

EN BANC

[A.C. No. 6737, September 23, 2008]

FLOCERFIDA S. LANUZO, COMPLAINANT, VS. ATTY. JESUS B. BONGON, RESPONDENT.

R E S O L U T I O N

QUISUMBING, J.:

Before us is a complaint for disbarment filed by Flocerfida S. Lanuzo against respondent Atty. Jesus B. Bongon for falsification of public documents and violation of notarial rules.

In her Complaint ^[1] filed on May 17, 2005, Flocerfida alleged that she is the wife of Francisco L. Lanuzo, Jr., who purchased from Fernando B. Nangyo a parcel of agricultural land covering 4,357 square meters, situated at Barrio Pinugay, Baras, Rizal, as evidenced by a Deed of Absolute Sale ^[2] dated November 6, 1996.

Complainant alleged that sometime in December 2004, when she went to pay the real estate taxes of the land, she discovered that the land bought by her husband had been sold by Fernando Nangyo to Librada G. Santos. She was able to obtain from the Assessor's Office of Antipolo City a copy of the Deed of Sale ^[3] signed by the spouses Fernando and Primitiva Nangyo and by Librada G. Santos. Upon perusal, she noted that the Acknowledgment of the Deed of Sale was signed and verified on April 20, 2004 by respondent Atty. Bongon acting as Notary Public of Pasay City, notwithstanding the fact that Primitiva Nangyo, whose signature appeared thereon as co-vendor, had already died six years before, on August 10, 1997, as evidenced by a copy of her death certificate. ^[4]

Complainant further alleged that she obtained a copy of the same Deed from the Notarial Section of the Office of the Clerk of Court of the Regional Trial Court (RTC) of Pasay City and discovered that both instruments refer to different titles and to a parcel of land in Barrio San Roque, Municipality of Marikina (now Marikina City); whereas Nangyo's title refers to the land located in Barrio Pinugay, Baras, Rizal. Both instruments were signed on June 14, 1995, but notarized only on April 20, 2004.

In his Comment ^[5] filed on August 12, 2005, Atty. Bongon contended he had no part in the preparation of the subject deed of sale and the persons who prepared the same should be the subject of the complaint, not him. He further alleged that the Deed of Sale was presented to him for notarization by Librada Santos who should account for the discrepancies therein, and that he neither falsified the document nor conspired with Fernando Nangyo and Librada Santos in falsifying the same.

In his Report and Recommendation ^[6] dated January 4, 2008, Commissioner Acerey