

## **SECOND DIVISION**

**[ A.C. No. 8249 (Formerly CBD Case No. 05-129),  
September 02, 2019 ]**

**MARCIANO A. SAMBILE AND LERMA M. SAMBILE,  
COMPLAINANTS, VS. ATTY. RENATO A. IGNACIO, RESPONDENT.**

### **RESOLUTION**

**REYES, J. JR., J.:**

#### **The Facts and the Case**

On February 15, 2005, Marciano Sambile and Lerma Sambile (complainants) filed before the Integrated Bar of the Philippines (IBP) a verified complaint<sup>[1]</sup> against Atty. Renato A. Ignacio (respondent) for disciplinary action for notarizing a document without their personal appearance.

On February 16, 2005, the IBP-Commission on Bar Discipline (IBP CBD or Commission) issued an Order directing the respondent to submit his Answer to the complaint. A copy of the Order was sent to respondent's office address at EPZA, Rosario, Cavite.<sup>[2]</sup>

In an undated letter which was received by the IBP-CBD on April 25, 2005, the office manager of Supnet, Emelo and Torres Law Offices returned the Order (to Answer) and informed the Commission that the respondent is no longer connected with the law firm since he immigrated to the United States of America on December 26, 2004.<sup>[3]</sup>

On May 31, 2005, the IBP-CBD issued an Order directing the complainants to furnish the Commission with the correct and current address of the respondent, with a warning that non-compliance with the same will result in the dismissal of the complaint on the ground of lack of jurisdiction.<sup>[4]</sup>

In compliance with the May 31, 2005 Order, complainants informed the Commission of respondent's correct address as: Filomena Building, General Trias Drive, Rosario, Cavite.<sup>[5]</sup> Thus, on August 24, 2005, the IBP CBD issued an Order to Answer reiterating its previous order for the respondent to file his Answer.<sup>[6]</sup>

On June 8, 2006, the IBP-CBD issued an Order noting that the address furnished anew by the complainants is the same address as that of Supnet, Emelo and Torres Law Offices which had already informed the Commission that the respondent was no longer connected therewith. Given that the Commission could not acquire jurisdiction over the respondent as he could not be properly served with its Orders, the Commission ordered the case archived, subject to its revival upon the determination of respondent's current address.<sup>[7]</sup>

On September 14, 2008, the Commission issued an Order submitting the case for decision.<sup>[8]</sup>

On September 22, 2008, the Commission issued a Report and Recommendation recommending that the complaint be dismissed without prejudice to its refiling should the whereabouts and address of the respondent be finally determined.<sup>[9]</sup>

On November 20, 2008, the IBP Board of Governors passed Resolution No. XVIII-2008-551 adopting and approving the Report and Recommendation of the IBP-CBD which dismissed the complaint against the respondent without prejudice to its refiling.<sup>[10]</sup>

On April 20, 2009, the IBP forwarded to this Court the Notice of Resolution of the Board of Governors and the records of the case, with information that none of the parties filed a motion for reconsideration in the case.<sup>[11]</sup>

On July 1, 2009, the Court's Second Division issued a Resolution noting the Notice of Resolution of the IBP, the records of the case, as well as the notation that no motion for reconsideration was filed by either party.<sup>[12]</sup>

In a Report for Agenda dated August 8, 2014, the Deputy Clerk of Court and Chief of the Office of the Bar Confidant recommended that the case be considered closed and terminated considering that no motion for reconsideration or petition for review had been filed by either party as of said date.<sup>[13]</sup>

On September 17, 2014, the Court's Second Division issued a Resolution noting the returned and unserved copy of the Court's July 1, 2009 Resolution that was sent to the respondent with the notation, "RTS-moved out"; and requiring the IBP and the Mandatory Continuing Legal Education Office (MCLEO) to inform the Court of respondent's current address within five days from notice.<sup>[14]</sup>

