



Republic of the Philippines  
Supreme Court  
Manila

SECOND DIVISION

HEIR OF HERMINIGILDO A. UNITE, REPRESENTED BY HIS SOLE HEIR FLORENTINO S. UNITE, AND HEIR OF ODYLON UNITE TORRICES, REPRESENTED BY SOLE HEIR MIGUEL B. TORRICES,

*Complainants,*

A.C. No. 13636 [Formerly CBD Case No. 15-4510]

Members:

LEONEN, *SAJ.*, Chairperson,  
LAZARO-JAVIER,  
LOPEZ, M.  
LOPEZ, J.  
KHO, JR., *JJ.*

-versus-

Promulgated:

FEB 22 2023

ATTY. RAYMUND P. GUZMAN,  
*Respondent.*

x-----x

DECISION

LAZARO-JAVIER, J.:

Antecedents

In their Complaint<sup>1</sup> dated January 27, 2015, Florentino S. Unite (Florentino), sole heir of Herminigildo A. Unite (Herminigildo), and Miguel B. Torrices (Miguel), sole heir of Odylon Unite Torrices (Odylon), (hereafter referred to as complainants) sought the disbarment of Atty. Raymund P.

<sup>1</sup> Rollo, pp. 31-43.

Guzman for violations of: 1) Rule 1.01<sup>2</sup> of the Code of Professional Responsibility (CPR); 2) Lawyer's Oath; and 3) the 2004 Rules on Notarial Practice under A.M. No. 02-8-13-SC.<sup>3</sup>

Complainants alleged they are the legal and compulsory heirs of Teodora A. Unite (Teodora) who died intestate on January 6, 2005. Teodora's brother Herminigildo had an only child,<sup>4</sup> herein complainant Florentino. On the other hand, Miguel is the only heir of Odylon, son of Teodora's sister Dominga Unite Torrices.<sup>5</sup>

On November 24, 2010, respondent notarized a Deed of Donation Inter Vivos between Jose Unite Torrices (Jose),<sup>6</sup> donor, and his daughter Cecile Yvonne B. Torrices (Cecile), donee, covering a parcel of land per Transfer Certificate of Title No. T-20432(S)<sup>7</sup> described as Lot 2920, Pls-706 located in Poblacion Sta. Cruz, Ballesteros, Cagayan, viz.:<sup>8</sup>

### **DEED OF DONATION INTER-VIVOS**

KNOW ALL MEN BY THESE PRESENTS:

This DEED OF DONATION, made and executed by and among JOSE U. TORRICES, of legal age, Filipino, married to Lolita B. Torrices, and residing in Ballesteros, Cagayan, hereinafter called the DONOR and CECILE YVONNE B. TORRICES, of legal age, Filipino citizen, married to Benjamin Rosario and resident of Ballesteros, Cagayan, hereinafter called, the DONEE.

That the DONOR is the absolute owner of that certain parcel of land described as follows:

"A parcel of land Lot No. 2920, Pls-706, situated at Poblacion (Now-Sta. Cruz, Ballesteros, Cagayan, containing an area of TWO THOUSAND THREE HUNDRED AND NINETY SIX (2,396) [s]q. [m]eters, more or less, [b]ounded on the NW, along line 1-2 by lot 2918, Pls-706, along line 2-3 by lot 2921, Pls-706, on the NE & E, along line 3-4-5-6-7 by road, on the S, along line 7-8, by lot 2916, Pls-706, and on the SW, along lines 8-9-10-1 by lot 2917, Pls-706, covered by TCT No. T-20432(S) of the Registry of Deeds of Cagayan.[?]"

That for and in consideration of the love and affection which the DONOR has for the DONEE and of the faithful services the latter have rendered in the past to the former, the said DONOR, by these presents do hereby CEDE, TRANSFER[,] and CONVEY, by way of DONATION unto said DONEE, [her] heirs, successors[,] and assigns, a portion of the property above-described containing an area of ONE THOUSAND SEVEN

<sup>2</sup> Code of Professional Responsibility. Canon 1, Rule 1.01 -- A lawyer shall not engage in unlawful, dishonest, immoral, or deceitful conduct, June 21, 1988.

<sup>3</sup> A.M. No. 02-8-13-SC, 2004 Rules on Notarial Practice, July 6, 2004.

<sup>4</sup> *Rollo*, p. 2. With Aurea Sampayan-Unite.

<sup>5</sup> *Id.* at 2-3.

<sup>6</sup> Married to Lolita B. Torrices.

<sup>7</sup> *Rollo*, p. 4.

<sup>8</sup> *Id.* at 3.

HUNDRED AND FORTY THREE (1,743) SQ. METERS, more or less, and all improvements existing [thereon], free from lien and encumbrances. That said parcel of land is NOT TENANTED.

That the DONOR does hereby state for the purpose of giving full effect to this DONATION, that he has reserved for himself full ownership [of] sufficient property to support him in [a] manner appropriate to his needs.

#### ACCEPTANCE

That the DONEE does hereby accept this DONATION of the above-described parcel of land and do hereby express her gratitude for the kindness and liberality of the DONOR.

IN WITNESS WHEREOF, the parties have hereunto set their hand this Nov. 24, 2010 at Tuguegarao City, Cagayan, Philippines.

