



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

CONRADO ABE LOPEZ,
Complainant,

A.C. No. 9334

Members:

-versus-

PERALTA, C.J., Chairperson,
CAGUIOA,
REYES, J. C., JR.,
LAZARO-JAVIER, and
LOPEZ, JJ.

ATTY. ARTURO C. MATA, ATTY.
WILFREDO M. SENTILLAS, and
ATTY. GINES N. ABELLANA,
Respondents.

Promulgated:

JUL 28 2020

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DECISION

LAZARO-JAVIER, J.:

The Case

By Complaint dated December 28, 2011, complainant Conrado Abe Lopez charged respondents Atty. Arturo C. Mata, Atty. Wilfredo M. Sentillas, and Atty. Gines N. Abellana with dishonesty, malpractice, and violation of the 2004 Rules on Notarial Practice with prayer for disbarment.

The Complaint Affidavit

Complainant¹ essentially alleged:

¹ Rollo, pp. 1-8.

Moises Legaspino married twice during his lifetime. During his first marriage, he sired Francisco, Basilia, Amando, Mamerto, and Honorata, all surnamed Legaspino. When Moises' first wife died, he got married to Victoria Lopez who had a son, Restituto Lopez, his (Conrado's) adoptive father.

Moises and Victoria passed away, leaving a 49,817 square meter parcel of land to their heirs. Half of the property was adjudicated to Moises' children from his first marriage, while the other half, to Restituto.² Meanwhile, Honorata died without a will, leaving her share in the property to her children Basilio, Pedro, Victoriano, Crisostomo, Regulada, Juan and Patricia, all surnamed Lucmayon.³ Eventually, the shares of Moises' other children from his first marriage were consolidated in the name of Honorata's son Pedro.⁴ As a result, the property was divided in the following manner:

- 1) 20,637 square meters to Spouses Pedro Lucmayon and Anastacia Sacayan by virtue of the sales in their favor including the 712 square meters as Pedro's share being the direct heir of Honorata Legaspino Lucmayon;
- 2) 24,908 square meters to Honorata Lopez and Conrado Lopez being the heirs of Restituto Lopez; and
- 3) 712 square meters each for Basilio Lucmayon, Victoriano Lucmayon, Patricia Lucmayon, Crisostomo Lucmayon, Regulada Lucmayon Monteroso, and Juan Lucmayon.⁵

On December 29, 1953, Restituto executed the "*Katapusang Panugon (Testamento) Intervivos*" (Katapusang Panugon) wherein he bequeathed to Conrado the 24,908 sqm property he inherited, identified as Lot No. 1696 – H⁶ erroneously written as Lot No. 1718.⁷ But since Conrado was then only eight (8) years old, Restituto kept possession of the document. After Restituto died, the document was left in the possession of Conrado's mother Honorata Abe Lopez.⁸

Fast forward to the early 2000s, Judge Rogelio Lucmayon, Presiding Judge of MTCC Branch 1, Mandaue, City and son of Pedro Lucmayon, asked Conrado to execute a special power of attorney (First SPA) in favor of his (Judge Lucmayon's) friends⁹ because he wanted to sell the property they inherited to Cebu Progress Development Company. Complainant acceded to the request and executed the First SPA on July 12, 2004 before Atty. Arturo C. Mata.¹⁰

² *Id.* at 10.

³ *Id.*

⁴ *Id.* at 10-11.

⁵ *Id.* at 12.

⁶ *Id.* at 1.

⁷ *Id.* at 19.

⁸ *Id.* at 1-2.

⁹ Wilfredo Apawan, Vicenta Cobarde, and Leopoldo Capangpangan, *id.* at 2.

