² from the Barangay Chairman of Barangay 12, Zone 1, District II of Caloocan City, attesting that Roldan was not a resident thereof and a Certification³ from the Bureau of Immigration showing that he was out of the country from April 10, 2011 to September 8, 2011.

In his Answer,⁴ Atty. Baylosis denied the accusation and insisted that when Roldan went to his office in January 2011, he personally interviewed him and asked him to submit documents such as his marriage certificate, birth certificate and a personal write-up narrating his personal history, courtship history and marital history; that Roldan provided him a Certification⁵ from the Chairman of Barangay 12, Zone 1, District II of Caloocan City, attesting that he was a resident thereof for six (6) years; that after the interview, he referred Roldan to a clinical psychologist for evaluation and testing; that due to financial difficulties, it was only in March 2011 that Roldan was able to pay his acceptance fee; that it was also around that time that Roldan read and reviewed the allegations in the petition and affixed his signature in the Verification and Certification portion thereof; that Roldan personally appeared before him, swore in accordance with law and verified his petition in accordance with the Rules of Court; that due to typographical errors in the psychological report, Atty. Baylosis returned the report for correction; that it was only on May 13, 2011, that the corrected report was returned to his office; and that he immediately gave the final draft of the petition together with the report and other documents to his secretary for filing. Atty. Baylosis further averred that the date of recording on May 13, 2011 of the Verification and Certification of the petition was an honest mistake and excusable error on the part of his staff but his claim that Roldan personally appeared before him to attest to the truthfulness of the verification and certification was true.

² Annex "D" of the complaint, id. at 9.

³ Id. at 10-12.

⁴ Id. at 15-18.

⁵ Id. at 46.

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The Commission on Bar Discipline (*CBD*) set the case for mandatory conference but before its conclusion, on September 7, 2012, complainant filed an Affidavit of Desistance⁶ manifesting that she was no longer interested in continuing with the complaint and that she was withdrawing it.

For said reason, the *CBD*, in its Report and Recommendation,⁷ recommended the dismissal of the complaint against Atty. Baylosis.

In its Notice of Resolution No. XXI-2014-610,⁸ dated September 27, 2014, the IBP-Board of Governors *reversed* and *set aside* the report and recommendation of the *CBD*. In its Extended Resolution,⁹ the IBP-Board of Governors found Atty. Baylosis guilty of violating the 2004 Rules on Notarial Practice when he made it appear that Roldan was present during the notarization of the petition on May 13, 2011 and recommended the immediate revocation of his notarial commission and his disqualification from being commissioned as notary public for two (2) years.

The Court's Ruling

The Court agrees with the findings of the IBP except as to its recommended penalty.

Rule IV, Section 2(b) of the 2004 Rules on Notarial Practice specifically provides:

Section 2. Prohibitions. – (a) 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.

Without a quibble, Atty. Baylosis was negligent in the performance of his duty as a notary public when he notarized the petition for declaration of the nullity of marriage without the presence of Roldan. This was evidenced by the Certification issued by the Bureau of Immigration that Roldan was not in the Philippines on May 13, 2011 as he had left the Philippines on April 10, 2011 and came back only on September 8, 2011. Atty. Baylosis'

⁶ Id. at 64-65.

⁷ Id. at 72-73.

⁸ Id. at 70-71.

⁹ Id. at 74-79.

Atty. Baylosis

contention that he personally interviewed Roldan when the latter went into his office and personally read and signed the petition cannot be accorded a shred of credence.

In notarizing a document in the absence of a party, Atty. Baylosis violated not only the rule on notarial practice but also the Code of Professional Responsibility which proscribes a lawyer from engaging in any unlawful, dishonest, immoral, or deceitful conduct.¹⁰ By affixing his signature and notarial seal on the document, he attested that Roldan personally appeared before him on the day it was notarized and verified the contents thereof. His conduct is fraught with dangerous possibilities considering the conclusiveness on the due execution of a document that our courts and the public accord to notarized documents.¹¹

It must be emphasized that a lawyer commissioned as a notary public, is mandated to discharge with fidelity the sacred duties appertaining to his office, such duties being dictated by public policy and impressed with public interest.¹² It is for this reason that a notary public must observe with utmost care the basic requirements in the performance of their duties; otherwise, the public's confidence in the integrity of the document would be undermined.¹³ In *Gonzales v. Atty. Ramos*,¹⁴ it was written:

Notarization is not an empty, meaningless routinary act. It is 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 notarial document is, by law, entitled to full faith and credit upon its face. A notary public must observe with utmost care the basic requirements in the performance of their duties; otherwise, the public's confidence in the integrity of the document would be undermined.¹⁵

Following the pronouncement in *Re: Violation of Rules on Notarial Practice*,¹⁶ Atty. Baylosis should be permanently barred from being commissioned a notary public.