Signed  
JOSE U.  
TORRICES  
TIN # 140-073-617  
Donor

Signed  
LOLITA B.  
TORRICES  
Donor's  
Wife

Signed  
CECILE YVNONE B.  
TORRICES  
Donee/Daughter

SIGNED IN THE PRESENCE OF \_\_\_\_\_ & \_\_\_\_\_

#### ACKNOWLEDGEMENT

REPUBLIC OF THE PHILIPPINES)  
PROVINCE OF CAGAYAN ) S.S  
TUGUEGARAO CITY )

BEFORE ME, personally appeared the above-named persons, known to me and to me known to be the same persons who executed the foregoing instrument and acknowledged to me that the same to be their own free and voluntary acts and deeds.

WITNESS MY HAND AND NOTARIAL SEAL on the date and place above-written.

Signed  
ATTY. RAYMUND P. GUZMAN

Doc. No. 166[;]  
Page No. 33[;]  
Book No. XLI[;]  
Series of 2010.<sup>9</sup>

<sup>9</sup> Rollo, p. 10.



Jose fraudulently registered TCT No. T-20432(S) under his name because the transfer to him by the original owner, Teodora, was by virtue of a defectively notarized Deed of Donation Inter Vivos.

Through false and malicious misrepresentation, Jose, in connivance with his wife Lolita B. Torrices (Lolita) and son Llewelyn John B. Torrices, executed the Deed of Donation Inter Vivos and illegally transferred the ownership of a portion of the subject parcel of land to his own daughter Cecile as donee. This document was notarized by respondent per Document No. 166, Page No. 33, Book No. XLI, Series of 2010.<sup>10</sup>

Apart from notarizing the falsified Deed of Donation Inter Vivos, respondent failed to require the parties to present their respective competent evidence of identities bearing their photographs and signatures.<sup>11</sup> By notarizing the defective Deed of Donation Inter Vivos, respondent violated his oath as a lawyer and Rule 1.01<sup>12</sup> of the CPR.

Further, per Certification<sup>13</sup> dated July 21, 2017, the Bureau of Immigration confirmed that Cecile, who appeared to have signed and accepted the donation, was actually abroad on November 24, 2010, the date when the Deed of Donation Inter Vivos was supposedly executed, *viz.*:

#### CERTIFICATION

THIS IS TO CERTIFY THAT the name **ROSARIO, CECILE YVONNE TORRICES**, born on **10 March 1969**, appears in our available Computer Database File with the following **travel record/s** as shown in the attached list.

This certification is issued upon the request of **Atty. Rommel H. Sumedca**, Clerk of Court V, Regional Trial Court, National Capital Judicial Region[,] Quezon City, Branch 101, for whatever legal purpose it may serve.

X X X X

Signed  
**ANGELITO D. LOPEZ**  
Authorized Signing Officer<sup>14</sup>

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<sup>10</sup> *Id.* at 3 and 10.

<sup>11</sup> *Id.* at 10.

<sup>12</sup> *Supra* note 2.

<sup>13</sup> *Rollo*, p. 346.

<sup>14</sup> *Id.*

On January 15, 2015, complainants filed before the Regional Trial Court (RTC) Ballesteros, Cagayan a Complaint for Annulment of the Deed of Donation Inter Vivos affecting a portion of the subject property, the Deed of Absolute Sale affecting another portion thereof, and their respective Transfer Certificate of Title Nos. T-20432(S)<sup>15</sup> and 034-2011000141,<sup>16</sup> liquidation/accounting, and damages. The case was raffled to Branch 33.<sup>17</sup>

Respondent, on the other hand, denied the accusations against him and countered that the present administrative case was meant only to harass him. He nonetheless admitted that he notarized the Deed of Absolute Sale executed between Jose and Jimmy Concepcion (Jimmy) involving a portion of the land covered by TCT No. T-20432(S). As for the remaining portion of the land, he notarized the questioned Deed of Donation Inter Vivos. He claimed though to have required the parties to this later instrument to individually present their two current government-issued identification cards bearing their photographs. To support his compliance with the Rules on Notarial Practice, he adduced in evidence Jose's Affidavit dated June 1, 2015, *viz.*:<sup>18</sup>

#### AFFIDAVIT OF WITNESS

That I, JOSE U. TORRICES, of legal age, Filipino, widow[,] and resident of Centro West, Ballesteros, Cagayan, after first having been duly sworn to in accordance with law hereby depose and say:

1. That I am the former registered owner of certain parcels of land which are more particularly described, as follows, to wit:

1.a. "Lot No. 2920, [sic] Pls-706 situated at Poblacion, [sic] now Sta. Cruz, Ballesteros, Cagayan containing an area of two thousand three hundred ninety six (2,396) sq.m. more or less and formerly covered TCT No. T-20432."

1.b. "Lot No[,] 5655, Pls-706 situated at Fugu, Ballesteros, Cagaya[n] containing an area of 25,673 sq.m more or less and formerly covered under OCT No. P-4059.