¹⁰ *Id.*

On October 11, 2004, Judge Lucmayon requested anew for Conrado to execute another SPA (Second SPA), this time naming him (Judge Lucmayon) as Attorney-in-Fact. Though Conrado admitted to signing the document, he did not personally appear before the notary public to have the Second SPA notarized. It was Judge Lucmayon who had it notarized by Atty. Wilfredo M. Sentillas.¹¹

On October 28, 2004, Judge Lucmayon asked Conrado a third time to sign an SPA (Third SPA) which was purportedly required by the vendees before paying for the property in full. Conrado was not aware that the Third SPA contained a “Waiver of Rights, Interest, Possession, and Ownership over Lot No. 1696-H.” Just like the Second SPA, he did not personally appear before notary public Atty. Arturo C. Mata.¹²

After Conrado signed all the documents requested by Judge Lucmayon, the latter asked him for the Katapusang Panugon.¹³ To his surprise, Judge Lucmayon commented that he had no share in Lot 1696-H because the figures “1696” were only written in pen under the typewritten words “Lot No. 1718.” But he could not have been the one who wrote those figures since he was only eight (8) years old when the Katapusang Panugon was executed. In fact, he only got hold of the document just before his mother died in 1982.¹⁴

Later, Conrado discovered the existence of a Deed of Sale dated June 28, 2004 where he allegedly sold his share in Lot No. 1696-H to one Loreto Lecanda.¹⁵ The Deed of Sale was notarized by Atty. Gines N. Abellana, albeit complainant denied signing the document, let alone personally appearing before Atty. Abellana to have it notarized. Per Certification dated December 6, 2011 of the Notarial Section, Office of the Clerk of Court, Cebu City, Atty. Abellana did not file his notarial report for 2004.¹⁶

Hence, complainant charged Attys. Mata, Sentillas and Abellana with dishonesty, malpractice and violation of the 2004 Rules on Notarial Practice.

Meanwhile, Pedro Lucmayon filed a case against Conrado for Quieting of Title (Civil Case No. T-1937) attaching the documents notarized by respondents.

On the other hand, by Complaint Affidavit¹⁷ dated September 23, 2009, Conrado charged Judge Lucmayon, Atty. Sentillas and Atty. Mata with Falsification of Public Document and Use of Falsified Document before the Office of the City Prosecutor, Cebu. The complaint got dismissed per Amended Resolution¹⁸ dated September 14, 2010.

¹¹ *Id.*

¹² *Id.* at 3.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ Son of Honorata Abe Lopez with her second husband; *id.* at 5.

¹⁶ *Id.* at 5-6.

¹⁷ *Id.* at 22-24.

¹⁸ *Id.* at 82-85.

Respondents' Answers

Atty. Wilfredo M. Sentillas invoked the presumption of regularity. He asserted that since Conrado admitted having signed the Second SPA, it is presumed that he did so before the presence of a notary public.¹⁹ Conrado resorted to filing the present complaint to malign his name after failing to obtain a favorable result from the Office of the City Prosecutor.²⁰

Atty. Arturo C. Mata, on the other hand, countered that Conrado had no cause of action because he voluntarily signed the "Waiver of Rights, Interest, Possession, and Ownership of Lot No. 1696-H"²¹ and allowed Judge Lucmayon to look for a notary public to notarize the document. The name of Atty. Wilfredo M. Sentillas, with whom he shared the same office, was already stamped on the document as the notary. But upon Judge Lucmayon's request, he notarized the document instead.

He honestly believed that Conrado was among the three (3) persons who were with Judge Lucmayon at the time the document was presented to him for notarization. Out of respect for Judge Lucmayon before whom he appeared for some cases and who was a close friend of Atty. Sentillas, he no longer required Judge Lucmayon and his companions to sign the document again nor asked any questions.²²

Lastly, **Atty. Gines N. Abellana** neither denied nor admitted the charges because the complaint he received allegedly lacked page five (5). He nevertheless averred that the non-submission of his 2004 Notarial Report and the absence of copy of the Deed of Sale dated June 28, 2004 he notarized in the Notarial Section of the Office of the Clerk of Court, RTC Cebu, City were immaterial to the charges against him.²³ More, the complaint did not contain any verification and certification against forum shopping.²⁴

