Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

WILBERTO C. TALISIC,
Complainant,

- versus -

ATTY. PRIMO R. RINEN,
Respondent.

A.C. No. 8761

Present:

SERENO, *C.J.*,
Chairperson,
LEONARDO-DE CASTRO,
BERSAMIN,
VILLARAMA, JR., and
REYES, *JJ.*

Promulgated:

FEB 12 2014

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RESOLUTION

REYES, *J.*:

This is an administrative case instituted by complainant Wilberto C. Talisic (Wilberto) against Atty. Primo R. Rinen[1] (Atty. Rinen), charging the latter with falsification of an Extra Judicial Partition with Sale[2] which allowed the transfer to spouses Benjamin Durante and Eleonor Laviña (Spouses Durante) of a parcel of land formerly owned by Wilberto's mother, Aurora Corpuz (Aurora). The property, measuring 3,817 square meters and situated in *Barangay* Langgas, Infanta, Quezon, was formerly covered by Original Certificate of Title No. P-4875 under Aurora's name.[3] After Atty. Rinen filed his comment on the complaint, the Court referred the case to the Integrated Bar of the Philippines (IBP), Commission on Bar Discipline, for investigation, report and recommendation.[4]

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1 Referred to as Atty. Primo R. Rinen, Sr. in pleadings filed by the respondent.
2 *Rollo*, p. 32A.
3 Id. at 31A.
4 Id. at 17.

Wilberto claimed that his mother Aurora died on May 7, 1987, leaving behind as heirs her spouse, Celedonio Talisic, and their three children, namely: Arlene Talisic Villarazo, Wilberto and Alvin Corpuz Talisic. It was only after his father's death on November 2, 2000 that Wilberto and his siblings knew of the transfer of the subject parcel *via* the subject deed. While Wilberto believed that his father's signature on the deed was authentic, his and his siblings' supposed signatures were merely forged. Wilberto also pointed out that even his name was erroneously indicated in the deed as "Wilfredo".[5]

For his defense, Atty. Rinen denied the charge against him and explained that it was only on April 7, 1994 that he came to know of the transaction between the Spouses Durante and the Talisics, when they approached him in his office as the then Presiding Judge of the Municipal Trial Court, Real, Quezon, to have the subject deed prepared and notarized. His clerk of court prepared the deed and upon its completion, ushered the parties to his office for the administration of oath.[6] The deed contained his certification that at the time of the document's execution, "no notary public was available to expedite the transaction of the parties." Notarial fees paid by the parties were also covered by a receipt issued by the Treasurer of the Municipality of Real, Quezon.[7]

After due proceedings, Investigating Commissioner Felimon C. Abelita III (Commissioner Abelita) issued the Report and Recommendation[8] dated November 20, 2012 for the cancellation of Atty. Rinen's notarial commission and his suspension from notarial practice for a period of one year.[9] The report indicated that per Atty. Rinen's admission, the subject deed was prepared in his office and acknowledged before him. Although there was no evidence of forgery on his part, he was negligent in not requiring from the parties to the deed their presentation of documents as proof of identity. Atty. Rinen's failure to properly satisfy his duties as a notary public was also shown by the inconsistencies in the dates that appear on the deed, to wit: "1994 as to the execution; 1995 when notarized; [and] entered as Series of 1992 in the notarial book x x x."[10]

In the meantime, Atty. Rinen filed a motion for reconsideration[11] of Commissioner Abelita's recommendation. The IBP Board of Governors, nonetheless, adopted and approved on March 20, 2013, via *Resolution*

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5 Id. at 1.
6 Id. at 14-15, 57.
7 Id. at 2.
8 Id. at 136-137.
9 Id. at 137.
10 Id.
11 Id. at 130-131.

No. XX-2013-247, the Investigating Commissioner's Report and Recommendation.[12]

The Court agrees with the findings and recommendations of the IBP.

"[F]aithful observance and utmost respect of the legal solemnity of the oath in an acknowledgment or jurat is sacrosanct."[13] "The notarization of a document carries considerable legal effect. Notarization of a private document converts such document into a public one, and renders it admissible in court without further proof of its authenticity. Thus, notarization is not an empty routine; to the contrary, it engages public interest in a substantial degree x x x."[14]

It must then be stressed that, "a notary public's function should not be trivialized and a notary public must discharge his powers and duties which are impressed with public interest, with accuracy and fidelity."[15] Towards this end, the Court emphasized in *Bautista v. Atty. Bernabe*[16] that "[a] notary public should not notarize a document unless the persons who signed the same are the very same persons who executed and personally appeared before him to attest to the contents and truth of what are stated therein. The presence of the parties to the deed will enable the notary public to verify the genuineness of the signature of the affiant."[17]

In the present case, Atty. Rinen did not deny his failure to personally verify the identity of all parties who purportedly signed the subject document and whom, as he claimed, appeared before him on April 7, 1994. Such failure was further shown by the fact that the pertinent details of the community tax certificates of Wilberto and his sister, as proof of their identity, remained unspecified in the subject deed's acknowledgment portion. Clearly, there was a failure on the part of Atty. Rinen to exercise the due diligence that was required of him as a notary public *ex-officio*. The lapses he committed in relation to such function then justified the recommendations presented by the IBP.

The fact that Atty. Rinen was a trial court judge during the time that he administered the oath for the subject deed did not relieve him of compliance with the same standards and obligations imposed upon other commissioned notaries public. He also could not have simply relied on his clerk of court to perform the responsibilities attached to his function, especially as it pertained to ensuring that the parties to the document were

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12 Id. at 135.
13 *Linco v. Lacebal,* A.C. No. 7241, October 17, 2011, 659 SCRA 130, 135.
14 *Tigno v. Spouses Aquino,* 486 Phil. 254, 267 (2004).
15 *Maria v. Cortez,* A.C. No. 7880, April 11, 2012, 669 SCRA 87, 93.
16 517 Phil. 236 (2006).
17 Id. at 240.

then present, performing an act that was of their own free will and deed. "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."[18] It converts a private document into a public one, making it admissible in court without further proof of its authenticity. Thus, "notaries public must observe with utmost care the basic requirements in the performance of their duties."[19] Otherwise, the confidence of the public in the integrity of public instruments would be undermined.[20]

WHEREFORE, as recommended by the Integrated Bar of the Philippines, the Court **REVOKES** the notarial commission which Atty. Primo R. Rinen may presently have, and **DISQUALIFIES** him from being commissioned as a notary public for one year, effective immediately. He is **WARNED** that a repetition of the same or similar act in the future shall merit a more severe sanction. He is **DIRECTED** to report to this Court the date of his receipt of this Resolution to enable it to determine when the revocation of his notarial commission and his disqualification from being commissioned as notary public shall take effect.

Let copies of this Resolution be furnished the Office of the Bar Confidant to be appended to Atty. Primo R. Rinen's personal record. Likewise, copies shall be furnished to the Integrated Bar of the Philippines and all courts in the country for their information and guidance.

SO ORDERED.

BIENVENIDO L. REYES
Associate Justice

WE CONCUR:

MARIA LOURDES P. A. SERENO
Chief Justice
Chairperson

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18 *Linco v. Lacebal,* supra note 13, at 135.
19 Id.
20 Id.

TERESITA J. LEONARDO-DE CASTRO
Associate Justice

LUCAS P. BERSAMIN
Associate Justice

MARTIN S. VILLARAMA, JR.
Associate Justice