In compliance with the September 17, 2014 Resolution, the IBP informed the Court that based on their files, respondent's office address is at 3<sup>rd</sup> Floor, Filomena Building, General Trias Drive, Rosario, Cavite, while his home address is at 152 Callejon No. 2, Rosario, Cavite.<sup>[15]</sup> MCLEO, on the other hand, informed the Court that based on their records, respondent's address is at 3<sup>rd</sup> Floor, Filomena Building, General Trias Drive, Rosario, Cav1te.<sup>[16]</sup>

In a Report for Agenda dated January 19, 2015, the Deputy Clerk of Court and Chief of the Office of the Bar Confidant reiterated its earlier recommendation to consider the case closed and terminated.<sup>[17]</sup>

On March 25, 2015, the Court's Second Division, issued a Resolution noting the compliance of both the IBP and the MCLEO to its September 17, 2014 Resolution.<sup>[18]</sup>

On April 17, 2017, the Court's Third Division, issued a Resolution referring the case to the IBP for investigation, report and recommendation or resolution given that the

copy of the July 1, 2009 Resolution that the Court re-sent to respondent's home address had been duly received by his representative.<sup>[19]</sup>

On September 7, 2017, the IBP issued a *Notice of Mandatory Conference* to the parties directing them to appear before the Commission for a mandatory conference on October 13, 2017. They were likewise directed to submit their respective mandatory conference briefs, copy furnished the other party, at least three days before the scheduled conference.<sup>[20]</sup>

On the scheduled mandatory conference, Lerma appeared with her counsel. She manifested before the Commission that Marciano passed away on March 11, 2011. Respondent, on the other hand failed to appear. In view of the absence of the respondent, the mandatory conference was cancelled and reset to November 22, 2017. Lerma was also directed to submit to the Commission an authenticated copy of Marciano's death certificate on the next scheduled conference. A copy of the October 13, 2017 Order was sent to the respondent and the same was received by Emma Ignacio on October 30, 2017.<sup>[21]</sup>

During the mandatory conference scheduled on November 22, 2017, Lerma appeared together with her counsels. Since respondent again failed to appear, the mandatory conference was terminated and the parties were directed to submit their respective verified position papers within 30 days therefrom. A copy of the Order was received by the respondent on December 8, 2017.<sup>[22]</sup>

Complainants alleged that on February 15, 2002, Remedios Sambile (Remedios), adoptive mother of Marciano, came to their house and asked them to sign a document. Since they were busy at that time because they were hosting their daughter's birthday party, they just signed the document. After the document was signed, Remedios left their house. Shortly thereafter, she returned and furnished them with a copy of a document denominated as a Deed of Donation.<sup>[23]</sup> The Deed of Donation was signed by Remedios as the donor, with the marital consent of her husband and the adoptive father of Marciano, Herminio Sambile (Herminio); Marciano as the donee, with the marital consent of his spouse, Lerma; and notarized before the respondent on even date.<sup>[24]</sup>

Complainants averred that they were surprised when subsequently thereafter, they received a notice that a complaint for annulment of deed of donation was filed against them by Remedios where it was alleged that the said Deed of Donation in favor of Marciano was falsified because Herminio could not have signed the same on February 15, 2002 since he already passed away on July 17, 1987. Complainants contended that they have nothing to do with the falsification of the same as they were only made to sign the document and accept the donation. They also never appeared before the respondent, the notary public before whom the said Deed of Donation was purportedly notarized. As proof that they never appeared before the respondent, complainants attached a Certification<sup>[25]</sup> executed by the Officer-in-Charge of the Office of the Clerk of Court of the Regional Trial Court (RTC) in Cavite City which stated that a copy of the subject Deed of Donation was not among the notarial documents submitted by the respondent before it for the year 2002. Thus, for notarizing the Deed of Donation without their personal appearance, complainants contended that respondent violated Rule 10.01 of the Code of Professional