Report and Recommendation of the Integrated Bar of the Philippines Commission on Bar Discipline (IBP – CBD)

In its Report and Recommendation dated October 26, 2013,²⁵ the IBP – CBD recommended:

WHEREFORE, premises considered, it is respectfully recommended that:

The notarial commissions of respondents Mata, Sentillas and Abellana be revoked and they be disqualified from reappointment as notary public for a period of two (2) years and be suspended from the practice of

¹⁹ IBP – CBD Report and Recommendation, p. 5, unnumbered page.

²⁰ *Rollo*, p. 69.

²¹ IBP – CBD Report and Recommendation, p. 4, unnumbered page.

²² *Rollo*, pp. 64-65.

²³ IBP – CBD Report and Recommendation, p. 5, unnumbered page.

²⁴ *Rollo*, p. 155.

²⁵ IBP – CBD Report and Recommendation, pp. 1-11, unnumbered page.

law for a period of three (3) months. They are likewise warned that a repetition of the same or similar offense on the future shall be dealt with more severely.

According to the IBP – CBD, Atty. Sentillas failed to secure competent proof of affiant's identity when he notarized the Second SPA.

Atty. Mata, on the other hand, failed to ensure it was indeed Conrado who was with Judge Lucmayon when he notarized the Third SPA. Too, he admitted not asking for competent proof of identity out of respect for Judge Lucmayon.

Lastly, Atty. Abellana had been remiss in his duty to submit his 2004 Notarial Report as shown by Certification dated December 6, 2011. Worse, the Deed of Absolute Sale dated June 28, 2004 notarized and designated as Doc. No. 16, Page No. 5, Book No. 41, Series of 2004 was never submitted to the Clerk of Court nor the Executive Judge. This cast doubt on whether Conrado indeed executed said document.

Resolutions of the IBP - Board of Governors (BOG)

By Resolution²⁶ dated October 11, 2014, the IBP Board of Governors affirmed with modification. Atty. Mata and Atty. Sentillas' recommended suspension from the practice of law was increased to six (6) months while Atty. Abellana's to three (3) years in view of a previous sanction, thus:

RESOLVED to ADOPT and APPROVE, as it is hereby ADOPTED and APPROVED, **with modification**, the Report and Recommendation of the Investigating Commissioner in the above-entitled case, herein made part of this Resolution as Annex "A," and for Respondents' failure to exercise due diligence in the performance of their duties as Notaries Public in violation of the 2004 Rules on Notarial Practice, Respondents' notarial commissions are *immediately REVOKED*. Further, **they are DISQUALIFIED for reappointment as a notary public for two years. Atty. Arturo C. Mata and Atty. Wilfredo M. Sentillas are hereby SUSPENDED from the practice of law for six (6) months.** In view of his previous sanction, where a stern warning was made that a commission of another unethical conduct would cause the imposition of higher sanction, Atty. Gines N. Abellana is SUSPENDED from practice of law for three (3) years.²⁷

Respondents Atty. Sentillas'²⁸ and Atty. Abellana's²⁹ Motion for Reconsideration was denied under Resolution³⁰ dated May 28, 2016.

²⁶ Notice of Resolution, unnumbered page.

²⁷ Atty. Wilfredo M. Sentillas' Motion for Reconsideration, pp. 1-2, unnumbered page.

²⁸ Atty. Wilfredo M. Sentillas' Motion for Reconsideration, pp. 1-8, unnumbered page.

²⁹ Atty. Gines N. Abellana's Motion for Reconsideration, pp. 1-4, unnumbered page.

³⁰ Integrated Bar of the Philippines – Board of Governors, Notice of Resolution, unnumbered page.

