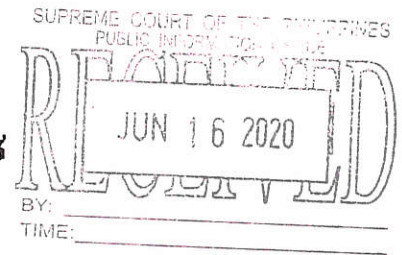




Republic of the Philippines  
Supreme Court  
Manila



THIRD DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated **February 24, 2020**, which reads as follows:

“A.C. No. 10296 (*Winnie B. Francisco v. Atty. Jerome W. Selmo*). –  
The Court resolves to **NOTE**:

- (1) The letter dated November 26, 2019 of Atty. Randall C. Tabayoyong, Director for Bar Discipline of the Integrated Bar of the Philippines (IBP) Commission on Bar Discipline, transmitting to this Court the documents pertaining to this case; and
- (2) The Notice of Resolution dated March 22, 2018 of the IBP Board of Governors adopting the findings of fact and recommendation of the investigating commissioner, with modification of the recommended penalty to immediate revocation of his notarial commission and disqualification from reappointment as notary public for two (2) years and suspending him from the practice of law for six (6) months.

Before the Court is a Letter-Complaint<sup>1</sup> filed by Winnie B. Francisco (*complainant*) against Atty. Jerome W. Selmo (*respondent*) for allegedly participating in falsifying a public document.

**The Antecedents**

A parcel of land in Puguis, La Trinidad, Benguet, known as Lot 23 (*property*) under PSU-1-003217, is the subject of a dispute between complainant and Joseph Sepler Siso, Sr. (*Siso*). On February 2, 1977, Siso executed a Deed of Waiver of Rights<sup>2</sup> in favor of Evelyn Matias (*Matias*). After Matias’ death, her heirs agreed to sell the property to the complainant. Meanwhile, Siso laid claim to the property by filing a case for the cancellation of the Deed of Waiver of Rights and surreptitiously entering the premises,

<sup>1</sup> *Rollo*, pp. 1-2.

<sup>2</sup> *Id.* at 44-45.

which ultimately led to the property's registration under his name.<sup>3</sup> This resulted to a string of cases between complainant and Siso.

Respondent was implicated in the dispute between complainant and Siso when he notarized a Partition Agreement<sup>4</sup> wherein William Bernard, Maximo S. Nabus, Natividad Guinyawan (*Guinyawan*), Albino Tanas (*Tanas*), and Siso, as co-owners, agreed to the partition of the parcel of land covered by PSU-1-003217 which included the property. Complainant claims that respondent falsified the Partition Agreement by deleting the names and signatures of Guinyawan and Tanas to make it appear as if they did not participate in the agreement. This falsified Partition Agreement<sup>5</sup> led to the approval of Siso's application for registration of the property with the Department of Environment and Natural Resources (*DENR*). Complainant posits that respondent's acts warrant disciplinary action "to protect the public" and "the reputation of the organization of lawyers."<sup>6</sup>

In its July 15, 2015 Resolution,<sup>7</sup> the Court referred the case to the Integrated Bar of the Philippines (*IBP*) for report and investigation. On November 12, 2015, respondent filed his Comments and Manifestation.<sup>8</sup>

Respondent does not deny the facts alleged by complainant. He alleges that the erasures were made at the behest of Guinyawan and Tanas. To bolster his allegation, he submitted the Judicial Affidavits of both Guinyawan<sup>9</sup> and Tanas<sup>10</sup> where they explained that the erasures were done upon their instructions. Respondent maintains that the Office of the Provincial Prosecutor of La Trinidad, Benguet dismissed the criminal case filed by complainant against him for the same act based on these Judicial Affidavits; thus, this administrative case should be decided in the same manner.<sup>11</sup>

Only complainant appeared during the mandatory conference and filed a Verified Position Paper.<sup>12</sup>

### The Ruling of the IBP

In its January 2, 2018 Report and Recommendation,<sup>13</sup> IBP-CBD Assistant Director Jeric J. Jubacan (*Investigating Commissioner*) found respondent guilty of violation of Section 1,<sup>14</sup> Rule II of the 2004 Rules on

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<sup>3</sup> Id. at 100.

<sup>4</sup> Id. at 10-11.

<sup>5</sup> Id. at 12-13.

<sup>6</sup> Id. at 100-101.

<sup>7</sup> Id. at 18.

<sup>8</sup> Id. at 21-22.

<sup>9</sup> Id. at 25-27.

<sup>10</sup> Id. at 28-31.

<sup>11</sup> *Supra* note 8.

<sup>12</sup> *Rollo*, pp. 57-61.

<sup>13</sup> Id. at 99-105.

<sup>14</sup> SECTION 1. *Acknowledgment*. — "Acknowledgment" refers to an act in which an individual on a single occasion:

Notarial Practice<sup>15</sup> and Rules 1.01<sup>16</sup> and 1.02<sup>17</sup> of the Code of Professional Responsibility. For these violations, the Investigating Commissioner recommended the suspension of respondent from the practice of law for a period of one (1) year,<sup>18</sup> as well as the revocation of his notarial commission and his disqualification from being commissioned as a notary public for a period of two (2) years.<sup>19</sup>

According to the IBP-CBD, respondent's acts are clear violations of Section 1, Rule II of the 2004 Rules on Notarial Practice since they constitute unlawful, dishonest, immoral, and deceitful conduct promoting defiance of the law:

x x x [R]espondent categorically admitted that the parties to the Partition Agreement appeared before him on August 6, 2009 to acknowledge the execution of said agreement. x x x

x x x x

The respondent also admitted that [Guinyawan] and [Tanas] subsequently appeared before him to ask for the deletion or removal of their names and signatures from the Partition Agreement. It is clear that [Guinyawan] and [Tanas] appeared before the respondent twice, but the latter made it appear that the entire transaction or agreement was made only in a single occasion on August 6, 2009. Worse, the respondent made it appear that [Guinyawan] and [Tanas] did not participate in the Partition Agreement on August 6, 2009, when in truth and in fact they did, as clearly stated in the unedited Partition Agreement. Such acts clearly constitute misrepresentations that should not be tolerated.<sup>20</sup>

