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Here, Atty. Caracol, as observed by the IBP CBD, has been less than candid about his representation. We also observe that he has used underhanded means to attain his purpose. Atty. Caracol's blatant disregard of his duties as a lawyer cannot be countenanced. In view of his actions of contravening his lawyer's oath and in violation of Canons 8 and 10 and Rule 10.01 of the Code of Professional Responsibility we deem it proper to suspend him from the practice of law for a period of one year.

WHEREFORE, we find respondent Atty. Isidro L. Caracol **GUILTY.** Accordingly, we **SUSPEND** respondent Atty. Isidro L. Caracol from the practice of law for **ONE YEAR** effective upon finality of this Resolution, with a warning that a repetition of the same or similar act in the future will be dealt with more severely.

Let copies of this Resolution be furnished the Office of the Bar Confidant to be appended to respondent's personal record as an attorney, the Integrated Bar of the Philippines, the Department of Justice, and all courts in the country for their information and guidance.

SO ORDERED.

Velasco, Jr. (Chairperson), Peralta, Reyes, and *Jardeleza, JJ.,* concur.

EN BANC

[A.M. No. 09-6-1-SC. January 21, 2015]

RE: VIOLATION OF RULES ON NOTARIAL PRACTICE

SYLLABUS

1. LEGAL ETHICS; NOTARIES PUBLIC; ONLY PERSONS WHO ARE COMMISSIONED AS NOTARY PUBLIC MAY PERFORM NOTARIAL ACTS WITHIN THE

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TERRITORIAL JURISDICTION OF THE COURT WHICH GRANTED THE COMMISSION.— A review of the records and evidence presented by complainants shows that Atty. Siapno indeed maintained a law office in Lingayen, Pangasinan, just beside the law office of one of the complainants, Atty. Elizabeth Tugade. It was also proven that Atty. Siapno notarized several instruments with an expired notarial commission outside the territorial jurisdiction of the commissioning court. x x x Under x x x [Section 11, Rule III of the 2004 Rules on Notarial Practice], only persons who are commissioned as notary public may perform notarial acts within the territorial jurisdiction of the court which granted the commission. Clearly, Atty. Siapno could not perform notarial functions in Lingayen, Natividad and Dagupan City of the Province of Pangasinan since he was not commissioned in the said places to perform such act.

2. **ID.; ID.; NOTARIZATION IS AN ACT INVESTED WITH SUBSTANTIVE PUBLIC INTEREST THAT ONLY THOSE WHO ARE AUTHORIZED MAY ACT AS NOTARIES PUBLIC.—** Time and again, this Court has stressed that notarization is not an empty, meaningless and routine act. It is invested with substantive public interest that only those who are qualified or authorized may act as notaries public. It must be emphasized that the act of notarization by a notary public converts a private document into a public document making that document admissible in evidence without further proof of authenticity. A notarial document is by law entitled to full faith and credit upon its face, and for this reason, notaries public must observe with utmost care the basic requirements in the performance of their duties.

3. **ID.; ID.; PERFORMING NOTARIAL ACTS WITHOUT THE NECESSARY COMMISSION FROM THE COURT VIOLATES THE RULES ON NOTARIAL PRACTICE AND THE CODE OF PROFESSIONAL RESPONSIBILITY; PENALTY IN CASE AT BAR.—** By performing notarial acts without the necessary commission from the court, Atty. Siapno violated not only his oath to obey the laws particularly the Rules on Notarial Practice but also Canons 1 and 7 of the Code of Professional Responsibility which proscribes all lawyers from engaging in unlawful, dishonest, immoral or deceitful conduct and directs them to uphold the integrity and dignity

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> of the legal profession, at all times. x x x Considering that Atty. Siapno has been proven to have performed notarial work in Ligayen, Natividad and Dagupan City in the province of Pangasinan without the requisite commission, the Court finds the recommended penalty insufficient. Instead, Atty. Siapno must be barred from being commissioned as notary public permanently and suspended from the practice of law for a period of two *(2)* years.

