



Republic of the Philippines
Supreme Court
Office of the Court Administrator
Manila

OCA CIRCULAR NO. 44-2005

TO : THE COURT OF APPEALS, SANDIGANBAYAN,
COURT OF TAX APPEALS, REGIONAL TRIAL
COURTS, SHARI'A DISTRICT COURTS,
METROPOLITAN TRIAL COURTS, MUNICIPAL
TRIAL COURTS IN CITIES, MUNICIPAL TRIAL
COURTS, MUNICIPAL CIRCUIT TRIAL COURTS,
SHARI'A CIRCUIT COURTS, THE OFFICE OF THE
STATE PROSECUTOR, PUBLIC ATTORNEY'S
OFFICE AND THE INTEGRATED BAR OF THE
PHILIPPINES

SUBJECT : INDEFINITE SUSPENSION OF THE NOTARIAL
COMMISSION OF ATTY. NAPOLEON CORRAL

For the information and guidance of all concerned, quoted hereunder is the Resolution of the Court En Banc dated October 14, 2004 in Administrative Case No. 6249, entitled "Social Security Commission vs. Atty. Napoleon Corral", to wit:

"In a **Verified Complaint**¹ filed with the Integrated Bar of the Philippines on January 25, 1993, complainant Social Security Commission (hereafter the Commission, for brevity) sought to disbar respondent Atty. Napoleon Corral for preparing, notarizing, and filing with the Commission's Regional Office in Bacolod City two complaints allegedly executed and verified by people who have been long dead.

The Commission alleged that respondent filed the first spurious complaint² on April 18, 1986, on behalf of one Hermogenes Bareno. The complaint was signed by respondent himself, but appeared to have been verified by Bareno with a thumbmark and acknowledged before respondent on April 16, 1986. Later, upon investigation, it was discovered that Bareno had died two years earlier.³

The second spurious complaint,⁴ for its part, was filed on September 10, 1987, on behalf of one Domingo N. Panadero, under similar circumstances. The complaint was likewise signed by respondent himself and likewise appeared to have been verified by Panadero with a thumbmark and acknowledged before respondent

¹ Rollo, pp. 1-5.

² *Id.* at 6.

³ *Id.* at 9, 54.

⁴ *Id.* at 58.

shortly prior to filing. When this complaint was investigated, it was discovered that Panadero had also died long before.⁵

Adding to these charges, the Commission filed on May 16, 1994, a **Supplemental Complaint**.⁶ The Commission added that on July 12, 1990, respondent had filed a third similarly spurious complaint.⁷ Like the other two complaints, the third complaint was signed by respondent himself and likewise appeared to have been subscribed and sworn to before him in Bacolod by the purported complainant, one Catalino de la Cruz, who, upon being investigated, declared in an affidavit that he had never been to Bacolod City for the last ten years, that he had never verified any such complaint, and that he did not even know who respondent was.⁸

Claiming that respondent was liable for misconduct and unethical practice of law, the Commission prayed in both its Verified Complaint and Supplemental Complaint that respondent be disbarred and his name removed from the Roll of Attorneys.

In his Comment, respondent argued that since Hermogenes Bareno's impostor had Bareno's Social Security System (SSS) card, Domingo Panadero's impostor had Panadero's SSS FORM E-1, and Catalino de la Cruz's impostor had an ID, he could not be faulted for not investigating further into their identities. He argued he had sufficiently complied with his obligations as notary public when he relied on what they had presented, especially since they sought only the preparation of simple, but justified, complaints for remittance of unpaid SSS premiums.⁹

After investigating the matter, the Board of Governors of the Integrated Bar of the Philippines issued on September 27, 2003, Resolution No. XVI-2003-175 recommending that respondent be disbarred. The IBP resolution reads:

RESOLUTION NO. XVI-2003-175
CBD Case No. 232
Social Security Commission vs.
Atty. Napoleon Corral

RESOLVED to ADOPT and APPROVE, as it is hereby ADOPTED and APPROVED, the Report and Recommendation of the Investigating Commissioner of the above-entitled case, herein made part of this Resolution/Decision as Annex "A"; and, finding the recommendation fully supported by the evidence on record and the applicable laws and rules, **with modification**, and considering Respondent's violation of Rule 1.01 of Canon 1 of the Code of Professional Responsibility by failure to fulfill his duties and responsibilities as a lawyer and as a Notary Public, Atty. Napoleon Corral is hereby **DISBARRED**.¹⁰

⁵ *Id.* at 69.

⁶ *Id.* at 16-18.

⁷ *Id.* at 19-20.

⁸ *Id.* at 80-81.

⁹ *Id.* at 84-85.

¹⁰ *Id.* at 174.

The Resolution, now before the Court for final action pursuant to Sec. 12 par. (b), Rule 139-B of the Rules of Court,¹¹ is well taken.

