

SECOND DIVISION

[A.C. No. 6962, June 25, 2008]

**CHARLES B. BAYLON, COMPLAINANT, VS. ATTY. JOSE A. ALMO,
RESPONDENT.**

DECISION

QUISUMBING, J.:

This case stemmed from the administrative complaint filed by the complainant at the Integrated Bar of the Philippines (IBP) charging the respondent with fraud and deceit for notarizing a Special Power of Attorney (SPA) bearing the forged signature of the complainant as the supposed principal thereof.

Complainant averred that Pacita Filio, Rodolfo Llantino, Jr. and his late wife, Rosemarie Baylon, conspired in preparing an SPA^[1] authorizing his wife to mortgage his real property located in Signal Village, Taguig. He said that he was out of the country when the SPA was executed on June 17, 1996, and also when it was notarized by the respondent on June 26, 1996. To support his contention that he was overseas on those dates, he presented (1) a certification^[2] from the Government of Singapore showing that he was vaccinated in the said country on June 17, 1996; and (2) a certification^[3] from the Philippine Bureau of Immigration showing that he was out of the country from March 21, 1995 to January 28, 1997. To prove that his signature on the SPA was forged, the complainant presented a report^[4] from the National Bureau of Investigation stating to the effect that the questioned signature on the SPA was not written by him.

The complainant likewise alleged that because of the SPA, his real property was mortgaged to Lorna Express Credit Corporation and that it was subsequently foreclosed due to the failure of his wife to settle her mortgage obligations.

In his answer, the respondent admitted notarizing the SPA, but he argued that he initially refused to notarize it when the complainant's wife first came to his office on June 17, 1996, due to the absence of the supposed affiant thereof. He said that he only notarized the SPA when the complainant's wife came back to his office on June 26, 1996, together with a person whom she introduced to him as Charles Baylon. He further contended that he believed in good faith that the person introduced to him was the complainant because said person presented to him a Community Tax Certificate bearing the name Charles Baylon. To corroborate his claims, the respondent attached the affidavit of his secretary, Leonilita de Silva.

The respondent likewise denied having taken part in any scheme to commit fraud, deceit or falsehood.^[5]

After due proceedings, the IBP-Commission on Bar Discipline recommended to the

IBP-Board of Governors that the respondent be strongly admonished for notarizing the SPA; that his notarial commission be revoked; and that the respondent be barred from being granted a notarial commission for one year.^[6]

In justifying its recommended sanctions, the IBP-Commission on Bar Discipline stated that

In this instance, reasonable diligence should have compelled herein respondent to ascertain the true identity of the person seeking his legal services considering the nature of the document, i.e., giving a third party authority to mortgage a real property owned by another. The only saving grace on the part of respondent is that he relied on the fact that the person being authorized under the SPA to act as agent and who accompanied the impostor, is the wife of the principal mentioned therein.^[7]

On October 22, 2005, the IBP-Board of Governors issued Resolution No. XVII-2005-109 which reads:

RESOLVED to ADOPT and APPROVE, as it is hereby ADOPTED and APPROVED, **with modification**, the Report and Recommendation of the Investigating Commissioner of the above-entitled case, herein made part of this Resolution as Annex "A"; and, finding the recommendation fully supported by the evidence on record and the applicable laws and rules, and considering Respondent's failure to properly ascertain the true identity of the person seeking his legal services considering the nature of the document, Atty. Jose A. Almo is hereby **SUSPENDED** from the practice of law for one (1) year and Respondent's notarial commission is **Revoked and Disqualified** (sic) from reappointment as Notary Public for two (2) years.^[8]

In our Resolution^[9] dated February 1, 2006, we noted the said IBP Resolution.

We agree with the finding of the IBP that the respondent had indeed been negligent in the performance of his duties as a notary public in this case.

The importance attached to the act of notarization cannot be overemphasized. In *Santiago v. Rafanan*,^[10] we explained,

. . . Notarization is not an empty, meaningless, routinary act. It is invested with substantive public interest, such that only those who are qualified or authorized may act as notaries public. Notarization converts a private document into a public document thus making that document admissible in evidence without further proof of its authenticity. A notarial document is by law entitled to full faith and credit upon its face. Courts, administrative agencies and the public at large must be able to rely upon the acknowledgment executed by a notary public and appended to a private instrument.

For this reason, notaries public should not take for granted the solemn duties pertaining to their office. Slipshod methods in their performance of the notarial act are never to be countenanced. They are expected to