D E C I S I O N

MENDOZA, *J.*:

This case stemmed from three (3) letter-complaints for Violation of Rules on Notarial Practice endorsed to the Office of the Bar Confidant *(OBC)* for appropriate action. The first letter-complaint,[1] dated March 2, 2009, was filed by the commissioned notaries public within and for the jurisdiction of Lingayen, Pangasinan, namely, Atty. Butch Cardinal Torio, Atty. Nepthalie Pasiliao, Atty. Dominique Evangelista, and Atty. Elizabeth C. Tugade *(complainants)* before the Executive Judge of the Regional Trial Court, Lingayen, Pangasinan *(RTC-Lingayen)* against Atty. Juan C. Siapno, Jr. *(Atty. Siapno)* for notarizing documents without a commission.

In their letter, complainants alleged that Atty. Siapno was maintaining a notarial office along Alvear Street East, Lingayen, Pangasinan, and was performing notarial acts and practices in Lingayen, Natividad and Dagupan City without the requisite notarial commission. They asserted that Atty. Siapno was never commissioned as Notary Public for and within the jurisdiction of Lingayen, Natividad and Dagupan City. Instead, he applied and was commissioned to perform notarial functions by Executive Judge Anthony Sison of the RTC, San Carlos City, Pangasinan from March 22, 2007 to December 31, 2008. His notarial commission, however, was never renewed upon expiration. Complainants presented evidence supporting their allegations

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[1] *Rollo,* pp. 17-19.

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such as the pictures of Atty. Siapno's law office in Lingayen, Pangasinan; and documents to prove that Atty. Siapno performed acts of notarization in Lingayen, Natividad and Dagupan City, to wit: (1) Addendum to Loan and Mortgage Agreement[2] showing that the Promissory Note was notarized before Atty. Siapno in Lingayen, Pangasinan in 2007; (2) Deed of Absolute Sale,[3] dated January 24, 2008, notarized in Natividad, Pangasinan; (3) Joint Affidavit of Two Disinterested Persons Re: Given Name and Date of Birth,[4] dated January 6, 2009, notarized in Dagupan City; and (4) Acknowledgement of Debt,[5] dated January 24, 2008, notarized in Dagupan City.

Complainants also averred that Atty. Siapno had delegated his notarial authority to his secretaries, Mina Bautista *(Bautista)* and Mary Ann Arenas *(Arenas)*, who wrote legal instruments and signed the documents on his behalf.

On March 17, 2009, the RTC-Lingayen forwarded the said letter-complaint to the Office of the Court Administrator *(OCA)*[6] which, in turn, indorsed the same to the OBC.

The second letter-complaint[7] was filed by Audy B. Espelita *(Espelita)* against Atty. Pedro L. Santos *(Atty. Santos)*. It alleged that in 2008, Espelita lost his driver's license and he executed an affidavit of loss which was notarized by Atty. Santos. The said affidavit, however, was denied for authentication when presented before the Notarial Section in Manila because Atty. Santos was not commissioned to perform notarial commission within the City of Manila.

The third letter-complaint[8] came from a concerned citizen reporting that a certain Atty. Evelyn who was holding office at

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[2] *Id*. at 21.

[3] *Id*. at 24.

[4] *Id*. at 25.

[5] *Id*. at 26.

[6] *Id*. at 15.

[7] *Id*. at 3.

[8] *Id*. at 10-13.

Supreme Court E-Library

Room 402 Leyba Bldg., 381 Dasmariñas Street, Sta. Cruz, Manila, had been notarizing and signing documents for and on behalf of several lawyers.

In its Resolution,[9] dated June 9, 2009, the Court directed the Executive Judge of the RTC-Lingayen to conduct a formal investigation on the complaint against Atty. Siapno and Executive Judge Reynaldo G. Ros *(Judge Ros)* of the RTC-Manila to conduct a formal investigation on the alleged violation of the Notarial Law by Atty. Santos, and the illegal activities of a certain Atty. Evelyn, and thereafter, to submit a report and recommendation thereon.

