



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated March 3, 2021 which reads as follows:

“A.C. No. 10411 [Formerly CBD Case No. 15-4498] (Raul Mario V. Dancel, Complainant, v. Atty. Melvyn T. Guillermo, Respondent). – Before the Court is a Complaint for Disbarment and/or Disciplinary Action¹ filed by Raul Marlo V. Dancel (complainant) against Atty. Melvyn T. Guillermo (Atty. Guillermo), charging the latter with violation of: (a) the Code of Professional Responsibility (CPR), and (b) the 2004 Rules on Notarial Practice (Notarial Rules).

Antecedents

The present case emanated from a dispute among three (3) siblings, namely: (1) Rodolfo Dancel (Rodolfo), complainant's father and predecessor, (2) Toribia Dancel-Dangcil (Toribia), and (3) Purisima Dancel-Tumaneng (Purisima), over the parcel of land covered by Original Certificate of Title (OCT) No. 5610 (subject property) located in Dingras, Ilocos Norte.²

Spouses Josefa Parado-Dancel (Josefa) and Daniel Dancel (Daniel), the parents of Rodolfo, Toribia, and Purisima, were the original owners of the subject property. Said property was involved in an ejectment case filed with the Department of Agrarian Reform – Ilocos Norte Provincial Office (DAR – Ilocos Norte), docketed as DARAB Case No. I-01-136-92-IN, where the identity of the heirs of Josefa was one of the issues.³

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¹ Rollo, pp. 1-11.
² Id. at 4, 491.
³ Id. at 491.

On 07 April 2005, Atty. Guillermo, the Chief of the Legal Services Division of the DAR – Ilocos Norte, notarized the first “Deed of Adjudication and Donation” of same date (First Deed) in favor of Toribia, assisted by her niece, Madeline Tumaneng-Pacis (Madeline). The First Deed contained the following statements: (a) Toribia has an elder sister named Purisima and a younger brother named Rodolfo with the same parents, Josefa and Daniel; (b) Josefa, being the only child of her parents, inherited the entire subject property; (c) Toribia was adjudicating her one-third (1/3) share in the subject property to Madeline; (d) such adjudication was done by virtue of her love and devotion to Madeline; and (e) Madeline accepted Toribia's donation by signing as the donee. Atty. Guillermo, who is a relative of Madeline by affinity, accordingly entered the First Deed in his Notarial Register upon notarization.⁴

However, the First Deed was not given due course when it was filed with the Land Registration Authority (LRA) of Batac City, Ilocos Norte. Thereafter, Atty. Guillermo prepared and notarized a second “Deed of Adjudication and Donation” dated 07 April 2005 (Second Deed) for Toribia and Madeline, where some facts in the First Deed were omitted and substituted with false statements. In the Second Deed, it was provided that: (a) Toribia was the only forced legal heir of Josefa and Daniel; (b) Toribia was adjudicating the entire parcel of land covered by OCT No. 5610 upon herself; (c) there was a purported agreement to divide said land into three (3) portions; (d) Toribia was donating one-third (1/3) portion of said land to Madeline; and (e) Madeline accepted Toribia's donation by signing her name as the donee.⁵

The two (2) Deeds, therefore, contain inconsistent statements, to wit: (a) the First Deed expressly states that Toribia has co-heirs, but the Second Deed provides that Toribia is the only forced legal heir of Josefa; and (b) the First Deed states that the one-third (1/3) portion of the subject property donated is Toribia's undivided share in Josefa's estate, but the Second Deed provides that the donation of one-third (1/3) portion of the subject property was by virtue of a purported agreement to divide said land into three (3) portions.⁶

Despite knowing the contrasting facts in the First and Second Deeds, Atty. Guillermo prepared and notarized the Second Deed, indicating the same date, or 07 April 2005, and the same notarial

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⁴ *Id.*

⁵ *Id.* at 491-492.