Meanwhile, on September 13, 2016, respondents filed a Motion to Dismiss Administrative Complaint³¹ on ground that Civil Case No. T-1937, the main reason for filing this administrative case, was amicably settled on June 10, 2016. The settlement was approved by the Regional Trial Court (RTC), Branch 59, Toledo City on July 27, 2016. Complainant likewise executed an Affidavit of Desistance dated June 10, 2016 alleging that respondents were innocent notaries public.

On February 6, 2017, the IBP elevated the entire records for the Court's consideration since the IBP Resolution was merely recommendatory in nature and does not attain finality without the Court's final action.

Issue

Should respondents be sanctioned for violation of the 2004 Rules on Notarial Practice?

Ruling

The Court adopts the IBP – CBD's factual findings but modifies the recommended penalty.

Notarization is not an empty, meaningless, or routinary act. It is impressed with substantial public interest, and only those who are qualified or authorized may be commissioned. It is not a purposeless ministerial act of acknowledging documents executed by parties willing to pay fees for notarization.³² A notary public exercises duties calling for carefulness and faithfulness. Notaries must inform themselves of the facts they certify to; most importantly, they should not take part or allow themselves to be part of illegal transactions.³³

In the performance of his or her duties, a notary public must observe the highest degree of care in complying with the basic requirements to preserve the public's confidence in the integrity of the notarial system.³⁴ This is because notarization of a private document converts it into a public instrument making it admissible in court without further proof of its authenticity. A notarial document is by law entitled to full faith and credit on its face and, for this reason, notaries public must observe with utmost care the basic requirements in the performance of their duties, lest, the public's confidence in the integrity of the document will be undermined.³⁵

³¹ Unnumbered page.

³² See *Sappayani v. Gasmien*, 768 Phil. 1-8 (2015).

³³ See *Bartolome v. Basilio*, 771 Phil. 1, 9 (2015).

³⁴ See *Lim v. Acero*, A.C. No. 11025, October 2, 2019.

³⁵ See *Soriano v. Basco*, 507 Phil. 410, 416 (2005).

Here, respondents miserably failed to live up to their duties as notaries public when they committed irregularities relative to the notarization of the Second SPA, Third SPA, and the Deed of Sale dated June 28, 2004.

Atty. Sentillas and Atty. Mata failed to ascertain the identity of the “Conrado Lopez” who allegedly appeared before them.

a. Atty. Wilfredo M. Sentillas

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

SECTION 2. Prohibitions. — (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.³⁶ (emphasis added)

Here, Conrado admitted having signed the Second SPA naming Judge Lucmayon as Attorney-in-Fact but nevertheless disclaimed personally appearing before Atty. Sentillas when it was notarized. Against this allegation, Atty. Sentillas simply invoked in his favor the presumption of regularity in the performance of official duties.³⁷

Unfortunately, the presumption does not offer Atty. Sentillas much respite. For the Second SPA contained a glaring defect that effectively overcame the presumption – the affiant presented a mere Community Tax Certificate (CTC) when he had the Second SPA notarized by Atty. Sentillas.

Section 12, Rule II of the 2004 Rules on Notarial Practice provides:

SECTION 12. Competent 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; or

(b) the oath or affirmation of one credible witness not privy to the instrument, document or transaction who is personally known to the notary public and who personally knows the individual, or of two credible witnesses neither of whom is privy to the instrument, document or

³⁶ 2004 Rules on Notarial Practice, A.M. No. 02-8-13-SC, July 6, 2004.

³⁷ See *Chua v. Westmont Bank*, 683 Phil. 56-69 (2012).

transaction who each personally knows the individual and shows to the notary public documentary identification.³⁸

Surely, a CTC cannot be considered competent evidence of identity³⁹ as it does not bear the photograph and signature of its owner. As such, Atty. Sentillas could not have properly verified whether the person who appeared before was in fact complainant Conrado. Although this does not, by itself, conclusively establish that complainant did not personally appear before Atty. Sentillas when the Second SPA was notarized, it is nevertheless sufficient to constitute a violation of the 2004 Rules on Notarial Practice.

