

SECOND DIVISION

[A.C. No. 6909, June 30, 2008]

**LUZ VECINO, COMPLAINANT, VS. ATTY. GERVACIO B. ORTIZ, JR.,
RESPONDENT.**

RESOLUTION

QUISUMBING, J.:

In a Letter-Complaint^[1] dated September 15, 2005 filed before the Office of the Bar Confidant, Luz Vecino charged Atty. Gervacio B. Ortiz, Jr. of notarizing a Deed of Sale^[2] despite his knowledge that one of the supposed vendors mentioned therein, Manolito C. Espino, had long been dead.

In his Comment^[3] dated December 5, 2005, Atty. Ortiz denied any participation in the notarization of the Deed of Sale. He claimed that his purported signature thereon was forged as shown by its disparity from the specimens^[4] of his usual and customary signature. He also pointed out that the Deed of Sale does not bear his notarial seal and that its acknowledgment portion failed to state the date of issue of his professional tax receipt. Thus, Atty. Ortiz prayed for the dismissal of the complaint.

In our Resolution^[5] dated April 3, 2006, we referred this case to the Integrated Bar of the Philippines (IBP) for investigation, report, and recommendation.

On the scheduled mandatory conference of the case before the IBP on October 25, 2006, Atty. Rodolfo Mapile manifested that his client, Vecino, is already withdrawing the complaint. Atty. Ortiz expressed his appreciation for the same. Thus, IBP Commissioner Cecilio A.C. Villanueva directed the parties to submit the necessary pleadings in connection with the said withdrawal on the next hearing set on November 9, 2006.

Before the case was called for hearing on November 9, 2006, Atty. Mapile submitted a compromise agreement, signed by Vecino, to the IBP stenographer. Atty. Mapile instructed the stenographer to ask Atty. Ortiz to sign the agreement during the hearing. Allegedly, Atty. Mapile had to leave early for a scheduled medical check up that day.

Atty. Ortiz did not sign the agreement because he had some concerns regarding the same. Hence, a subsequent hearing was scheduled on November 29, 2006.

The parties, however, failed to reach a compromise during the November 29, 2006 hearing. Thus, Commissioner Villanueva directed the parties to submit their respective verified position papers on or before December 11, 2006. Both parties, however, failed to submit their position papers.