



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

CLARA R. ICK, RUBY
ELINBERGSSON and TERESITA
EDOSADA,

Complainants,

- versus -

A.C. No. 12375

Present:

PERLAS-BERNABE, J.,
Chairperson,
REYES, A. JR.,
HERNANDO,
INTING, and
DELOS SANTOS, JJ.

ATTY. ALLAN S. AMAZONA,
Respondent.

Promulgated:

26 FEB 2020

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DECISION

HERNANDO, J.:

Clara R. Ick, Ruby Elinbergsson, and Teresita Edosada (complainants) filed this Complaint-Affidavit¹ against the respondent, Atty. Allan S. Amazona (respondent), before the Integrated Bar of the Philippines (IBP) for notarizing an allegedly false document.

¹Rollo, pp. 3-5.

The Complainants' Position

Complainants alleged that on March 9, 2016, respondent notarized a letter² dated March 7, 2016 signed by a certain Michelle B. Lotho (Lotho), Director and Auditor of South Forbes Phuket Mansions Homeowners Association, Inc., addressed to Loioe A. Odiamar, Head of the Homeowners Association Franchising Unit, Dencris Business Center in Calamba City. According to complainants, this letter was used to facilitate the registration of South Forbes Phuket Mansions Homeowners Association, Inc.³

Complainants averred that the said letter falsely stated that most buyers of the subdivision lots were out of the country and as such, it was highly improbable to secure their signatures.⁴ Complainants claimed that respondent knew that such assertion was untrue because he was in constant communication with the residents of South Forbes Phuket Mansions, including complainants.⁵

Complainants further claimed that the list of members with corresponding signatures⁶ attached to the March 7, 2016 letter was also false, since it referred to their attendance during a meeting for a property manager held on December 3, 2015, and not for a homeowners meeting for the registration of the homeowners' association when in fact there was none.⁷

Recommendation of the Integrated Bar of the Philippines

In his Report and Recommendation⁸ dated January 12, 2017, Investigating Commissioner Jose Villanueva Cabrera (Commissioner Cabrera) recommended the dismissal of the administrative complaint against respondent for lack of merit.

Commissioner Cabrera opined that the mere act of notarizing the March 7, 2016 letter is not in itself a violation of the Notarial Rules⁹ since respondent merely attested to the fact that Lotho has personally appeared before him and subscribed to the truth of the contents of the said letter. Commissioner Cabrera stated that the truth or falsity of the allegations in the said letter is the sole responsibility of affiant Lotho and does not extend to the respondent as notary public.¹⁰

² Id. at 7-8.

³ Id. at 3-4.

⁴ Id. at 4 and 7.

⁵ Id.

⁶ Id. at 9.

⁷ Id.

⁸ Id. at 23-25.

⁹ Id. at 24.

¹⁰ Id.

In its January 26, 2017 Resolution,¹¹ the IBP Board of Governors resolved to adopt the findings of fact and recommendation of Commissioner Cabrera in dismissing the complaint.

Our Ruling

After a thorough review of the records, the Court agrees with the recommendation of the IBP and finds that the dismissal of the complaint is in order.

Every person is presumed innocent until the contrary is proved. Settled is the rule that in disbarment proceedings, the complainant must satisfactorily establish the allegations of his or her complaint through substantial evidence. Mere allegations without proof are disregarded considering the gravity of the penalty prayed for. Charges based on mere suspicion and speculation cannot be given credence.¹²

The Court agrees with the IBP that the complained act does not constitute any violation of the Rules of Court, the Notarial Rules, nor the Code of Professional Responsibility.¹³ Respondent merely performed his duty when he attested to the fact that Lotho personally appeared and signed the said letter before him. We agree with the IBP that the truth or falsity of the contents of the letter is the responsibility of the affiant Lotho and not of the respondent, especially since no substantial evidence was presented to prove that he knowingly notarized a false document.

In light of the foregoing, the Court finds that the complainants failed to establish through substantial evidence a cause for disciplinary action against the respondent.

WHEREFORE, the Court **ADOPTS** and **APPROVES** the January 26, 2017 Resolution of the Integrated Bar of the Philippines. **ACCORDINGLY**, the complaint for disbarment against Atty. Allan S. Amazona is **DISMISSED** for lack of merit.


¹¹ Id. at 21.

¹² *BSA Tower Condominium Corp. v. Reyes II*, A.C. No. 11944, June 20, 2018.


¹³ *Rollo*, p. 24.


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SO ORDERED.



RAMON PAUL L. HERNANDO
Associate Justice

WE CONCUR:


ESTELA M. PERLAS-BERNABE
Senior Associate Justice
Chairperson


ANDRES B. REYES, JR.
Associate Justice


HENRI JEAN PAUL B. INTING
Associate Justice


EDGARDO L. DELOS SANTOS
Associate Justice