In *Heir of Unite v. Guzman*,⁴⁰ Atty. Raymund P. Guzman was suspended from the practice of law for six (6) months, his commission as notary public, revoked, and was prohibited from being commissioned as notary public for two (2) years for failing to require Torrices to provide competent evidence of identity before he affixed his signature as a notary public. This fact was clear from the Deed itself which showed that Torrices presented only his CTC when it was notarized.

b. Atty. Arturo C. Mata

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 him or her to attest to the contents and truthfulness of the statements therein.⁴¹

In his Comment,⁴² respondent Atty. Mata admitted he was remiss in observing this rule when he notarized the Third SPA with “Waiver of Rights, Interest, Possession, and Ownership”, thus:

“But I maintained and honestly believed that the complainant was one of the three (3) persons who was with Judge Lucmayon in my office that the judge insinuated to have already signed the document. I could not have asked him to sign again or asked some questions out of respect for the judge where I appeared in his sala in some of my cases and known to me to be a close “compadre” of Atty. Wilfredo M. Sentillas with whom I shared the same office not as an associate, or partner but as a separate distinct office of my own.”⁴³

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Certainly, a notary public does not surrender his sworn duty to ascertain a person’s identity for the sheer reason that the person before him was with a judge. The presumption of regularity in favor of a public official does not

³⁸ 2004 Rules on Notarial Practice, A.M. No. 02-8-13-SC, July 6, 2004.

³⁹ See *Lim v. Acero*, A.C. No. 11025, October 2, 2019.

⁴⁰ A.C. No. 12062, July 2, 2018.

⁴¹ See *Villarín v. Sabate, Jr.*, 382 Phil. 1-7 (2000).

⁴² *Rollo*, pp. 64-65.

⁴³ *Id.* at 65.

extend to the judge's private transactions. As with the case of Atty. Sentillas, the alleged Conrado Lopez who appeared before him was armed only with CTC No. 09046232. As discussed, this is not considered competent evidence of identity under the 2004 Rules on Notarial Practice.

Atty. Sentillas' and Atty. Mata's failure to ascertain complainant's identity is tantamount to dishonesty and malpractice.

Canon 1 and Rule 1.01 of the Code of Professional Responsibility mandates the lawyer to promote respect for law and prohibits the lawyer from engaging in dishonest conduct, *viz.* :

CANON 1 — A lawyer shall uphold the constitution, obey the laws of the land and promote respect for law and for legal processes.

RULE 1.01 A lawyer shall not engage in unlawful, dishonest, immoral or deceitful conduct.⁴⁴

By affixing their notarial seal on the instrument, respondents Sentillas and Mata, in effect, proclaimed to the world that (1) all the parties therein personally appeared before them; (2) they are all personally known to them; (3) they were the same persons who executed the instruments; (4) they inquired into the voluntariness of execution of the instrument; and (5) they acknowledged personally before them that they voluntarily and freely executed the same⁴⁵ when in truth and in fact, respondents Sentillas and Mata notarized the documents without properly ascertaining the identity of the persons who appeared before them and the genuineness of their signatures. These infractions are reprehensible constituting not only dishonesty but also malpractice.

By their conduct, they have eroded the public's trust and confidence in the notarial system. Certainly, these are grounds for the revocation of their notarial commission. Rule IX, Section 1(b) subparagraphs 7 and 8 provide:

RULE XI

Revocation of Commission and Disciplinary Sanctions

SECTION 1. Revocation and Administrative Sanctions. — (a) The Executive Judge shall revoke a notarial commission for any ground on which an application for a commission may be denied.

xxx xxx xxx

⁴⁴ Code of Professional Responsibility, June 21, 1988.