The Court would like to stress the prevailing ruling that desistance of the complainant or withdrawal of the complaint does not necessarily warrant the dismissal of an administrative proceeding. In *Bautista v. Bernabe*,¹⁷ the Court wrote:

¹⁰ Rule 1.01, Canon 1 of the Code of Professional Responsibility.

¹¹ *Sistual v. Atty. Ogena*, A.C. 9807, February 2, 2016.

¹² *Soriano v. Atty. Basco*, 507 Phil. 410, 416 (2005).

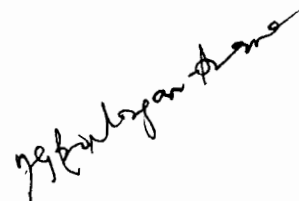
¹³ *Gonzales v. Atty. Ramos*, 499 Phil. 345, 347 (2005).

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ A.M. No. 09-6-1-SC, January 21, 2015.

¹⁷ 517 Phil. 236 (2006).



A case of suspension or disbarment may proceed regardless of interest or lack of interest of the complainant. What matters is whether, on the basis of the facts borne out by the record, the charge of deceit and grossly immoral conduct has been proven. This rule is premised on the nature of disciplinary proceedings. A proceeding for suspension or disbarment is not 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 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.¹⁸

WHEREFORE, finding Atty. Ramoncito B. Baylosis **GUILTY** of violating the Rule on Notarial Practice and Rule 1.01 and Canon 1 of the Code of Professional Responsibility, the Court hereby imposes the penalty of being **PERMANENTLY BARRED** from being commissioned as a Notary Public with a **STERN WARNING** that repetition of the same or similar conduct in the future will be dealt with more severely.

This order is **IMMEDIATELY EXECUTORY**.

Let copies of this decision be furnished the Office of the Bar Confidant to be attached to the personal record of Atty. Ramoncito B. Baylosis; the Office of the Court Administrator for dissemination to all lower courts; and the Integrated Bar of the Philippines, for proper guidance and information.

SO ORDERED.



MARIA LOURDES P. A. SERENO
Chief Justice

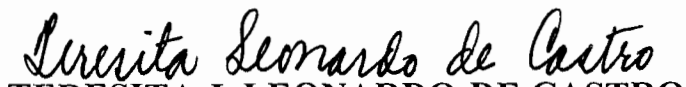
¹⁸ Id. at 241.



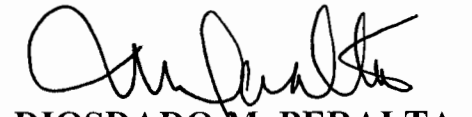
ANTONIO T. CARPIO
Associate Justice



PRESBITERO J. VELASCO, JR.
Associate Justice



TERESITA J. LEONARDO-DE CASTRO
Associate Justice




DIOSDADO M. PERALTA
Associate Justice



LUCAS P. BERSAMIN
Associate Justice




MARIANO C. DEL CASTILLO
Associate Justice



JOSE CATRAL MENDOZA
Associate Justice



BIENVENIDO L. REYES
Associate Justice



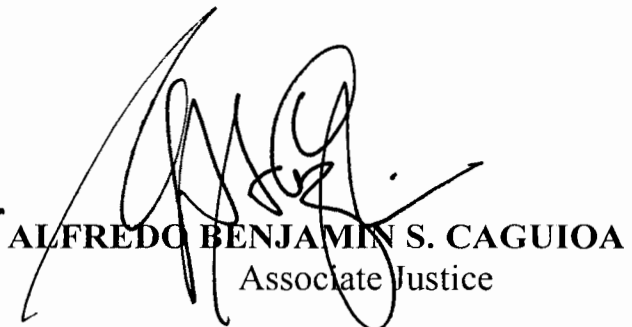
ESTELA M. PERLAS-BERNABE
Associate Justice



MARVIC M.V.F. LEONEN
Associate Justice

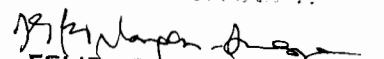


FRANCIS H. JARDELEZA
Associate Justice



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

CERTIFIED XEROX COPY:



FELIPA B. JANAMA
CLERK OF COURT, EN BANC
SUPREME COURT