

THIRD DIVISION

**[A.C. No. 9218 [Formerly CBD Case No. 12-3487],
March 27, 2019]**

**ENRICA BUCAG, REPRESENTED BY HER ATTORNEY-IN-FACT
LOPE B. TIO, COMPLAINANT, VS. ATTY. BERNARD P. OLALIA,
RESPONDENT.**

DECISION

PERALTA, J.:

For resolution is an Administrative Complaint^[1] filed on September 13, 2011 by complainant Enrica Bucag, represented by Lope B. Tio, against Atty. Bernard P. Olalia, for his suspension or disbarment due to alleged falsification of public document, violation of lawyer's oath, dishonesty, obstruction of justice, and gross violation of the notarial law, relative to the notarization of a deed of absolute sale of a parcel of irrigated rice land covered by Transfer Certificate of Title (TCT) No. T-170452.

The Report and Recommendation^[2] dated July 4, 2014 of Commissioner Hector B. Almeyda, Commission on Bar Discipline (CBD), Integrated Bar of the Philippines (IBP), follows:

REPORT AND RECOMMENDATION

Respondent stands charged by complainant of "Falsification of Public Document; Violation of the Lawyer's Oath; Dishonesty; Obstruction of Justice and Gross Violation of the Notarial Law."

According to the respondent, the same lacks factual basis. The issues thus boil down to the determination of respondent's administrative liability under the facts established.

Complainant relates:

Respondent is claimed to have prepared and notarized in 2013 a deed of absolute sale of a parcel of irrigated Riceland where the sellers appeared to be one Liboro Garcia and one Virginia "Loreta" Garcia. The buyer was her son Edgardo Roque Garcia. The parcel was indicated to be covered by Tax Declaration No. 05-6271 and described as follows:

Tax Declaration No. 05-6271

"A parcel of land located at the Barrio of Culialaba del Norte, Municipality of Burgos, Province of Isabela, Island of Luzon. Bounded on the NE., by Lot No. 3-B-I, on the S, by Road, on

the East by Lot No. 2824 and on the W, Lot No. 3-A. containing an area of 4.1372 square meters more or less."

Complainant sees the document of sale prepared and notarized by respondent to be defective since the description made on the basis of a tax declaration is irregular because the parcel is actually a titled property. Besides being titled in the name of complainant, the claimed sellers in the document prepared and notarized by the seller is incorrect. That transfer of the titled property is now subject of a complaint before the Regional Trial Court in Ilagan, Isabela, docketed as Civil Case No. 1493 (for recovery of possession and ownership). That case is not the concern of the Commission.

In respondent's comment, he traced the root of the commencement of the instant administrative complaint to the earlier filing by complainant Enrica Bucag against Loreta Mesa a.k.a. Virginia Mesa and others before the Regional Trial Court in Ilagan, Isabela (Branch 16), docketed as Civil Case No. 1493 of suit "for recovery of possession and ownership with prayer for issuance of preliminary injunction with damages."

The subject-matter of that case is that parcel of land then covered by TCT No. T-52993 located at Cullabo, Burgos, Isabela, containing a total area of 50,186 (41,372 + 8814) square meters. According to complainant, she learned that her title No. 52993 was cancelled and "transferred" to the defendants named in Civil Case No. 1493. Specifically, complainant claimed that a portion of her property was transferred to Loreta and her husband sometime in 1972. That Deed was inscribed on complainant's Title No. T-52993.

Later, TCT No. T-170452 was issued in the name of Loreta Mesa and her husband. Subsequently, the said spouses executed a Deed of Sale of the parcel covered by TCT No. T-170452 to Edgardo Garcia (copy of this deed of transfer does not seem to be part of the records) who obtained TCT No. T-343924. That Deed was notarized by respondent Edgardo Garcia.

Complainant herself sold in 1979 8[,]814 square meters of the 41,372 (50,186 square meter) square meter lot in favor of [the] spouses Renato and Nenita Vidal who obtained Title No. 179412.

In the Comment, respondent phrases the issue to be "(W)hether or not respondent Atty. Olalia is guilty of the alleged acts complained against him."

Respondent claims membership in the Philippine Bar in 1992 after passing the Bar. This factual assertion was never refuted by complainant. Hence, reference to transactions before 1992 would appear to be irrelevant as far as respondent's participation in said transactions is concerned.

The initial sale in 1979 of a portion of complainant's property in favor of Loret[a] Mesa and Liboro Garcia was obviously a transaction that respondent had no participation as a lawyer, not having become one yet,