2. That I lawfully acquired said parcel of land by virtue of a document styled as Deed of Donation Inter [V]ivos ... by my Aunt, Teodora A[,] Unite, single[,] and duly notarized on November 06, 2004 by Notary Public Delfin Taala of Ballesteros, Cagayan with Doc. No. 2111, Page No. 13, Book No. LXXXIII[,] and Series of 2004;

3. That likewise, I also acquired the parcel (sic) of land described by virtue of Deed of Self-Adjudication with Sale and being the only heir of the late Herminigildo Unite considering that he died as single in [s]tatus, I sold a portion of the above-described land with an area of 5,673 sq[.]m. more or less in favor of Francisco U. Tamayo of Fugu, Ballesteros, Cagayan on

<sup>15</sup> *Id.* at 84.

<sup>16</sup> *Id.* at 29.

<sup>17</sup> *Id.* at 31-43.

<sup>18</sup> *Id.* at 385-390.

December 09, 2012 and duly notarized by Atty. Raymund P. Guzman with Doc. No. 365, Page No. 73, Book No. 44, and Series of 2012;

4. That also, last November 24, 2010, I donated a portion of the above-described land in favor of my daughter Cecile Yvonne B. Torrices with an area of 1,743 sq.m. more or less and sold a portion of the above-described land with an area of six hundred fifty three (653) sq.m. more or less in favor of the vendees, Jimmy Concepcion married to Edna Alcasid Concepcion and residing in Sta. Cruz, Ballesteros, Cagayan and hence, I came personally to the Law Office of Notary Public, Atty. Raymund P. Guzman at Tuguegarao City to have the said documents (notarized) and the said Notary Public required to present at least two (2) current government identification cards with pictures and community tax receipt as indicated in the said document which I immediately presented the same[;]

5. That said Atty. Raymund P. Guzman conducted an interview of me together with my daughter, Cecile Yvonne B. Torrices, vendees Jimmy Concepcion married to Edna Alcasid Concepcion on November 24, 2010 and to the vendee, Francisco U. Tamayo on December 09, 2012 respectively who were also present as to our capacity and personality to enter into such deed/instrument by requiring us to present further proof of being the registered owner thereof wherein (sic) I am the registered and lawful owner thereof and the said Notary Public was fully convinced of the same and the said [D]eed of [D]onation [I]nter [V]ivos was registered in his Notarial Book with Doc. No. 164, Page No. 33, Book No. XLI and Series of 2010, Page No. 165, Page No. 33, Book No. XLI and Series of 2010 and Doc. No. 365, Page No. 73, Book No. 44[,] and Series of 2012 respectively;

6. That there is no truth about the allegation of connivance, fraud[,] and bad faith on the part of the Notary Public, Atty. Raymu[n]d P. Guzman considering that I voluntarily and lawfully executed the foregoing Deed of Donation Inter Vivos in favor of my daughter Cecile Yvonne B. Torrices and Deed of Self[-]Adjudication with Sale and that I understood the contents thereof;

7. Finally, I executed the said Deed of Donation dated November 24, 2010, Deed of Self-Adjudication with Sale dated December 09, 2012[,] and Deed of Absolute Sale of a Portion of land in favor of Jimmy Co Concepcion dated November 24, 2010 before the said Notary Public and that I acknowledged the same as my own free act and deed[,] and that the said Notary Public Atty. Raymund P. Guzman upon verification of our proof of identities that we are the same persons who executed and acknowledged before him the said document, notarized the same;

8. That I am executing this Sworn Statement in order to attest to the truth and veracity of the foregoing and that I have read and understood the contents thereof; [and]

9. That likewise, the same is executed freely an[d] voluntarily without any force nor intimidation whatsoever.<sup>19</sup>

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<sup>19</sup> *Id.* at 259-260.

Attached to this Affidavit were Jose's Professional Regulation Commission License and Government Service Insurance System ID. After his interview of the parties, with Jose himself declaring that he was the registered and lawful owner of the subject parcel of land, respondent was convinced that the parties to the Deed of Donation Inter Vivos had indeed the capacity to enter into the said transaction.

He prayed that the present disbarment suit be dismissed, or at least the proceedings be held in abeyance in view of the pending civil action involving the Deed of Donation Inter Vivos.

**Report and Recommendation of the  
Integrated Bar of the Philippines -  
Commission on Bar Discipline**

In its Report and Recommendation<sup>20</sup> dated October 15, 2016, the Integrated Bar of the Philippines-Commission on Bar Discipline (IBP-CBD) recommended that his notarial commission be revoked, and he be disqualified from being commissioned as notary public for one year with stern warning that a repetition of the same negligent act will be dealt with more severely, *viz.*:

WHEREFORE, premises considered, this Commission hereby recommends that the notarial commission of Respondent ATTY. RAYMUND P. GUZMAN be revoked, if subsisting and that he be disqualified from being commissioned as such for a period of one (1) year with a warning that a repetition of the same negligent acts charged in the complaint will be dealt with more severely.<sup>21</sup>

It held that respondent violated Section 1 (pars. 2 and 5),<sup>22</sup> Rule IV of the 2004 Rules on Notarial Practice. It ruled that, not only did the Deed of Donation Inter Vivos fail to contain competent evidence of the identities of Jose, Lolita, and Cecile, respondent also failed to prove that the persons who executed the document were personally known to him. The presentation of government-issued identification cards of Jose four years after the execution of the notarial document was a mere afterthought. Worse, respondent did not present, albeit, belatedly, any identification cards of Lolita and Cecile.

