

## SECOND DIVISION

[ A.C. No. 12912, January 18, 2021 ]

**DOLORES DE VERA, COMPLAINANT, VS. ATTY. CENON J. NAVARRO, RESPONDENT.**

### D E C I S I O N

**PERLAS-BERNABE, J.:**

The present administrative case arose from a verified *Sumbong Salaysay*<sup>[1]</sup> filed by complainant Dolores De Vera (Dolores) against respondent Atty. Cenon J. Navarro (Atty. Navarro) for his alleged failure to furnish the Archive Office of Malolos City, Bulacan a copy of the *Affidavit of Acknowledgment and Use of Surname*<sup>[2]</sup> (*Affidavit*) executed by Dolores' deceased husband, Manuel De Vera, Jr. (Manuel) on August 7, 2007.

#### The Facts

Dolores alleged that in 1996, she gave birth to her daughter, Donna Belle, at the Fabella Hospital in Manila. However, because Dolores and Manuel, Donna Belle's biological father, were yet to be married, the child had to use Dolores' maiden name, "Angeles." It was two (2) years later or in 1998 when Dolores and Manuel were finally able to get married.<sup>[3]</sup>

Sometime in July 2007, Dolores discovered that Donna Belle's Certificate of Live Birth<sup>[4]</sup> on record at the National Statistics Office<sup>[5]</sup> (NSO) did not reflect her first name, as only her middle initial "V" and last name "Angeles" appeared thereon. Thus, Dolores and Manuel secured the services of Atty. Navarro, who, after receiving due consideration, prepared the *Affidavit*, which he notarized on August 7, 2007. In the *Affidavit*, Manuel acknowledged that Donna Belle was his illegitimate child with Dolores and that he was giving his full consent to use his surname as provided by law.

Years later, or in 2016, Dolores and Donna Belle secured a copy of the latter's Certificate of Live Birth from the Civil Registrar of Manila for purposes of working abroad. After requiring Donna Belle to accomplish some standard forms, the officer-in-charge at the Civil Registrar of Manila informed her that the copy of her *Affidavit* should be a certified true copy of the original on file at the Archive Office in Malolos or the Main Archive Office.

Unfortunately, when they secured a certified true copy of the *Affidavit*, it contained a Certification<sup>[6]</sup> dated June 16, 2016 issued by the Office of the Clerk of Court of the Regional Trial Court (RTC) of Malolos City, Bulacan, which stated thus:

This is to certify that upon verification from the **Notarial report submitted by Atty. Cenon J. Navarro for the month of August**

**2007**, the document entitled '**Affidavit of Acknowledgment and Use of Surname**' with Doc. No. 27, Page No. 7, Book No. CXXXI, Series of 2007 **is not included in the aforementioned monthly report.**<sup>[7]</sup>  
(Emphases supplied)

Aggrieved, Dolores lodged a complaint<sup>[8]</sup> against Atty. Navarro before the Integrated Bar of the Philippines (IBP) Bulacan Chapter. On the third scheduled mediation hearing,<sup>[9]</sup> Atty. Navarro told Dolores that he was willing to financially assist her in filing a case for the correction of the entry in Donna Belle's birth certificate. After allegedly haggling over the price, the parties settled on the amount of P55,000.00, which Dolores received in several cash installments.<sup>[10]</sup> Thereafter, despite several attempts, Dolores failed to contact Atty. Navarro; hence, this administrative complaint.

In defense, Atty. Navarro denied notarizing the *Affidavit* and claimed that the signature thereon was different from his own. Further, he insisted that Dolores should produce the original copy of the *Affidavit* that he purportedly notarized. He averred that she was conspiring with other persons to harass him considering that it took nine (9) long years before she decided to rectify the error in her daughter's birth certificate. Finally, while he admitted having offered monetary support to Dolores, the latter should not take advantage by making unreasonable demands.

### **The IBP's Report and Recommendation**

In a Report and Recommendation<sup>[11]</sup> dated November 16, 2017, the IBP Commissioner found Atty. Navarro **guilty** of lack of diligence for failing to perform services causing serious injury to his client and recommended that he be **suspended for a period of one (1) year from the practice of law**, with a warning that a repetition of the same or similar acts will be dealt with more severely.<sup>[12]</sup> The IBP Commissioner found Dolores' allegations more credible than Atty. Navarro's denial, positing that the former would not consider going to the Archive Office of Malolos City if she had no idea what she was requesting for. Further, if it were true that Atty. Navarro's signature on the *Affidavit* was a forgery as he claimed, it is curious how Dolores was able to obtain the notarial details reflected on the document. Likewise, Dolores cannot be faulted if she took steps to rectify the error in Donna Belle's birth certificate only after nine (9) years considering that it was only then that her daughter found the need to secure a copy of her birth certificate for purposes of employment abroad. Finally, the IBP Commissioner found it significant that Atty. Navarro offered pecuniary assistance to Dolores notwithstanding his denials.<sup>[13]</sup>

In a Resolution<sup>[14]</sup> dated July 1, 2018, the IBP Board of Governors adopted the findings of fact and recommendation of the IBP Commissioner with the modification **reducing** the period of suspension from the practice of law to one (1) month. Atty. Navarro moved for reconsideration thereof, which was denied in the IBP Board of Governors' Resolution<sup>[15]</sup> dated June 17, 2019. Hence, this petition.<sup>[16]</sup>

### **The Issue Before the Court**

The sole issue for the Court's resolution is whether or not grounds exist to hold Atty.

Navarro administratively liable in this case.

### **The Court's Ruling**

After a judicious review of the records, the Court concurs with the findings and recommendations of the IBP Commissioner that Atty. Navarro should be held administratively liable in this case.

**The act of notarization is not an ordinary routine but is imbued with substantive public interest.**<sup>[17]</sup> A notary public is empowered to perform a variety of notarial acts, most common of which are the acknowledgment and affirmation of documents or instruments. In the performance of these notarial acts, the notary public must be mindful of the significance of the notarial seal affixed on documents. The notarial seal converts a document from a private to a public instrument, after which it may be presented as evidence without need of proof of its genuineness and due execution.<sup>[18]</sup> A notarized document is entitled to full faith and credit upon its face. Thus, **a notary public should observe utmost care in performing his duties to preserve public confidence in the integrity of notarized documents.**<sup>[19]</sup>

The Court has examined the *original copy*<sup>[20]</sup> of the *Affidavit* that Atty. Navarro denied notarizing and finds the same to be regular and valid on its face, bearing as it does his notarial seal, notarial details, and signature. On this score, and as aptly pointed out by the IBP Commissioner, if Atty. Navarro's signature thereon was forged as he maintains, the question of where and how Dolores was able to obtain the notarial details remains. More importantly, the *Affidavit* is evidently stamped with Atty. Navarro's notarial seal, an irrefutable and concrete evidence of notarization.

The 2004 Rules on Notarial Practice, particularly Rule VI thereof, is explicit on the duties and obligations of the notary public with respect to entries in the Notarial Register, as follows:

#### **RULE VI NOTARIAL REGISTER**

**SECTION 1. *Form of Notarial Register.*** - (a) A notary public shall keep, maintain, protect and provide for lawful inspection as provided in these Rules, a chronological official notarial register of notarial acts consisting of a permanently bound book with numbered pages.

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**SEC. 2. *Entries in the Notarial Register.*** - (a) **For every notarial act, the notary shall record in the notarial register at the time of notarization** the following:

- (1) the entry number and page number;
- (2) the date and time of day of the notarial act;
- (3) the type or notarial act;
- (4) the title or description of the instrument, document or proceeding;