⁶ *Id.* at 492.

details, *i.e.* same docket, page, book, and series number, as the First Deed's. Per the markings on the upper right hand portion of the Second Deed, it was submitted and received by the Register of Deeds, Batac City, for registration on 07 October 2010.⁷

On the basis of the Second Deed, OCT No. 5610 was unduly and unlawfully cancelled in a civil case for the Declaration of Nullity of Documents and Certificates of Title with Damages, docketed as Case No. 16300-16.⁸

Thus, complainant filed the instant Complaint and sought the disbarment of Atty. Guillermo for: (a) allowing himself to become an indispensable tool in the preparation and execution of two (2) contradictory Deeds of Adjudication and Donation which patently contain false statements; (b) notarizing said Deeds; and (c) notarizing the affidavits of witnesses in a related libel case between Pantaleon Pacis, Jr. and complainant, without requiring proper valid identifications from the affiants.⁹

In defense, Atty. Guillermo averred that: (a) the First Deed had already been the subject of two (2) civil cases: i) Civil Case No. 15429-16 for the Declaration of Nullity of Documents and Certificates of Title with Damages, and (ii) Civil Case N. 16300-16 for the same cause of action, both of which were purportedly dismissed by the Regional Trial Court (RTC) of Laoag City; (b) he had no participation in the preparation and filing of the registration of the First Deed, since the only document that he prepared for the parties in this case was the Second Deed; and (c) presentation of valid identification was not necessary in notarizing the affidavits since he had personal knowledge of the identity of the affiants who were witnesses to the libel case.¹⁰

This Court referred the case to the Integrated Bar of the Philippines (IBP) for investigation in its Resolution¹¹ dated 12 November 2014.

**Report and Recommendation
of the Commission on Bar Discipline**

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⁷ *Id.* at 5.

⁸ *Id.* at 492.

⁹ *Id.*

¹⁰ *Id.* at 493.

¹¹ *Id.* at 101.

The IBP Commission on Bar Discipline (CBD), through its Report and Recommendation¹² dated 09 March 2016, found no merit in the complaint and recommended its dismissal. However, in its Resolution¹³ dated 29 April 2016, the IBP Board of Governors (Board) reversed said report and recommended that Atty. Guillermo be suspended for six (6) months and disqualified from being commissioned as a notary public for a period of two (2) years, and his current notarial commission, if any, be revoked, for notarizing documents with false statements. It found Atty. Guillermo administratively liable for preparing and notarizing the Second Deed even though the statements therein are contrary to and inconsistent with the First Deed which he notarized.¹⁴ The IBP Board of Governors rendered its recommendation as thus:

RESOLVED to REVERSE the recommendation of the Investigating Commissioner and IMPOSE the penalty of SUSPENSION from the practice of law for a period of six (6) months and DISQUALIFICATION from being commissioned as a notary public for a period of two (2) years. Respondent's current notarial commission, if any, is likewise ordered immediately revoked.¹⁵

On 30 April 2019,¹⁶ Atty. Guillermo filed a Manifestation attaching thereto complainant's Affidavit of Desistance dated 08 April 2019.¹⁷ Complainant averred therein that a Compromise Agreement has been entered into by complainant and his relatives, and that the complaint arose from a misapprehension of facts.¹⁸

Issue

The sole issue in this case is whether or not Atty. Guillermo violated the CPR and the Lawyer's Oath when he prepared and notarized the Second Deed.

Ruling of the Court

We adopt the findings of the IBP Board. Atty. Guillermo's actions are sufficient to warrant his suspension from the practice of law and disqualification from being commissioned as notary public.

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¹² *Id.* at 163; signed by Commissioner Rebecca Villanueva-Maala.

¹³ *Id.* at 484.

¹⁴ *Id.* at 484.

¹⁵ *Id.*

¹⁶ *Id.* at 710-716.

¹⁷ *Id.* at 713-716.

¹⁸ *Id.* at 715.

At the outset, it must be underlined that complainant's desistance or withdrawal of the complaint does not exonerate Atty. Guillermo or put an end to the administrative proceedings. 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.¹⁹ Since administrative proceedings are imbued with public interest, they should not be made to depend on the whims and caprices of complainants who are, in a real sense, only witnesses.²⁰

We now come to the merits of the complaint.