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<sup>20</sup> *Id.* at 393-406.

<sup>21</sup> *Id.* at 406.

<sup>22</sup> *Supra* note 3. Rule IV - Powers and Limitations of Notaries Public  
Sec. 1. *Powers.* — (a) A notary public is empowered to perform the following notarial acts:  
(1) acknowledgments;  
(2) oaths and affirmations;  
(3) jurats;  
(4) signature witnessings;  
(5) copy certifications: and  
x x x x

As for violations of the CPR and the Lawyer's Oath, the IBP-CBD dismissed the same for lack of evidence that respondent was motivated by immoral or illegal considerations or had otherwise connived with the parties who executed the subject document.

### **Resolutions of the Integrated Bar of the Philippines Board of Governors**

By Resolution<sup>23</sup> dated June 17, 2017, the Integrated Bar of the Philippines-Board of Governors (IBP-BOG) included the penalty of suspension from the practice of law for six months.

Respondent moved for reconsideration. He insisted anew that he required the parties to present at least two government identification cards bearing their photographs. At any rate, he was deemed to have substantially complied with the rules when the parties identified themselves to him as the signatories to the instrument. He manifested that he personally knew Jose since the latter frequently consulted his office on some other legal matters.

Complainants, on the other hand, opposed respondent's Motion for Reconsideration reiterating that respondent's infraction should merit the supreme penalty of disbarment. They also maintained that Cecile could not have accepted the donation since she was out of the country when the Deed of Donation Inter Vivos was notarized per Certification<sup>24</sup> of the Bureau of Immigration.

By Resolution dated October 5, 2018, the IBP-BOG granted respondent's Motion for Reconsideration and dismissed the case.<sup>25</sup> In its Extended Resolution<sup>26</sup> dated July 2, 2022, Commissioner Ronald B. Beltran, by authority of the BOG, ruled that respondent substantially complied with the 2004 Rules on Notarial Practice. Respondent properly dispensed with the presentation of competent proof of identity because he personally knew Jose.

The BOG, nonetheless, did not lend credence to the Certification of the Bureau of Immigration because the name borne therein was "Rosario, Cecile Yvonne Torrices" while the donee in the Deed of Donation Inter Vivos was "Cecile Yvonne B. Torrices."

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<sup>23</sup> *Id.* at 349.

<sup>24</sup> *Id.* at 346.

<sup>25</sup> *Id.* at 383-384.

<sup>26</sup> *Id.* at 385-390.

### Ruling

Notarization is not an empty, meaningless, or routinary act.<sup>27</sup> The act of notarization is impressed with public interest. It converts a private document to a public document, making it admissible in evidence without further proof of its authenticity. A notarial document is, by law, entitled to full faith and credence. As such, a notary public must observe with *utmost care* the basic requirements in the performance of his or her duties in order to preserve the confidence of the public in the integrity of the notarial system. Notaries must, therefore, inform themselves of the facts they certify to; more importantly, they should not take part or allow themselves to be part of illegal transactions.<sup>28</sup>

Section 2(b), paragraph 2, Rule IV of the 2004 Rules on Notarial Practice ordains that a notary public shall *not* perform a notarial act if:

- a) the affiant is not in the notary's presence at the time of the notarization; and
- b) the affiant is not personally known to the notary public or otherwise identified by the notary public through competent evidence of identity as identified by the Rules.<sup>29</sup>

As to what constitutes competent evidence of identity, Section 12, Rule II of the 2004 Rules on Notarial Practice enumerates the same:

**Sec. 12. *Competent Evidence of Identity.*** — The phrase “competent evidence of identity” refers to the identification of an individual based on:

(a) at least one current identification document issued by an official agency bearing the photograph and signature of the individual, such as but not limited to, passport, driver's license, Professional Regulations Commission ID, National Bureau of Investigation clearance, police clearance, postal ID, voter's ID, Barangay certification, Government Service and Insurance System (GSIS) e-card, Social Security System (SSS) card, Philhealth card, senior citizen card, Overseas Workers Welfare Administration (OWWA) ID, OFW ID, seaman's book, alien certificate of registration/immigrant certificate of registration, government office ID, certification from the National Council for the Welfare of Disabled Persons (NCWDP), Department of Social Welfare and Development (DSWD) certification; or<sup>30</sup>

<sup>27</sup> See *Lim v. Acero*, A.C. No. 11025, October 2, 2019 [Notice].

<sup>28</sup> See *Dandoy v. Edayan*, 832 Phil. 132, 139 (2018) [Per J. Perlas-Bernabe, Second Division].

<sup>29</sup> *Supra* note 27.

<sup>30</sup> A.M. No. 02-8-13-SC, 2004 Rules on Notarial Practice (Additional Guidelines for the Implementation of the MOA between OCA and OSG on Notarial Registers), February 19, 2008.

(b) the oath or affirmation of one credible witness not privy to the instrument, document or transaction who is personally known to the notary public and who personally knows the individual, or of two credible witnesses neither of whom is privy to the instrument, document or transaction who each personally knows the individual and shows to the notary public documentary identification.<sup>31</sup>

Here, respondent was utterly remiss in his duty when he notarized the subject instrument, *sans* the parties' competent proofs of identity. The acknowledgment portion of the document reads:

IN WITNESS WHEREOF, the parties have hereunto set their hand this Nov. 24, 2010 at Tuguegarao City, Cagayan, Philippines.

