

EN BANC

[A.C. No. 8384, April 11, 2013]

EFIGENIA M. TENOSO COMPLAINANT, VS. ATTY. ANSELMO S. ECHANEZ RESPONDENT.

R E S O L U T I O N

LEONEN, J.:

Efigenia M. Tenoso (complainant) filed a complaint against Atty. Anselmo S. Echaney (respondent) alleging that respondent was engaged in practice as a notary public in Cordon, Isabela, without having been properly commissioned by the Regional Trial Court (RTC) of Santiago City, Isabela. This is the RTC exercising jurisdiction over the Municipality of Cordon. This alleged act violates Rule III of the 2004 Rules on Notarial Practice (A.M. No. 02-8-13-SC). To support her allegations, complainant attached the following documents to her pleadings:

- a. Two (2) documents signed and issued by RTC Santiago City Executive Judge Efren M. Cacatian bearing the names of commissioned notaries public within the territorial jurisdiction of the RTC of Santiago City for the years 2006 to 2007 and 2007 to 2008.^[1] Respondent's name does not appear on either list;
- b. Copies of ten (10) documents that appear to have been notarized by respondent in the years 2006, 2007, and 2008; and
- c. A copy of a certification issued by Judge Cacatian stating that a joint-affidavit notarized by respondent in 2008 could not be "authenticated as to respondent's seal and signature as NO Notarial Commission was issued upon him at the time of the document's notarization."^[2]

In his two-page Answer, respondent denied the allegations saying, "I have never been notarizing any document or pleadings"^[3] and added that he has "never committed any malpractice, nor deceit nor have violated [the] lawyers (sic) oath".^[4] He dismissed such allegations as being "preposterous, full of lies, politically motivated and x x x meant to harass or intimidate [him]".^[5] Also, he surmised that the documents annexed to the Affidavit-Complaint were "tampered and adulterated," or that "[s]omebody might have forged [his] signature."^[6] He failed to attend the mandatory conference and likewise failed to file his Position Paper.

In his Report and Recommendation dated 29 September 2008, Investigating Commissioner Atty. Salvador B. Hababag recommended that respondent be suspended from the practice of law for six (6) months and disqualified from being commissioned as a notary public for two (2) years for violating Rules 1.01 and 10.01

of the Code of Professional Responsibility.^[7]

In a Resolution dated 11 December 2008, the IBP Board of Governors affirmed the findings of the Investigating Commissioner but increased the penalty of suspension from six (6) months to one (1) year. Respondent did not file a Motion for Reconsideration or any other subsequent pleading.

On 12 August 2009, the IBP Board of Governors transmitted its Resolution to the Supreme Court for its action following Rule 139-B of the Rules of Court.^[8]

The Court modifies the IBP Board of Governors' Resolution.

Complainant presented evidence supporting her allegation that respondent had notarized various documents in Cordon, Isabela from 2006 to 2008 and that respondent's name does not appear on the list of notaries public commissioned by the RTC of Santiago City, Isabela for the years 2006 to 2007 and 2007 to 2008.

Respondent failed to present evidence to rebut complainant's allegations. Per Section 1, Rule 131 of the Rules of Court,^[9] the burden of proof is vested upon the party who alleges the truth of his claim or defense or any fact in issue. Thus, in *Leave Division, Office of Administrative Services, Office of the Court Administrator v. Gutierrez*,^[10] where a party resorts to bare denials and allegations and fails to submit evidence in support of his defense, the determination that he committed the violation is sustained. Respondent merely posited that the notarized documents presented by complainant were "tampered and adulterated" or were results of forgery, but he failed to present any proof.^[11] Respondent also resorted to a sweeping and unsupported statement that he never notarized any document. Accordingly, the reasonable conclusion is that respondent repeatedly notarized documents without the requisite notarial commission.

Time and again, this Court emphasizes that the practice of law is imbued with public interest and that "a lawyer owes substantial duties not only to his client, but also to his brethren in the profession, to the courts, and to the nation, and takes part in one of the most important functions of the State — the administration of justice — as an officer of the court."^[12] Accordingly, "[l]awyers are bound to maintain not only a high standard of legal proficiency, but also of morality, honesty, integrity and fair dealing."^[13]

Similarly, the duties of notaries public are dictated by public policy and impressed with public interest.^[14] "[N]otarization is not a routinary, meaningless act, for notarization converts a private document to a public instrument, making it admissible in evidence without the necessity of preliminary proof of its authenticity and due execution."^[15]

In misrepresenting himself as a notary public, respondent exposed party-litigants, courts, other lawyers and the general public to the perils of ordinary documents posing as public instruments. As noted by the Investigating Commissioner, respondent committed acts of deceit and falsehood in open violation of the explicit pronouncements of the Code of Professional Responsibility. Evidently, respondent's conduct falls miserably short of the high standards of morality, honesty, integrity