The IBP-CBD found respondent's argument that "he did nothing irregular in reforming the partition agreement upon the behest of the parties thereto" when he "erased the names of [Guinyawan and Tanas] upon the [their] own instruction, x x x and counter-signed the erasures" to be an apparent indication that he does not fully comprehend the legal consequences of his actions and his legal duties as a notary public.<sup>21</sup>

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(a) appears in person before the notary public and presents an integrally complete instrument or document;

(b) is attested to be personally known to the notary public or identified by the notary public through competent evidence of identity as defined by these Rules; and

(c) represents to the notary public that the signature on the instrument or document was voluntarily affixed by him for the purposes stated in the instrument or document, declares that he has executed the instrument or document as his free and voluntary act and deed, and, if he acts in a particular representative capacity, that he has the authority to sign in that capacity.

<sup>15</sup> A.M. No. 02-8-13-SC, July 6, 2004.

<sup>16</sup> A lawyer shall not engage in unlawful, dishonest, immoral or deceitful conduct.

<sup>17</sup> A lawyer shall not counsel or abet activities aimed at defiance of the law or at lessening confidence in the legal system.

<sup>18</sup> The Investigating Commissioner based the period of suspension in the penalty meted by the Court in *Atty. Linco v. Atty. Lacebal*, 675 Phil. 160 (2011) and *Lanuzo v. Atty. Bongon*, 587 Phil. 658 (2008).

<sup>19</sup> *Rollo*, p. 105.

<sup>20</sup> *Id.* at 103-104.

<sup>21</sup> *Id.* at 102.

In its March 22, 2018 Resolution, the IBP Board of Governors (*IBP Board*) resolved to adopt the findings of fact and recommendation of the IBP-CBD but decreased the period of suspension to six (6) months in accordance with the guidelines.<sup>22</sup>

### The Ruling of the Court

The Court adopts the findings of fact and recommendation of the Investigating Commissioner in the January 2, 2018 Report and Recommendation. Respondent should be suspended from the practice of law for a period of one (1) year, instead of six (6) months as suggested by the IBP Board.

Time and again, the Court has emphasized that the act of notarization is impressed with public interest. Notarization 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 duties in order to preserve the confidence of the public in the integrity of the notarial system. In this light, the Court has ruled that notaries must inform themselves of the facts they certify to; most importantly, they should not take part or allow themselves to be part of illegal transactions.<sup>23</sup>

There is no question that respondent participated in the deliberate tampering of a notarized document. His wanton disregard of laws and his duties as a notary public and a lawyer resulted not only in damaging complainant's rights over the property, but also in undermining the integrity of a notary public.<sup>24</sup>

Jurisprudence provides that a notary public who fails to discharge his duties as such is meted out the following penalties: (1) revocation of notarial commission; (2) disqualification from being commissioned as notary public; and (3) suspension from the practice of law—the terms of which vary based on the circumstances of each case.<sup>25</sup> For having countenanced a fraudulent act in violation of his sacred oath as a lawyer, respondent must suffer the penalty of suspension from the practice of law for a period of one (1) year, immediate revocation of his notarial commission, and disqualification from being commissioned as a notary public for a period of two (2) years.<sup>26</sup>

**WHEREFORE**, respondent Atty. Jerome W. Selmo is found **GUILTY** of violation of Section 1, Rule II of the 2004 Rules on Notarial Practice and Rules 1.01 and 1.02 of the Code of Professional Responsibility.

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<sup>22</sup> Id. at 97-98.

<sup>23</sup> *Heirs of Unite v. Atty. Guzman*, A.C. No. 12062, July 2, 2018, 869 SCRA 220, 227.

<sup>24</sup> See *Atty. Linco v. Atty. Lacebal*, supra note 18 at 168.

<sup>25</sup> *Roa-Buenafe v. Atty. Lirazan*, A.C. No. 9361, March 20, 2019.

<sup>26</sup> Id.

Accordingly, he is hereby **SUSPENDED** for a period of one (1) year, effective upon his receipt of this Resolution. Atty. Jerome W. Selmo's current notarial commission, if any, is **IMMEDIATELY REVOKED** and he is **DISQUALIFIED** from being commissioned as a notary public for a period of two (2) years. Further, Atty. Jerome W. Selmo is **STERNLY WARNED** that a repetition of the same or similar offense shall be dealt with more severely.

Let a copy of this Resolution be furnished the Office of the Bar Confidant to be appended to respondent's personal record as a member of the Bar. Likewise, let copies of the same be served on the Integrated Bar of the Philippines and the Office of the Court Administrator, which is directed to circulate them to all courts in the country for their information and guidance.

**SO ORDERED.**" (Gaerlan, J., on leave.)

Very truly yours,

*Misael Domingo C. Battung III*  
**MISAELO DOMINGO C. BATTUNG III**  
 Division Clerk of Court *8/11/2020*

Ms. Winnie B. Francisco  
 Complainant  
 Betag, La Trinidad  
 2601 Benguet

Atty. Jerome W. Selmo  
 JC 172 km5 Pico  
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-or-

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 Director for Bar Discipline  
 Integrated Bar of the Philippines  
 Baguio-Benguet Chapter  
 2600 Baguio City

Atty. Rosita M. Requillas-Nacional  
 Deputy Clerk of Court & Bar Confidant  
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