Signed  
JOSE U.  
TORRICES  
TIN # 140-073-617  
Donor

Signed  
LOLITA B.  
TORRICES  
Donor's  
Wife

Signed  
CECILE YVVONE B.  
TORRICES  
Donee/Daughter

SIGNED IN THE PRESENCE OF \_\_\_\_\_ & \_\_\_\_\_

#### ACKNOWLEDGEMENT

REPUBLIC OF THE PHILIPPINES)  
PROVINCE OF CAGAYAN ) S.S  
TUGUEGARAO CITY )

BEFORE ME, personally appeared the above-named persons, known to me and to me known to be the same persons who executed the foregoing instruments and acknowledged to me that the same to be their own free and voluntary acts and deeds.

WITNESS MY HAND AND NOTARIAL SEAL on the date and place above-written.

Signed  
ATTY. RAYMUND P. GUZMAN

Doc. No. 166[;]  
Page No. 33[;]  
Book No. XLI[;]  
Series of 2010.<sup>32</sup>

<sup>31</sup> *Supra* note 3.

<sup>32</sup> *Rollo*, p. 10.

Discernibly, the document did not bear the parties' competent proof of identity. Under Jose's name was only his Tax Identification Number while under the names of Lolita and Cecile, there were absolutely no entries at all.<sup>33</sup>

True, a notary public may dispense with the presentation of competent proof of identity if such signatory is personally known to him or her.<sup>34</sup> The phrase "personally known" means the notary public has personal knowledge of the signatory's personal circumstances independent of any representations made by the signatory immediately before and/or during the time of the notarization.<sup>35</sup> Here, the acknowledgment portion does not bear any statement or proof that respondent personally knew Jose before or during the notarization of the subject instrument.

In A.C. No. 12062 entitled *Heir of Unite v. Guzman*,<sup>36</sup> a case involving the same parties here, respondent notarized a Deed of Absolute Sale over a parcel of land covered by OCT No. 4059 of the Registry of Deeds for Cagayan, notwithstanding the absence of competent evidence of identity of Jose Torrices (vendor) and Francisco U. Tamayo (vendee) as required by the Notarial Rules. In that case, the Court found that respondent undoubtedly failed to properly perform his duty as a notary public, thus:

.... By notarizing the Deed notwithstanding the absence of the competent evidence of identity required by the Notarial Rules, respondent undoubtedly failed to properly perform his duty as a notary public.

In this regard, the Court disagrees with the IBP Board of Governor's finding that respondent personally knows the affiant, hence, the CTC suffices. Under Section 2 (b), Rule IV of the Notarial Rules quoted above, a notary public may be excused from requiring the presentation of competent evidence of identity of the signatory before him only if such signatory is personally known to him. In this case, the acknowledgment portion of the Deed does not state that Torrices is personally known to respondent, as the Rules require; rather, it simply states that Torrices is known to me (respondent), thus:

"Personally, came and appeared before me on this \_\_\_\_\_ day of \_\_\_\_\_ at [sic] Tuguegarao City, Cagayan, Jose U. Torrices with his CTC No. appearing below his signature known to me and to me known to be the same person who executed the foregoing instrument and who acknowledged to that the same is her [sic] free act and voluntary deed."

<sup>33</sup> *Id.*

<sup>34</sup> See 834 Phil. 724, 732 (2018). [Per J. Perlas-Bernabe, Second Division].

<sup>35</sup> *Id.* cited, Black's Law Dictionary defines "personal" as "[o]f or affecting a person" or "[o]f or constituting personal property;" while "personal knowledge" as "[k]nowledge gained through firsthand observation or experience, as distinguished from a belief on what someone else has said" (see Black's Law Dictionary, Eighth Edition, pp. 1179 and 888, respectively).

<sup>36</sup> *Id.*

In other words, nowhere in the Deed did respondent declare that Torrices is personally known to him so as to excuse the presentation of any of the enumerated competent evidence of identity. . . .<sup>37</sup>

The same ruling applies to the present case where a similarly worded, albeit, defective acknowledgment, *sans* any proof of the identities of the parties to the instrument, is also involved.

Going now to the alleged Affidavit dated June 1, 2015 of Jose, *viz.*:

#### AFFIDAVIT OF WITNESS

That I, JOSE U. TORRICES, of legal age, Filipino, widow[,] and resident of Centro West, Ballesteros, Cagayan, after first having been duly sworn to in accordance with law hereby depose and say:

1. That I am the former registered owner of certain parcels of land which are more particularly described, as follows, to wit:

1.a. "Lot No. 2920, [sic] Pls-706 situated at Poblacion, [sic] now Sta. Cruz, Ballesteros, Cagayan containing an area of two thousand three hundred ninety six (2,396) sq.m. more or less and formerly covered TCT No. T-20432."

1.b. "Lot No[.] 5655, Pls-706 situated at Fugu, Ballesteros, Cagaya[n] containing an area of 25,673 sq.m more or less and formerly covered under OCT No. P-4059.

