



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

DOLORES DE VERA,
Complainant,

A.C. No. 12912

Present:

- versus -

ATTY. CENON J. NAVARRO,
Respondent.

PERLAS-BERNABE, S.A.J.,
Chairperson,
GESMUNDO,
LAZARO-JAVIER,
LOPEZ, and
ROSARIO,* JJ.

Promulgated:

JAN 18 2021

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DECISION

PERLAS-BERNABE, J:

The present administrative case arose from a verified *Sumbong Salaysay*¹ filed by complainant Dolores De Vera (Dolores) against respondent Atty. Cenon J. Navarro (Atty. Navarro) for his alleged failure to furnish the Archive Office of Malolos City, Bulacan a copy of the *Affidavit of Acknowledgment and Use of Surname*² (*Affidavit*) executed by Dolores' deceased husband, Manuel De Vera, Jr. (Manuel) on August 7, 2007.

* Designated Additional Member per Special Order No. 2797 dated November 5, 2020. On Official Leave.

¹ *Rollo*, pp. 2-5.

² *Id.* at 47.

The Facts

Dolores alleged that in 1996, she gave birth to her daughter, Donna Belle, at the Fabella Hospital in Manila. However, because Dolores and Manuel, Donna Belle's biological father, were yet to be married, the child had to use Dolores' maiden name, "Angeles." It was two (2) years later or in 1998 when Dolores and Manuel were finally able to get married.³

Sometime in July 2007, Dolores discovered that Donna Belle's Certificate of Live Birth⁴ on record at the National Statistics Office⁵ (NSO) did not reflect her first name, as only her middle initial "V" and last name "Angeles" appeared thereon. Thus, Dolores and Manuel secured the services of Atty. Navarro, who, after receiving due consideration, prepared the *Affidavit*, which he notarized on August 7, 2007. In the *Affidavit*, Manuel acknowledged that Donna Belle was his illegitimate child with Dolores and that he was giving his full consent to use his surname as provided by law.

Years later, or in 2016, Dolores and Donna Belle secured a copy of the latter's Certificate of Live Birth from the Civil Registrar of Manila for purposes of working abroad. After requiring Donna Belle to accomplish some standard forms, the officer-in-charge at the Civil Registrar of Manila informed her that the copy of her *Affidavit* should be a certified true copy of the original on file at the Archive Office in Malolos or the Main Archive Office.

Unfortunately, when they secured a certified true copy of the *Affidavit*, it contained a Certification⁶ dated June 16, 2016 issued by the Office of the Clerk of Court of the Regional Trial Court (RTC) of Malolos City, Bulacan, which stated thus:

This is to certify that upon verification from the **Notarial report submitted by Atty. Cenon J. Navarro for the month of August 2007**, the document entitled '**Affidavit of Acknowledgment and Use of Surname**' with Doc. No. 27, Page No. 7, Book No. CXXXI, Series of 2007 **is not included in the aforementioned monthly report.**⁷ (Emphases supplied)

Aggrieved, Dolores lodged a complaint⁸ against Atty. Navarro before the Integrated Bar of the Philippines (IBP) Bulacan Chapter. On the third scheduled mediation hearing,⁹ Atty. Navarro told Dolores that he was willing to financially assist her in filing a case for the correction of the entry in Donna Belle's birth certificate. After allegedly haggling over the price, the parties

³ See *id.* at 68-69.

⁴ *Id.* at 49.

⁵ Now Philippine Statistics Authority (PSA).

⁶ *Rollo*, p. 48. Issued by Clerk of Court VII Emmanuel L. Ortega.

⁷ *Id.*

⁸ *Id.* at 13.

⁹ See Minutes, *id.* at 16.

settled on the amount of ₱55,000.00, which Dolores received in several cash installments.¹⁰ Thereafter, despite several attempts, Dolores failed to contact Atty. Navarro; hence, this administrative complaint.

In defense, Atty. Navarro denied notarizing the *Affidavit* and claimed that the signature thereon was different from his own. Further, he insisted that Dolores should produce the original copy of the *Affidavit* that he purportedly notarized. He averred that she was conspiring with other persons to harass him considering that it took nine (9) long years before she decided to rectify the error in her daughter's birth certificate. Finally, while he admitted having offered monetary support to Dolores, the latter should not take advantage by making unreasonable demands.