⁴⁵ See *Atty. Dela Cruz v. Atty. Zabala*, 485 Phil. 83, 89 (2004).

(b) In addition, the Executive Judge may revoke the commission of, or impose appropriate administrative sanctions upon, any notary public who:

XXX XXX XXX

(7) fails to require the presence of a principal at the time of the notarial act;

(8) fails to identify a principal on the basis of personal knowledge or competent evidence;⁴⁶

So must it be.

Atty. Gines N. Abellana failed to comply with the Administrative Code of 1917

Just like Atty. Mata and Sentillas, Atty. Abellana notarized the Deed of Sale dated June 28, 2004 with only a CTC presented as competent evidence of identity. This time, the use of the CTC as competent proof of identity was sanctioned under Section 251 of the Revised Administrative Code of 1917, the law applicable at the time of notarization, viz.:

SECTION 251. *Requirement as to notation of payment of (cedula) residence tax.* — Every contract, deed, or other document acknowledged before a notary public shall have certified thereon that the parties thereto have presented their proper (cedula) residence certificates or are exempt from the (cedula) residence tax, and there shall be entered by the notary public as a part of such certification the number, place of issue, and date of each (cedula) residence certificate as aforesaid.⁴⁷

But Section 246 of the same Code mandates the submission of each month's entries in the notarial register to the Clerk of Court of the First Instance (now Regional Trial Court) of the province within the first ten (10) days of the following month, thus:

SECTION 246. *Matters to be entered therein* — The notary public shall enter in such register, in chronological order, the nature of each instrument executed, sworn to, or acknowledged before him, the person executing, swearing to, or acknowledging the instrument, the witnesses, if any, to the signature, the date of the execution, oath, or acknowledgment of the instrument, the fees collected by hi[m] for his services as notary in connection therewith, and; when the instrument is a contract, he shall keep a correct copy thereof as part of his records, and shall likewise enter in said records a brief description of the substance thereof, and shall give to each entry a consecutive number, beginning with number one in each calendar year. The notary shall give to each instrument executed, sworn to, or acknowledged before him a number corresponding to the one in his register,

⁴⁶ 2004 Rules on Notarial Practice, A.M. No. 02-8-13-SC, July 6, 2004.

⁴⁷ Revised Administrative Code of 1917, Act No. 2711, March 10, 1917.

and shall also state on the instrument the page or pages of his register on which the same is recorded. No blank line shall be left between entries.

When a notary public shall protest any draft, bill of exchange, or promissory note, he shall make a full and true record in his notarial register of all his proceedings in relation thereto, and shall note therein whether the demand or the sum of money therein mentioned was made, of whom, when, and where; whether he presented such draft, bill, or note; whether notices were given, to whom, and in what manner; where the same was made, and when, and to whom, and where directed; and of every other fact touching the same.

At the end of each week the notary shall certify in his register the number of instruments executed, sworn to, acknowledged, or protested before him; or if none such, certificate shall show this fact.

A certified copy of each month's entries as described in this section and a certified copy of any instrument acknowledged before them shall within the first ten days of the month next following be forwarded by the notaries public to the clerk of the Court of First Instance of the province and shall be filed under the responsibility of such officer: Provided, That if there is no entry to certify for the month, the notary shall forward a statement to this effect in lieu of the certified copies herein required.⁴⁸
(Emphases supplied)

Atty. Gines N. Abellana failed to comply with the above requirement. Per Certification dated December 6, 2011 of the Notarial Section, Office of the Clerk of Court of Cebu City, Atty. Abellana did not file his notarial report for 2004.

For Atty. Abellana, such omission is immaterial to the charges against him.

Unremorseful as he was, his attitude all the more bolsters the fact that he does not respect nor intend to follow his duties as a notary public. To remind him, as a notary public, respondent 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. Faithful observance and utmost respect for the legal solemnity of an oath in an acknowledgment are sacrosanct. He cannot simply disregard the requirements and solemnities of the rules governing the notarization of documents.⁴⁹

Failure of the notary to send the copy of the entries to the proper clerk of Court of First Instance within the first ten (10) days of the month next following is a ground for revocation of notarial commission under Section 249⁵⁰ of the Revised Administrative Code of 1917.