Re: Complaint against Atty. Siapno

With regard to the complaint against Atty. Siapno, the Executive Judge conducted a hearing wherein the complainants affirmed the allegations in their letter-complaint. For his part, Atty. Siapno denied the accusations and averred that the law office in Lingayen, Pangasinan, was not his and that Bautista and Arenas were not his secretaries.[10]

In her Report and Recommendation,[11] the Executive Judge found that Atty. Siapno was issued a notarial commission within the jurisdiction of Lingayen, Pangasinan, from January 20, 2003 to December 31, 2004 and February 8, 2005 to December 3, 2006. His commission, however, was cancelled on June 8, 2006 and he was not issued another commission thereafter. The Executive Judge found Atty. Siapno to have violated the 2004 Rules on Notarial Commission when he performed notarial functions without commission and recommended that he be fined in the amount of Fifty Thousand Pesos *(₱50,000.00)*.

The Court agrees with the findings of the Executive Judge but not to the recommended penalty.

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[9] *Id*. at 27.

[10] *Id*. at 143-144.

[11] *Id*. at 139-147.

Supreme Court E-Library

A review of the records and evidence presented by complainants shows that Atty. Siapno indeed maintained a law office in Lingayen, Pangasinan, just beside the law office of one of the complainants, Atty. Elizabeth Tugade. It was also proven that Atty. Siapno notarized several instruments with an expired notarial commission outside the territorial jurisdiction of the commissioning court. Section 11, Rule III of the 2004 Rules on Notarial Practice provides that:

> Jurisdiction and Term – A person commissioned as notary public may perform notarial acts in any place within the territorial jurisdiction of the commissioning court for a period of two (2) years commencing the first day of January of the year in which the commissioning is made, unless earlier revoked or the notary public has resigned under these Rules and the Rules of Court.

Under the rule, only persons who are commissioned as notary public may perform notarial acts within the territorial jurisdiction of the court which granted the commission. Clearly, Atty. Siapno could not perform notarial functions in Lingayen, Natividad and Dagupan City of the Province of Pangasinan since he was not commissioned in the said places to perform such act.

Time and again, this Court has stressed that notarization is not an empty, meaningless and routine act. It is invested with substantive public interest that only those who are qualified or authorized may act as notaries public.[12] It must be emphasized that the act of notarization by a notary public converts a private document into a public document making that document admissible in evidence without further proof of authenticity. A notarial document is by law entitled to full faith and credit upon its face, and for this reason, notaries public must observe with utmost care the basic requirements in the performance of their duties.

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[12] *St. Louis University Laboratory High School (SLU-LHS) Faculty and Staff v. Dela Cruz*, 531Phil. 213, 226 (2006)*; Zaballero v. Montalvan*, 473 Phil. 18, 24 (2004).

Supreme Court E-Library

By performing notarial acts without the necessary commission from the court, Atty. Siapno violated not only his oath to obey the laws particularly the Rules on Notarial Practice but also Canons 1 and 7 of the Code of Professional Responsibility which proscribes all lawyers from engaging in unlawful, dishonest, immoral or deceitful conduct and directs them to uphold the integrity and dignity of the legal profession, at all times.[13]

In a plethora of cases, the Court has subjected lawyers to disciplinary action for notarizing documents outside their territorial jurisdiction or with an expired commission. In the case of *Nunga v. Viray,*[14] a lawyer was suspended by the Court for three *(3)* years for notarizing an instrument without a commission. In *Zoreta v. Simpliciano,*[15] the respondent was likewise suspended from the practice of law for a period of two *(2)* years and was permanently barred from being commissioned as a notary public for notarizing several documents after the expiration of his commission. In the more recent case of *Laquindanum v. Quintana,*[16] the Court suspended a lawyer for six *(6)* months and was disqualified from being commissioned as notary public for a period of two *(2)* years because he notarized documents outside the area of his commission, and with an expired commission.