The IBP's Report and Recommendation

In a Report and Recommendation¹¹ dated November 16, 2017, the IBP Commissioner found Atty. Navarro **guilty** of lack of diligence for failing to perform services causing serious injury to his client and recommended that he be **suspended for a period of one (1) year from the practice of law**, with a warning that a repetition of the same or similar acts will be dealt with more severely.¹² The IBP Commissioner found Dolores' allegations more credible than Atty. Navarro's denial, positing that the former would not consider going to the Archive Office of Malolos City if she had no idea what she was requesting for. Further, if it were true that Atty. Navarro's signature on the *Affidavit* was a forgery as he claimed, it is curious how Dolores was able to obtain the notarial details reflected on the document. Likewise, Dolores cannot be faulted if she took steps to rectify the error in Donna Belle's birth certificate only after nine (9) years considering that it was only then that her daughter found the need to secure a copy of her birth certificate for purposes of employment abroad. Finally, the IBP Commissioner found it significant that Atty. Navarro offered pecuniary assistance to Dolores notwithstanding his denials.¹³

In a Resolution¹⁴ dated July 12, 2018, the IBP Board of Governors adopted the findings of fact and recommendation of the IBP Commissioner with the modification **reducing** the period of suspension from the practice of law to one (1) month. Atty. Navarro moved for reconsideration thereof, which was denied in the IBP Board of Governors' Resolution¹⁵ dated June 17, 2019. Hence, this petition.¹⁶

¹⁰ Id. at 17.

¹¹ Id. at 68-74. Penned by Commissioner Erwin L. Aguilera.

¹² Id. at 74.

¹³ See id. at 72-74.

¹⁴ See Notice of Resolution in CBD Case No. 16-5227; id. at 67.

¹⁵ Id. at 84. Penned by National Secretary Patricia-Ann T. Prodigalidad.

¹⁶ See Petition for Review filed on November 23, 2018; id. at 75-79.

The Issue Before the Court

The sole issue for the Court's resolution is whether or not grounds exist to hold Atty. Navarro administratively liable in this case.

The Court's Ruling

After a judicious review of the records, the Court concurs with the findings and recommendations of the IBP Commissioner that Atty. Navarro should be held administratively liable in this case.

The act of notarization is not an ordinary routine but is imbued with substantive public interest.¹⁷ A notary public is empowered to perform a variety of notarial acts, most common of which are the acknowledgment and affirmation of documents or instruments. In the performance of these notarial acts, the notary public must be mindful of the significance of the notarial seal affixed on documents. The notarial seal converts a document from a private to a public instrument, after which it may be presented as evidence without need of proof of its genuineness and due execution.¹⁸ A notarized document is entitled to full faith and credit upon its face. Thus, **a notary public should observe utmost care in performing his duties to preserve public confidence in the integrity of notarized documents.**¹⁹

The Court has examined the *original copy*²⁰ of the *Affidavit* that Atty. Navarro denied notarizing and finds the same to be regular and valid on its face, bearing as it does his notarial seal, notarial details, and signature. On this score, and as aptly pointed out by the IBP Commissioner, if Atty. Navarro's signature thereon was forged as he maintains, the question of where and how Dolores was able to obtain the notarial details remains. More importantly, the *Affidavit* is evidently stamped with Atty. Navarro's notarial seal, an irrefutable and concrete evidence of notarization.

The 2004 Rules on Notarial Practice, particularly Rule VI thereof, is explicit on the duties and obligations of the notary public with respect to entries in the Notarial Register, as follows:

RULE VI NOTARIAL REGISTER

SECTION 1. *Form of Notarial Register.* – (a) A notary public shall keep, maintain, protect and provide for lawful inspection as provided in

¹⁷ See *Ang v. Belardo, Jr.*, A.C. 12408, December 11, 2019.

¹⁸ *Castro v. Bigay, Jr.*, 813 Phil. 882, 892 (2017); citation omitted.

¹⁹ See *Bartolome v. Basilio*, 771 Phil. 1, 5 (2015); citation omitted.

²⁰ In the proceedings before the IBP, Atty. Navarro insisted that Dolores produce the original copy of the document, which he claimed the latter never did. However, attached as Annex "A" to Dolores' Position Paper filed before the IBP is what appears to be the original copy of the Affidavit. See *rollo*, p. 47.

these Rules, a chronological official notarial register of notarial acts consisting of a permanently bound book with numbered pages.

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SEC. 2. Entries in the Notarial Register. – (a) **For every notarial act, the notary shall record in the notarial register at the time of notarization** the following:

- (1) the entry number and page number;
- (2) the date and time of day of the notarial act;
- (3) the type of notarial act;
- (4) the title or description of the instrument, document or proceeding;
- (5) the name and address of each principal;
- (6) the competent evidence of identity as defined by these Rules if the signatory is not personally known to the notary;
- (7) the name and address of each credible witness swearing to or affirming the person's identity;
- (8) the fee charged for the notarial act;
- (9) the address where the notarization was performed if not in the notary's regular place of work or business; and
- (10) any other circumstance the notary public may deem of significance or relevance.