⁴⁸ Revised Administrative Code of 1917, Act No. 2711, March 10, 1917.

⁴⁹ See *Soriano v. Basco*, 507 Phil. 410-416 (2005).

⁵⁰ **SECTION 249.** *Grounds for revocation of commission.* — The following derelictions of duty on the part of a notary public, shall, in the discretion of the proper judge of first instance, be sufficient ground for the revocation of his commission:

(a) The failure of the notary to keep a notarial register.

In *Protacio vs. Mendoza*,⁵¹ the Court suspended respondent's commission as a notary public for one (1) year for his failure to send to the Clerk of Court of the proper trial court the entries in his notarial registry. The case served as basis for the Court's subsequent ruling in *Soriano v. Basco*.⁵²

Here, the Court takes judicial notice that in A.C. No. 3452, Atty. Gines N. Abellana was already suspended for six (6) months from the practice of law and sternly warned. There, the Court found that Atty. Abellana had failed to live up to the expectations of honesty, integrity and trustworthiness in his dealings with his client when he resorted to outright falsification to mislead his client into believing that he had been performing his duties as counsel. More, during the IBP investigation, he knowingly submitted two (2) documents which turned out to be forged and spurious.⁵³

The Court therefore deems it sufficient to impose upon Atty. Gines N. Abellana a six (6) month suspension from the practice of law, revoke his notarial commission, if any, and bar him from being commissioned as notary public for one (1) year.

***Complainant's desistance is not a ground
for the dismissal of this administrative case
against respondents.***

The Court notes that complainant executed an Affidavit of Desistance dated June 10, 2016. It was executed together with the amicable settlement between the parties in Civil Case No. T-1937 which was approved by the RTC, Branch 59, Toledo City on July 27, 2016.

Complainant's desistance, however, does not exonerate respondents or put an end to the administrative proceedings. A case of suspension or disbarment may proceed regardless of complainant's interest or lack thereof. What matters is, whether on the basis of the facts borne out by the record, the charge had been proven. This rule is premised on the nature of disciplinary proceedings which 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

(b) The failure of the notary to make the proper entry or entries in his notarial register touching his notarial acts in the manner required by law.

(c) **The failure of the notary to send the copy of the entries to the proper clerk of Court of First Instance within the first ten days of the month next following.**

(d) The failure of the notary to affix to acknowledgments the date of expiration of his commission, as required by law.

(e) The failure of the notary to forward his notarial register, when filled, to the proper clerk of court.

(f) The failure of the notary to make the proper notation regarding cedula certificates.

(g) The failure of a notary to make report; within a reasonable time, to the proper judge of first instance concerning the performance of his duties, as may be required by such judge.

(h) Any other dereliction or act which shall appear to the judge to constitute good cause for removal.

(Revised Administrative Code of 1917, Act No. 2711, March 10, 1917).

⁵¹ 443 Phil. 12-23 (2003).

⁵² 507 Phil. 410-416 (2005).

⁵³ See *Samonte v. Abellana*, 736 Phil. 718, 731 (2014).

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.⁵⁴

Penalty

Atty. Wilfredo M. Sentillas and **Atty. Arturo C. Mata** are found guilty of violation of the 2004 Rules on Notarial Practice for failure to ascertain complainant's identity and for notarizing the Second and Third SPAs with only a CTC presented as proof of identity tantamount to dishonesty and malpractice. Pursuant to *Heir of Unite v. Guzman*,⁵⁵ they are suspended from the practice of law for six (6) months, their incumbent commission as notaries public, if any, revoked, and are hereby prohibited from being commissioned as notaries public for two (2) years.