Respondent failed to exercise utmost diligence in the performance of his duty under Section 1(a) of Public Act No. 2103,¹² which requires a party to any document notarized by a notary public to personally appear before the latter.¹³ Barenol Panadero, and de la Cruz did not personally appear before respondent. The death certificates presented show that both Barenol Panadero and Panadero had long been dead, while de la Cruz's un rebutted affidavit proves he had never been to Bacolod City where he supposedly verified the complaint. It is a mystery, then, how respondent, in notarizing the complaints, could have certified that Barenol Panadero and de la Cruz personally appeared before him and swore to the truth of the facts stated in the complaints.

Respondent did not clarify whether the forms of identification presented to him and on which he relied were valid IDs. He never expounded on what documents Barenol Panadero's impostor presented or on what kind of ID de la Cruz's impostor showed him. An examination of said SSS Form E-1, presented to him by Panadero's impostor, also shows that it is only a statement of a member's beneficiaries and does not, in any way, tend to prove that the bearer is the member whose name appears on said form. Respondent did not even state what precautions he took to ascertain the identities of those who appeared before him. He asseverated that it was sufficient that he relied on some form of identification, especially since he was merely notarizing simple complaints for remittance of unpaid SSS contributions. Respondent failed to realize that the complaints he had prepared and carelessly notarized would haul the prospective defendants in those complaints to the Commission and cause them to spend valuable time and incur expenses in their defense. Such jaunty indifference betrays his deplorable failure to heed the importance of the notarial act and observe with utmost care the basic requirements in the performance of his duties as a notary public. It is noteworthy to stress here that a notary public is duty bound to

¹¹ SEC. 12. *Review and decision by the Board of Governors.*-

b) If the Board, by the vote of a majority of its total membership, determines that the respondent should be suspended from the practice of law or disbarred, it shall issue a resolution setting forth its findings and recommendations which, together with the whole record of the case, shall forthwith be transmitted to the Supreme Court for final action.

¹² Sec. 1 . . .

(a) The acknowledgment shall be made before a notary public or an officer duly authorized by law of the country to take acknowledgments of instruments or documents in the place where the act is done. The notary public or the officer taking the acknowledgment shall certify that the person acknowledging the instrument or document is known to him and that he is the same person who executed it, and acknowledged that the same is his free act and deed. The certificate shall be made under his official seal, if he is by law required to keep a seal, and if not, his certificate shall so state.

¹³ *Heirs of Amado Celestial v. Heirs of Editha G. Celestial*, G.R. No. 142691, 5 August 2003, 408 SCRA 291, 301.

require the person executing a document to be personally present, to swear before him that he is that person and ask the latter if he has voluntarily and freely executed the same.

Respondent is reminded that faithful observance and utmost respect of the legal solemnity of the oath in an acknowledgment or *jurat* is sacrosanct.¹⁴ Notarization is not an empty, meaningless, routinary act.¹⁵ Being a lawyer, respondent has a graver responsibility because of his solemn oath to obey the laws and to do no falsehood or consent to the doing of any.¹⁶ He is mandated to discharge his duties, which are dictated by public policy and impressed with public interest, with accuracy and fidelity.¹⁷

By recklessly notarizing the complaints without ascertaining that Hermogenes Bareno, Domingo Panadero, and Catalino de la Cruz were indeed personally appearing before him to attest to the contents and truth of what were stated in the complaints he prepared, respondent undermined the confidence of the public on notarial documents. He breached Canon I of the Code of Professional Responsibility which requires lawyers to uphold the Constitution, obey the laws of the land and promote respect for the law and legal processes, and Rule 1.01 thereof, which proscribes lawyers from engaging in unlawful, dishonest, immoral or deceitful conduct.¹⁸ Serious doubts exist in his fitness to continue as a member of an esteemed and honorable profession.

WHEREFORE, for violating Public Act No. 2103, Section 1 (a) and the Code of Professional Responsibility, respondent Atty. Napoleon Corral's notarial commission, if still extant, is **INDEFINITELY SUSPENDED**.¹⁹

Respondent is further **DIRECTED** to **SHOW CAUSE** within ten (10) days from receipt of copy of this Resolution why he should not be disbarred.

SO ORDERED."

Copy of the resolution was received by respondent on November 26, 2004 as shown by Registry Return Receipt No. 56565.

22 April 2005.

PRESBITERO J. VELASCO, JR.
Court Administrator

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¹⁴ Follosco v. Mateo, Adm. Case No. 6186, 3 February 2004, p. 7.

¹⁵ Tabas v. Mangibin, A.C. No. 5602, 3 February 2004, p. 4.

¹⁶ Vda. de Rosales v. Ramos, Adm. Case No. 5645, 2 July 2002, 383 SCRA 498, 506.

¹⁷ Ocampo-Ingcoco v. Yrreverre, Jr., Adm Case No. 5480, 29 September 2003, 412 SCRA 182, 189.

¹⁸ Serzo v. Flores, Adm. Case No. 6040, 30 July 2004, p. 5.

¹⁹ See also A.C. No. 3548, wherein respondent was suspended from the practice of law for 1 year effective November 18, 2002.