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(e) The notary public shall give to each instrument or document executed, sworn to, or acknowledged before him a number corresponding to the one in his register, and shall also state on the instrument or document the page/s of his register on which the same is recorded. No blank line shall be left between entries.

x x x x

(g) At the end of each week, the notary public shall certify in his notarial register the number of instruments or documents executed, sworn to, or acknowledged, or protested before him; or if none, this certificate shall show this fact. (Emphasis supplied)

As certified by the Office of the Clerk of Court of the RTC in Malolos City, Bulacan, the *Affidavit* which Atty. Navarro notarized and bore his notarial seal was not included in the latter's report for the month of August 2007. Given the evidentiary value accorded to notarized documents, Atty. Navarro's failure to record the document in his notarial register corresponds to falsely making it appear that the document was notarized when, in fact, it was not.²¹ "If the document or instrument does not appear in the notarial records and there is no copy of it therein, doubt is engendered that the document or instrument was not really notarized, so that it is not a public document and cannot bolster any claim made based on this document."²² It cannot be overemphasized that notaries public are urged to observe with

²¹ See *Malvar v. Baleros*, 807 Phil. 16, 29 (2017); citation omitted.

²² *Bernardo v. Ramos*, 433 Phil. 8, 16 (2002).

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utmost care and utmost fidelity the basic requirements in the performance of their duties; otherwise, the confidence of the public in the integrity of notarized deeds will be undermined.²³

Indubitably, Atty. Navarro was remiss in his duties as a notary public, causing prejudice and injury not only to Dolores but more importantly, to Donna Belle, whose Certificate of Live Birth contained inaccuracies when she needed the same for employment purposes. Undeniably, this failure on the part of Atty. Navarro constitutes a transgression of the 2004 Rules on Notarial Practice, for which he must be held administratively liable.

In a number of cases, the Court has subjected lawyers who were remiss in their duties as notaries public to disciplinary sanction. Failure to enter the notarial acts in one's notarial register, as in this case, constitutes dereliction of a notary public's duties which warrants the revocation of a lawyer's commission as a notary public.²⁴ In the cases of *Malvar v. Baleros*²⁵ and *Bartolome v. Basilio*,²⁶ where the notaries public committed similar violations of the Notarial Rules such as failure to record a notarized document in their respective notarial registers, the Court meted out the penalty of revocation of notarial commission, disqualification for two (2) years from being appointed as a notary public, and suspension from the practice of law for six (6) months. Finding the same infraction to have been committed by Atty. Navarro in this case, the Court deems it proper to impose the same penalty upon him.

WHEREFORE, respondent Atty. Cenon J. Navarro (Atty. Navarro) is found **GUILTY** of violating the 2004 Rules on Notarial Practice. Accordingly, he is **SUSPENDED** from the practice of law for a period of six (6) months, effective upon receipt of this Decision. Moreover, his notarial commission, if any, is hereby **IMMEDIATELY REVOKED**, and he is **DISQUALIFIED** from being commissioned as a notary public for a period of two (2) years.

Atty. Navarro is **DIRECTED** to immediately file a manifestation to the Court that his suspension has started, copy furnished all courts and quasi-judicial bodies where he had entered his appearance as counsel.

Let copies of this Decision be furnished to: (1) the Office of the Bar Confidant to be appended to Atty. Navarro's personal record as an attorney; (2) the Integrated Bar of the Philippines for its information and guidance; and

²³ *Malvar v. Baleros*, supra.

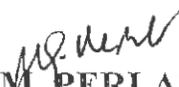
²⁴ *Agadan v. Kilaan*, 720 Phil. 625, 634 (2013).

²⁵ Supra.

²⁶ Supra.

(3) the Office of the Court Administrator for circulation to all courts in the country.

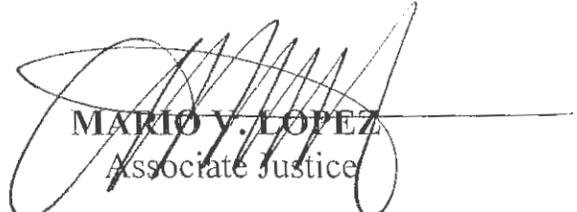
SO ORDERED.


ESTELA M. PERLAS-BERNABE
Senior Associate Justice

WE CONCUR:


ALEXANDER G. GESMUNDO
Associate Justice


AMY C. LAZARO-JAVIER
Associate Justice


MARIO V. LOPEZ
Associate Justice

On Official Leave
RICARDO R. ROSARIO
Associate Justice