2. That I lawfully acquired said parcel(sic) of land by virtue of a document styled as Deed of Donation Inter [V]ivos ... by my Aunt, Teodora A[,] Unite, single[,] and duly notarized on November 06, 2004 by Notary Public Delfin Taala of Ballesteros, Cagayan with Doc. No. 2111, Page No. 13, Book No. LXXXIII[,] and Series of 2004;

3. That likewise, I also acquired the parcel (sic) of land described by virtue of Deed of Self-Adjudication with Sale and being the only heir of the late Herminigildo Unite considering that he died as single in Status, I sold a portion of the above-described land with an area of 5,673 sq[.]m. more or less in favor of Francisco U. Tamayo of Fugu, Ballesteros, Cagayan on December 09, 2012 and duly notarized by Atty. Raymund P. Guzman with Doc. No. 365, Page No. 73, Book No 44, and Series of 2012;

4. That also, last November 24, 2010, I donated a portion of the above- described land in favor of my daughter Cecile Yvonne B. Torrices with an area of 1,743 sq.m. more or less and sold a portion of the above-described land with an area of six hundred fifty three (653) sq.m. more or less in favor of the vendees, Jimmy Concepcion married to Edna Alcasid Concepcion and residing in Sta. Cruz, Ballesteros, Cagayan and hence, I came personally to the Law Office of Notary Public, Atty. Raymund P. Guzman at Tuguegarao City to have the said documents (notarized) and the said Notary Public required to present at least two (2) current government

<sup>37</sup> *Id.* at 732-732.

identification cards with pictures and community tax receipt as indicated in the said document which I immediately presented the same[;]

5. That said Atty. Raymund P. Guzman conducted an interview of me together with my daughter, Cecile Yvonne B. Torrices, vendees Jimmy Concepcion married to Edna Alcasid Concepcion on November 24, 2010 and to the vendee, Francisco U. Tamayo on December 09, 2012 respectively who were also present as to our capacity and personality to enter into such deed/instrument by requiring us to present further proof of being the registered owner thereof wherein (sic) I am the registered and lawful owner thereof and the said Notary Public was fully convinced of the same and the said [D]eed of [D]onation [I]nter [V]ivos was registered in his Notarial Book with Doc. No. 164, Page No. 33, Book No. XLI and Series of 2010, Page No. 165, Page No. 33, Book No. XLI and Series of 2010 and Doc. No. 365, Page No. 73, Book No. 44[,] and Series of 2012 respectively;

6. That there is no truth about the allegation of connivance, fraud[,] and bad faith on the part of the Notary Public, Atty. Raymu[n]d P. Guzman considering that I voluntary and lawfully executed the foregoing Deed of Donation Inter Vivos in favor of my daughter Cecile Yvonne B. Torrices and Deed of Self[-]Adjudication with Sale and that I understood the contents thereof;

7. Finally, I executed the said Deed of Donation dated November 24, 2010, Deed of Self-Adjudication with Sale dated December 09, 2012[,] and Deed of Absolute Sale of a Portion of land in favor of Jimmy Co Concepcion dated November 24, 2010 before the said Notary Public and that I acknowledged the same as my own free act and deed[,] and that the said Notary Public Atty. Raymund P. Guzman upon verification of our proof of identities that we are the same persons who executed and acknowledged before him the said document, notarized the same;

8. That I am executing this Sworn Statement in order to attest to the truth and veracity of the foregoing and that I have read and understood the contents thereof; [and]

9. That likewise, the same is executed freely an[d] voluntarily without any force nor intimidation whatsoever.<sup>38</sup>

This Affidavit does not in any way exculpate respondent from his ensuing administrative liability. On the contrary, Jose's Affidavit serves as proof of respondent's failure to comply with the 2004 Rules on Notarial Practice. Had respondent not been remiss in his duty as notary public, there would have been no need for the execution of this Affidavit.

In any event, if as respondent asserts, he had ascertained the identities of the parties by requiring the presentation of competent proofs of their respective identities, he could have easily entered the same in the acknowledgment portion of the subject document. The fact that he did not simply means he did not require the presentation of the supposed proofs of the parties' identities, nor did the parties volunteer to him relevant information about themselves. At any rate, the attachment of Jose's identification cards to

<sup>38</sup> *Rollo*, pp. 259-260.

his Affidavit came too late in the day. It does not, in any way, cure the defective notarization of the Deed of Donation Inter Vivos, let alone exculpate respondent from his consequent liability.