Time and again, the Court has emphasized that notarization of documents is not an empty, meaningless routinary act but one 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 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 duties.²¹

Indeed, this Court has held that the notary public must inform himself of the facts to which he intend to certify and to take no part in illegal transactions.²² It is incumbent upon him to guard against any illegal or immoral arrangement or at least refrain from being a party to its consummation.²³ In this regard, Rule IV, Section 4 (a) of the 2004 Rules on Notarial Practice prohibits notaries public from performing any notarial act for transactions similar to the subject Deeds, to wit:

SEC. 4. *Refusal to Notarize.* — A notary public shall not perform any notarial act described in these Rules for any person requesting such an act even if he tenders the appropriate fee specified by these Rules if:

- (a) the notary knows or has good reason to believe that the notarial act or transaction is unlawful or immoral;

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¹⁹ See *Bautista v. Bernabe*, A.C. No. 6963, 09 February 2006, 517 Phil. 236 (2006) [Per J. Ynares-Santiago]; *Ang v. Belaro*, A.C. No. 12408, 11 December 2019 [Per J. Hernando].

²⁰ *Yumul-Espina v. Tabaquero*, A.C. No. 11238, 21 September 2016 [Per J. Jardeleza].

²¹ *Spouses Soriano v. Ortiz, Jr.*, A.C. No. 10540, 28 November 2019 [Per CJ. Peralta].

²² See *Heirs of Spouses Villanueva v. Beradio*, A.C. No. 6270, 22 January 2007; 541 Phil. 17 (2007) [Per J. Carpio], citing *Pañganiban v. Borromeo*, 09 September 1933, 58 Phil. 367 (1933) [Per J. Malcolm].

²³ *Lopez v. Ramos*, A.C. No. 12081, 24 November 2020 [Per CJ. Peralta, *En Banc*].

When the notary public has personal knowledge of a false statement or information contained in the instrument to be notarized, yet proceeds to affix his or her notarial seal on it, the Court must not hesitate to discipline the notary public accordingly as the circumstances of the case may dictate. Otherwise, the integrity and sanctity of the notarization process may be undermined and public confidence on notarial documents diminished.²⁴ As such, a lawyer who knowingly notarized a document containing false statements or material falsehoods may be held administratively liable for violation of Rule 1.01, Canon 1 of the CPR.²⁵

In the instant case, it is undisputed that Atty. Guillermo prepared and notarized the Second Deed even though the statements therein are contrary to and inconsistent with the First Deed which he notarized. As aptly pointed out by the IBP Board, the inconsistent statements in the two (2) Deeds should have given Atty. Guillermo good reason to believe that there were false statements in either of the Deeds.²⁶ However, despite his knowledge of the contrasting contents of the Deeds, Atty. Guillermo proceeded to notarize the Second Deed without question or hesitation.

As a result of Atty. Guillermo's indiscretion, OCT No. 5610 was cancelled, and transfer certificates of title were unlawfully issued in favor of Toribia and Madeline, to the prejudice of complainant. This repercussion could have been completely avoided had Atty. Guillermo been vigilant and faithful to his duties as a lawyer and notary public.²⁷

To reiterate, Atty. Guillermo admitted to notarizing both Deeds.²⁸ From this admission, the IBP Board correctly found Atty. Guillermo to have knowingly performed the notarial act on a document containing patently false assertions. Atty. Guillermo should have, in fact, refused to prepare and notarize the Second Deed as it was inconsistent from the First Deed which he had notarized²⁹ and should have carefully perused before notarizing.

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²⁴ *Id.*

²⁵ *See Crisostomo v. Nazareno, A.C. No. 6677, 10 June 2014; 736 Phil. 1 (2014) [Per J. Perlas-Bernabe]; Rule 1.01, Canon 1 of the Code provides:*

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.

²⁶ *Rollo*, p. 495.

