

****Title:**** Atty. Anastacio T. Muntuerto, Jr., et al. vs. Atty. Gerardo Wilfredo L. Alberto

****Facts:****

The case entails a disbarment complaint filed by Atty. Anastacio T. Muntuerto, Jr., Atty. Ramon Jose G. Duyongco, Atty. Mario Y. Cavada, and Atty. Chad Rodolfo M. Miel against Atty. Gerardo Wilfredo L. Alberto. The root of the complaint lies in various allegations of misconduct surrounding Atty. Alberto's legal practice, specifically in his handling of a case for Cristeto E. Dinopol, Jr. against Singfil Hydro Builders in the Regional Trial Court (RTC), Masbate City, where Atty. Alberto notarized documents without a notarial commission, allowed a non-lawyer to sign a legal motion, and failed to disclose his Mandatory Continuing Legal Education (MCLE) compliance number.

The proceedings leading to the Supreme Court's engagement started at the Integrated Bar of the Philippines (IBP), where Atty. Alberto consistently failed to respond to the accusations (including not filing an answer or attending mandatory conferences), leading to his declaration in default. The IBP's Investigating Commissioner recommended a five-year suspension from legal practice, a recommendation subsequently adopted and modified by the IBP Board of Governors to include a fine for disregarding the orders of the Commission.

****Issues:****

1. Whether or not Atty. Alberto violated the Lawyer's Oath and the Code of Professional Responsibility by notarizing documents without a notarial commission.
2. Whether or not Atty. Alberto violated the Lawyer's Oath and the Code of Professional Responsibility by allowing a non-lawyer to sign a motion filed in court.
3. Whether or not Atty. Alberto violated the Lawyer's Oath and the Code of Professional Responsibility by failing to indicate his MCLE compliance number on a filed complaint.

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

The Supreme Court adopted the IBP Board of Governors' findings with modifications, deciding that:

1. Atty. Alberto indeed violated ethical norms by notarizing documents without a proper notarial commission, which was confirmed by the lack of records at the RTC in Cavite City.
2. Atty. Alberto further violated professional standards by permitting a non-lawyer to sign a legal motion, undermining the responsibilities exclusive to licensed attorneys.
3. Atty. Alberto failed to fulfill mandatory disclosure requirements regarding his MCLE compliance, directly disobeying related directives aimed at ensuring continuing legal education compliance.

Ultimately, the Court agreed that Atty. Alberto's actions constituted a blatant disregard for legal protocols and ethics, leading to a decision to suspend him from the practice of law for five years, permanently bar him from being commissioned as a Notary Public in the Philippines, and issue a stern warning against similar future infractions.

****Doctrine:****

The case reinforces the doctrine that a lawyer's adherence to the Lawyer's Oath and the mandates of the Code of Professional Responsibility is paramount, emphasizing the significance of obeying laws relevant to notarial practice, accurately representing one's qualifications (including MCLE compliance), and not delegating legal tasks that are solely within the purview of active, licensed members of the Bar.

****Class Notes:****

1. ****Notarial Commission Requirement:**** A lawyer must possess an active notarial commission to legally notarize documents. Violating this requirement shows a lack of respect for legal processes and duties as a notary.
2. ****Unauthorized Practice of Law:**** Lawyers must prevent non-lawyers from performing tasks that are exclusively within the competence of licensed legal professionals, including the signing of court motions or pleadings.
3. ****MCLE Compliance Disclosure:**** Lawyers are obligated to disclose their MCLE compliance status in all court documents to affirm their continuing legal education and adherence to the profession's standards.

****Historical Background:****

This case illustrates the judiciary's strict enforcement of ethical standards within the legal profession, highlighting the evolving nature of legal ethics and the non-negotiable requirement for lawyers to maintain high standards of legal knowledge, honesty, and integrity. The decision underscores the continuing commitment to upholding the public's trust in the legal system and ensuring that lawyers stay true to the principles that govern their profession.