But even if we lend credence to the belatedly submitted proofs of identity of Jose, there is still the question of the two other parties to the instrument, Lolita and Cecile – they absolutely have no competent proof of their identities on record. Respondent has not addressed this fatal omission either. On this score, we quote with affirmance the disquisition of the IBP-CBD, thus:

Second, contrary to the acknowledgment made by herein Respondent notary public that the persons who executed the “Donation Inter-Vivos” are known to him, the evidence showed otherwise. In his Answer (Rollo, pp. 148-150) and [i]n his position paper (Rollo, pp. 307-318), Respondent did not allege nor raise the defense that the persons who executed the questioned notarial document are personally known to him which would justify him from not requiring the persons known to him from presenting the competent evidence of identities which are required under the Rules had said persons were not personally known to him. In fact, in the Affidavit of Jose U. Torrices dated 01 June 2015 (Rollo, pp. 274-275) Respondent tried to justify the incomplete notarial acknowledgment executed on 24 November 2010 by belatedly presenting the Senior’s Citizen’s ID (Rollo, p. 276), PRC[,] and GSIS (Rollo, p. 277). The presentation of said government issued IDs, more than four (4) years after the execution of the notarial document eloquently speaks that Respondent’s defense is a mere afterthought. In fact, Respondent failed to present the notarial book or report which will support his allegations. Obviously glaring is the fact th[at] while Respondent tried to show the government issued identification cards of Mr. Jose U. Torrices, no identification cards of Lolita B. Torrices and Cecile Yvonne B. Torrices were presented or shown.<sup>39</sup>

Verily, for notarizing the Deed of Donation Inter Vivos, *sans* the parties’ competent proofs of identity, respondent violated the 2004 Rules on Notarial Practice, as well as Canon 1, Rule 1.01 of the CPR, *viz.*:

**CANON 1** — A lawyer shall uphold the constitution, obey the laws of the land and promote respect for law and for legal processes.

**RULE 1.01** A lawyer shall not engage in unlawful, dishonest, immoral, or deceitful conduct.<sup>40</sup>

Regarding the Certification from the Bureau of Immigration that Cecile was abroad when the Deed of Donation Inter Vivos was executed, we sustain the decision of the IBP-BOG to not give credence thereto in view of the clear discrepancy between the name **Rosario, Yvonne Cecile Torrices** indicated in the Certification itself, and the name **Cecile Yvonne B. Torrices** indicated

<sup>39</sup> *Id.* at 402-403

<sup>40</sup> Code of Professional Responsibility, June 21, 1988.

as the donee in the Deed of Donation Inter Vivos. The discrepancy is substantial and complainants did not bother to explain it or have it rectified.

### *Penalty*

It does not escape us that respondent had already been found liable twice for notarizing instruments executed by the same Jose.

In A.C. No. 12062 entitled *Heir of Unite v. Guzman*,<sup>41</sup> the Court found respondent guilty of violation of the 2004 Rules on Notarial Practice and the CPR for his failure to confirm the identity of Jose through competent evidence of identity when he notarized Jose's Deed of Self-Adjudication with Sale dated December 19, 2012 in favor of one Francisco U. Tamayo involving a parcel of land covered by OCT No. 4059. There, Jose only presented as proof of identity his Community Tax Certificate. In his defense though, respondent, as here, asserted that he required each of the parties to the Deed of Self-Adjudication with Sale to present to him at least two current government identification documents; and that he even did an interview with them to ascertain their capacity to enter into the transaction. But the Court, again just like in this case, ruled that had respondent truly did what he said he did to ascertain the identities of the parties in the said instrument, he could have easily reflected these facts already in its Acknowledgment portion, but he did not. Too, the instrument did not bear any statement that Jose was already personally known to respondent to exempt the latter from further requiring Jose to produce to him proof of Jose's identity.

In the aforesaid case, the Court suspended respondent from the practice of law for six months; revoked his commission as a notary public, if he had one at that time; and prohibited him from being commissioned as a notary public for two years.

Meanwhile, in A.C. No. 12061 entitled *Heir of Unite v. Guzman*,<sup>42</sup> the Court suspended respondent anew from the practice of law also for six months; revoked his notarial commission, if he had one at that time; and disqualified him again from being commissioned as a notary public for two years. As it was, the Court found respondent guilty of violating the 2004 Rules on Notarial Practice and Canon 1 of the CPR for notarizing a Deed of Absolute Sale of a Portion of a Parcel of Registered Land covered by TCT No. 20432(S) dated November 24, 2010 between Jose (vendor) and Jimmy (vendee) as respondent merely relied on Jose's CTC, and did not require both parties to present proper identification.

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<sup>41</sup> *Supra* note 34.

<sup>42</sup> A.C. No. 12061, October 16, 2019.

Altogether, respondent notarized, on separate occasions, three conveyances of real properties by Jose in favor of different individuals, during which, each time, respondent never required Jose and all the other parties to produce to him their respective proofs of identity. These transactions are summarized below, thus:

Instrument	Parties	Property Involved	Date of Execution	Defect
<b>Decided Cases</b>				
<b>A.C. No. 12061</b> Deed of Absolute Sale of a Portion of a Parcel of Registered Land	Jose Unite Torrices (vendor) and Jimmy Concepcion (vendee)	A portion of parcel of land per Transfer Certificate of Title No. T-20432(S) described as Lot 2920, Pls-706 located in Poblacion Sta. Cruz, Ballesteros, Cagayan.	November 24, 2010	Jose U. Torrices merely presented a Community Tax Certificate as proof of identity.
<b>A.C. No. 12062</b> Deed of Self-Adjudication with Sale	Jose U. Torrices claiming to be the sole heir of Herminigildo (vendor) in favor of one Francisco U. Tamayo (vendee).	Parcel of land covered by OCT 4059 of the Registry of Deeds, Cagayan	December 19, 2012	Jose U. Torrices merely presented a Community Tax Certificate as proof of identity.
<b>Present Case</b>				
<b>A.C. No. 13636</b> Deed of Donation Inter Vivos	Jose Unite Torrices (donor) and his daughter Cecile Yvonne B. Torrices (donee).	Remaining portion of a parcel of land per Transfer Certificate of Title No. T-20432(S) described as Lot 2920, Pls-706 located in Poblacion Sta. Cruz, Ballesteros, Cagayan.	November 24, 2010	Jose U. Torrices merely presented his Tax Identification Number as proof of identity while Cecile the Donee, and Lolita as donor's wife, did not present any proof of identity.