²⁷ *Id.*

²⁸ *Id.* at 116.

²⁹ *Id.* at 120.

Verily, in notarizing a document containing false statements, Atty. Guillermo failed to discharge his duty to inform himself of the facts to which he intended to certify and to take part in no illegal enterprise.³⁰ While Atty. Guillermo's duty as a notary public is principally to ascertain the identity of the affiant and the voluntariness of the declaration, it is nevertheless incumbent upon him to guard against any illegal or immoral arrangement or at least refrain from being a party to its consummation.³¹

Further, when Atty. Guillermo gave the Second Deed the same registration, page and book numbers as the first, he also violated Section 2, Rule VI of the 2004 Rules on Notarial Practice, viz:

SEC. 2. *Entries in the Notarial Register.* —

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(e) The notary public shall give to each instrument or document executed, sworn to, or acknowledged before him a number corresponding to the one in his register, and shall also state on the instrument or document the page/s of his register on which the same is recorded. No blank line shall be left between entries.

Atty. Guillermo indicated the same document number, page number and book number in the Second Deed as in the First Deed, reasoning that the former was intended to correct the latter. He therefore knowingly violated the above rule, in furtherance of his client's intention. Even assuming that the Second Deed was really intended to correct the First Deed and hence supersede the same, Atty. Guillermo remains liable under the aforesaid Section 2 (e) which requires that each instrument or document, executed, sworn to, or acknowledged before the notary public shall be given a number corresponding to the one in his register. Said rule is not concerned with the validity or efficacy of the document or instrument recorded but merely to ensure the accuracy and integrity of the entries in the notarial register.³²

It has been held that a notary public who fails to discharge his duties as such is meted out the following penalties: (1) revocation of notarial commission; (2) disqualification from being commissioned as notary public; and (3) suspension from the practice of law — the

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³⁰ *Williams v. Icao*, A.C. No. 6882, 24 December 2008, 595 Phil. 938 (2008) [Per J. Carpio-Morales].

³¹ *Caalim-Verzonilla v. Pascua*, A.C. No. 6655, 11 October 2011, 674 Phil. 550 (2011) [Per J. Villarama].

³² *Id.*


terms of which vary based on the circumstances of each case.³³ In *Heirs of Villanueva v. Beradio*,³⁴ which involved a similar infraction of knowingly notarizing a document containing a false statement, this Court imposed the penalty of suspension from the practice of law for six (6) months, revocation of the notarial commission, and disqualification from being commissioned as notary public for a period of one (1) year. However, the instant case merits a graver punishment. This, considering that Atty. Guillermo not only violated the Canon of Professional Responsibility but likewise the 2004 Rules on Notarial Practice. Thus, we adopt the recommendation of the IBP Board of Governors as to the proper penalty to be imposed.

WHEREFORE, in view of the foregoing, respondent Atty. Melvyn T. Guillermo is **SUSPENDED** for six (6) months from the practice of law with warning that a repetition of the same or similar act shall be dealt with more severely. Respondent's commission as notary public is **REVOKED**, if still existing. Further, respondent is **DISQUALIFIED** from being commissioned as notary public for a period of two (2) years. Further, he is **STERNLY WARNED** that a repetition of the same or similar offense shall be dealt with more severely.

This Resolution shall take effect immediately upon Atty. Melvyn T. Guillermo's receipt of a copy of this Resolution. He shall inform this Court and the Office of the Bar Confidant in writing of the date he received a copy of this Resolution. Let copies of this Resolution be furnished to the Office of the Bar Confidant, to be appended to his personal record, and the Integrated Bar of the Philippines. The Office of the Court Administrator is directed to circulate copies of this Resolution to all courts concerned.

SO ORDERED.”

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court *LCB*

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court
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³³ *Roa-Buenafe v. Lirazan*, A.C. No. 9361, 20 March 2019 [Per J. Gesmundo].

³⁴ A.C. No. 6270, 22 January 2007; 541 Phil. 17 (2007) [Per J. Carpio].



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