

Title: ****De Jesus vs. Sanchez-Malit: A Case of Ethical Violations in Notarial Practice and Professional Misconduct****

****Facts:****

The case initiated from a complaint filed by Mercedita De Jesus against Atty. Juvy Mell Sanchez-Malit for grave misconduct, dishonesty, malpractices, and being unworthy as an officer of the court. De Jesus, in her affidavit-complaint to the Office of the Bar Confidant dated 23 June 2004, narrated a sequence of events involving Sanchez-Malit which eventually led to legal and financial troubles. Key incidents involved the notarization of a Real Estate Mortgage which falsely named De Jesus as the absolute owner of a public market stall, despite government ownership. Additionally, Sanchez-Malit notarized two contracts under questionable circumstances: a lease agreement without the lessees' signatures and a sale agreement involving property under a non-alienation period. The complaint was supplemented with evidence including Special Powers of Attorney (SPAs) and an Affidavit from Irene Tolentino, adding weight to the allegations.

Following De Jesus's complaint, the Supreme Court required Sanchez-Malit to submit her counterarguments, leading to an exchange of pleadings between the parties. The case proceeded through the Investigating Commissioner of the Integrated Bar of the Philippines (IBP), who found Sanchez-Malit liable for violating her oath as a notary public, recommending suspension and revocation of her notarial commission.

****Issues:****

1. Whether the additional documents submitted by De Jesus were admissible.
2. The substance of the complaint concerning the breach of duties as a notary public by Sanchez-Malit.
3. The appropriateness of the disciplinary action against Sanchez-Malit.

****Court's Decision:****

The Supreme Court ruled that the additional evidence presented by De Jesus was admissible, as there were no rules specifically excluding such documents obtained in violation of the 2004 Rules on Notarial Practice. It concluded that Sanchez-Malit did commit misconduct and grievously violated her oath as a notary public by notarizing documents without proper signatures and knowing misrepresentation. The Court highlighted the significant role of a notary public and how malpractice undermines the sanctity of notarized documents. Consequently, Sanchez-Malit was suspended from the practice of law for one year, with immediate revocation of her notarial commission and perpetual disqualification

from being commissioned as a notary public.

****Doctrine:****

The case reaffirms that notarization is not a meaningless routine act but one with substantial public interest, emphasizing the strict observance of the basic requirements in the performance of notarial duties. It highlights the significant sanctions for lawyers who grievously violate their oath as notary publics, underlining the judiciary's commitment to maintaining integrity within notarial and legal practices.

****Class Notes:****

1. ****Notarization Process****: Notarization transforms a private document into a public document, making it admissible in court without further proof of authenticity.
2. ****Notary Public's Duty****: The primary duty includes ensuring presence and proper identification of signatories, observing the document's voluntary signing, and understanding its content.
3. ****Professional Misconduct****: Involves dishonesty, breach of trust, or failure to live up to the duties of a notary public, impacting the legal profession's integrity.
4. ****Sanctions for Misconduct****: Range from suspension to disbarment, depending on the gravity of misconduct. In this case, suspension from law practice and perpetual disqualification from notarial commission were imposed.

****Historical Background:****

This decision underscores the critical role notaries public play in the legal system and the severe consequences of breaching professional and ethical standards. By delineating the boundaries of acceptable conduct for notaries, it reinforces the judiciary's ongoing efforts to ensure trust in legal documentation and uphold the rule of law.