True, the Court's stern warnings in A.C. Nos. 12061 and 12062 came after the execution and notarization of the Deed of Donation Inter Vivos subject of the present case. Still, there is no denying that the present case is already respondent's third violation of the 2004 Rules on Notarial Practice.

Complainants have even filed a case for Annulment of Deed of Donation Inter Vivos, Annulment of Absolute Sale, and Annulment of Transfer Certificate of Title Nos. T-20432(S) and T-034-2011000141, liquidation/accounting and damages before the RTC for Ballesteros, Cagayan-Branch 33 – all directed against respondent's repeated violation of the 2004 Rules on Notarial Practice.

The Court therefore finds respondent guilty of violation of the 2004 Rules on Notarial Practice for the third time and We cannot afford to be lenient this time.<sup>43</sup> Section 27, Rule 138 of the Rules of Court, as amended, governs the disbarment and suspension of attorneys, viz.:

**Section 27. Disbarment and suspension of attorneys by the Supreme Court; grounds therefor.** — A member of the bar may be disbarred or suspended from his office as attorney by the Supreme Court for any deceit, malpractice, or other gross misconduct in such office, grossly immoral conduct, or by reason of his conviction for a crime involving moral turpitude, or for any violation of the oath which he is required to take before admission to practice, or for a willful disobedience of any lawful order of a superior court, or for corruptly or willfully appearing as an attorney for a party to a case without authority to do so. The practice of soliciting cases at law for the purpose of gain, either personally or through paid agents or brokers constitute malpractice.<sup>44</sup>

For his repeated infractions, the Court deems it proper to suspend respondent from the practice of law for two years. Contrary to his oath to serve as an instrument of justice, he abused his authority as a notary public, and this infraction had sprung numerous cases involving the subject property. Instead of serving as the vanguard against any illegal and immoral arrangements in the execution of documents,<sup>45</sup> respondent became an instrument to the improper transfer of the property subject of this case.

In *Sanchez v. Inton*,<sup>46</sup> the Court suspended therein respondent from the practice of law for two years for notarizing a document without ascertaining the identity of the person who sought for such notarization. According to the Court, not only did respondent's actions cause damage to those directly affected by the same, they also undermined the integrity of the office of a notary public and degraded the function of notarization. In so doing, his conduct fell miserably short of the high standards of morality, honesty, integrity, and fair dealing required of lawyers.

<sup>43</sup> *Vda. Francisco v. Real*, A.C. No. 12689, September 1, 2020. [Per Curiam, *En Banc*].

<sup>44</sup> Rules of Court, Rule 138, sec. 27.

<sup>45</sup> See *Heirs of Torrices v. Galano*, A.C. No. 11870, July 7, 2020. [Per J. Gaerlan, *En Banc*].

<sup>46</sup> A.C. No. 12455, November 5, 2019. [Per J. Perlas-Bernabe, *En Banc*].

Through respondent's acts, notarization became an empty, meaningless, and routinary act. This we cannot allow lest the public's confidence in the notarization system be eroded. With respondent being a notorious violator of the Notarial Rules, the Court declares him perpetually disqualified from being commissioned as notary public.

In *Traya, Jr. v. Villamor*,<sup>47</sup> the Court declared therein respondent perpetually disqualified after being found administratively liable for the second time for notarizing an affidavit without ascertaining the identity of the affiant before him.

So must it be.

**ACCORDINGLY**, Atty. Raymund P. Guzman is found **GUILTY** of violation of the 2004 Rules on Notarial Practice and Canon 1, Rule 1.01 of the Code of Professional Responsibility. He is **SUSPENDED** from the practice of law for **TWO (2) YEARS EFFECTIVE IMMEDIATELY** and declared **PERPETUALLY DISQUALIFIED** from being commissioned as notary public.

The suspension from the practice of law shall take effect immediately upon receipt of this Decision by respondent. He 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 has entered his appearance as counsel.

Let a copy of this Decision be attached to his personal records in the Office of the Bar Confidant.

Furnish a copy of this Decision to the Integrated Bar of the Philippines for its information and guidance, and the Office of the Court Administrator for dissemination to all courts of the Philippines.

**SO ORDERED.**

  
**AMY C. LAZARO-JAVIER**  
Associate Justice

<sup>47</sup> 466 Phil. 919 (2004) [Per J. Carpio-Moraes, *En Banc*].

**WE CONCUR:**



**MARVIC MARIO VICTOR F. LEONEN**  
Senior Associate Justice  
Chairperson



**MARION LOPEZ**  
Associate Justice



**JHOSEP Y. LOPEZ**  
Associate Justice



**ANTONIO T. KHO, JR.**  
Associate Justice