Considering that Atty. Siapno has been proven to have performed notarial work in Ligayen, Natividad and Dagupan City in the province of Pangasinan without the requisite commission, the Court finds the recommended penalty insufficient. Instead, Atty. Siapno must be barred from being commissioned as notary public permanently and suspended from the practice of law for a period of two *(2)* years.

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[13] *Nunga v. Viray*, 366 Phil. 155, 161 (1999).

[14] *Id*.

[15] 485 Phil. 395 (2004).

[16] A.C. No. 7036, June 29, 2009, 591 SCRA 204.

Supreme Court E-Library

Re: Complaints against Atty. Santos and Atty. Evelyn

In a letter,[17] dated July 29, 2013, Judge Ros informed the Court that he could not have complied with the June 9, 2009 and August 4, 2009 orders of the Court because he was no longer the Executive Judge of the RTC-Manila at that time. To date, no formal investigation has been conducted on the alleged violation of Atty. Santos and the reported illegal activities of a certain Atty. Evelyn.

With respect to the complaints against Atty. Santos and a certain Atty. Evelyn, the Clerk of Court is ordered to RE-DOCKET the same as separate administrative cases.

The incumbent Executive Judge of the RTC-Manila, whether permanent or in acting capacity, is ordered to conduct a formal investigation on the matter and to submit his Report and Recommendation within sixty (60) days from receipt of copy of this decision.

WHEREFORE, respondent Atty. Juan C. Siapno, Jr. is hereby **SUSPENDED** from the practice of law for two (2) years and **BARRED PERMANENTLY** from being commissioned as Notary Public, effective upon his receipt of a copy of this decision.

Let copies of this decision be furnished all the courts of the land through the Office of the Court Administrator, the Integrated Bar of the Philippines, the Office of the Bar Confidant, and be recorded in the personal files of the respondent.

With respect to the complaints against Atty. Pedro L. Santos and a certain Atty. Evelyn, the Clerk of Court is ordered to **RE-DOCKET** them as separate administrative cases. The Executive Judge of the Regional Trial Court, Manila, is ordered to conduct a formal investigation on the matter and to submit his Report and Recommendation within sixty (60) days from receipt of a copy of this decision.

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[17] *Rollo,* p. 42.

Supreme Court E-Library

SO ORDERED.

Sereno, C.J., Carpio, Velasco, Jr., Leonardo-de Castro, Peralta, Bersamin, del Castillo, Villarama, Jr., Perez, Reyes, Perlas-Bernabe, Leonen, and *Jardeleza, JJ.,* concur.

Brion, J., on official leave.

SECOND DIVISION

[A.M. No. P-11-2940. January 21, 2015]

JUDGE GODOFREDO B. ABUL, JR., *complainant, vs.* **GEORGE E. VIAJAR, Sheriff IV, Regional Trial Court, Branch 4, Butuan City,** *respondent.*

SYLLABUS

1. POLITICAL LAW; ADMINISTRATIVE LAW; PUBLIC OFFICERS AND EMPLOYEES; COURT PERSONNEL; SHERIFFS; IN SERVING WRITS AND PROCESSES AND IMPLEMENTING ITS ORDERS, THEY CANNOT AFFORD TO ERR WITHOUT AFFECTING THE INTEGRITY OF THEIR OFFICE AND THE EFFICIENT ADMINISTRATION OF JUSTICE.— [S]heriffs play an important role in the administration of justice. As agents of the law, they are called upon to discharge their duties with due care and utmost diligence. In serving the court's writs and processes and implementing its orders, they cannot afford to err without affecting the integrity of their office and the efficient administration of justice.

2. REMEDIAL LAW; CIVIL PROCEDURE; EXECUTION OF JUDGMENTS; RETURN OF WRIT OF EXECUTION; THE SHERIFF IS MANDATED TO SUBMIT HIS PERIODIC REPORTS ON THE WRIT EVEN WHEN THE