Atty. Gines N. Abellana is found guilty of violating Section 246 of the Administrative Code of 1917 for failure to submit his notarial register for the year 2004. He is suspended from the practice of law for six (6) months, his incumbent notarial commission, if any, revoked, and is prohibited from being commissioned as such for one (1) year.

WHEREFORE, Atty. Wilfredo M. Sentillas and **Atty. Arturo C. Mata** are **GUILTY** of violation of Section 2(b), Rule IV and Section 12, Rule II of the 2004 Rules on Notarial Practice. They are **SUSPENDED** from the practice of law for six (6) months, their incumbent commission as notaries public, if any, **REVOKED**, and are hereby **PROHIBITED** from being **COMMISSIONED** as notaries public for two (2) years.

Atty. Gines N. Abellana is found **GUILTY** of violating Section 246 of the Administrative Code of 1917 for failure to submit his notarial register for the year 2004. He is **SUSPENDED** from the practice of law for six (6) months, his incumbent commission as notary public, if any, **REVOKED**, and **PROHIBITED** from being **COMMISSIONED** notary public for one (1) year.

This Decision takes effect immediately. Let copy of this Decision 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 the courts.

⁵⁴ See *Bautista v. Bernabe*, 517 Phil. 236, 241 (2006).

⁵⁵ A.C. No. 12062, July 2, 2018.

Respondents must inform the Office of the Bar Confidant of the exact date of receipt of this Decision for the purpose of reckoning the period of their suspension from the practice of law, revocation of notarial commission, and disqualification from being commissioned as notaries public. After completing their suspension, respondents are required to submit to the Office of the Bar Confidant the Certifications from the Office of the Executive Judge of the court where they principally practice their profession and from the Integrated Bar of the Philippines Local Chapter of their affiliation affirming that they have ceased and desisted from the practice of law during their suspension.

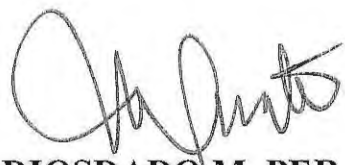
Within two (2) weeks from the submission of these certifications, the Office of the Bar Confidant shall submit the same to the Court.

SO ORDERED.

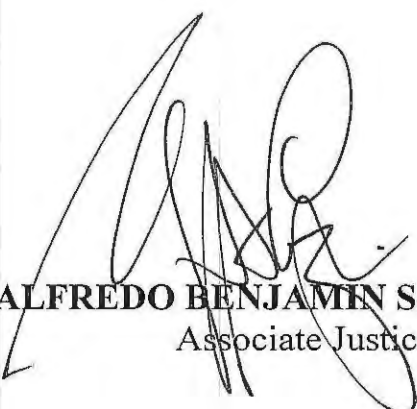


AMY C. LAZARO-JAVIER
Associate Justice

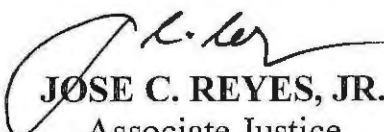
WE CONCUR:



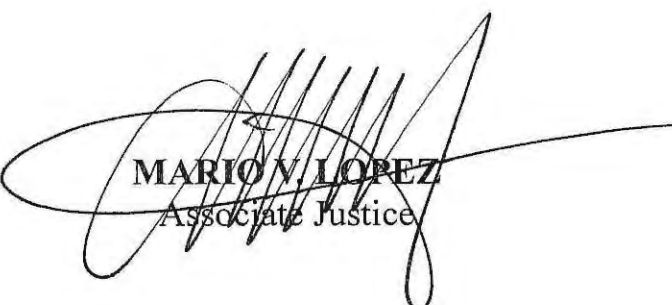
DIOSDADO M. PERALTA
Chief Justice
Chairperson



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice



JOSE C. REYES, JR.
Associate Justice



MARIO V. LOPEZ
Associate Justice