

Title: **\*\*Jonar Santiago vs. Atty. Edison V. Rafanan (Disbarment Case for Violation of Notarial Law and Professional Conduct)\*\***

---

**### \*\*Facts\*\*:**

Jonar Santiago, an employee of the Bureau of Jail Management and Penology (BJMP), filed a disbarment complaint against Atty. Edison V. Rafanan with the Commission on Bar Discipline (CBD) of the Integrated Bar of the Philippines (IBP) on January 16, 2001. The charges included deceit, malpractice, gross misconduct, and violations of various canons of the Code of Professional Responsibility (CPR).

The complainant accused Rafanan of multiple violations in his capacity as a notary public, such as failure to make proper notations regarding community tax certificates, failure to enter details of notarized documents in the notarial register, and failure to execute the required certifications and include his PTR and IBP numbers on the documents he notarized. Furthermore, Rafanan was accused of executing an affidavit in favor of his client while actively representing him as counsel, and allegedly harassing Santiago, leading to a confrontation involving the disarming of Santiago's sidearm and uttering insults and threats.

Rafanan responded to the allegations, justifying his actions on various grounds and denying the harassment claims. The case was eventually forwarded to the IBP for investigation, where after hearings and submission of memoranda, the IBP Investigating Commissioner found Rafanan guilty of certain notarial violations, recommending a fine. The IBP Board of Governors modified this recommendation, imposing a heavier penalty but dismissing other charges due to insufficiency of evidence.

**### \*\*Issues\*\*:**

1. Did Atty. Rafanan violate the Notarial Law and provisions of the Code of Professional Responsibility?
2. Is Atty. Rafanan's act of testifying on behalf of his clients in violation of the CPR?
3. Was there sufficient evidence to support the claim of harassment against Atty. Rafanan?

**### \*\*Court's Decision\*\*:**

The Supreme Court agreed with the IBP Board of Governors that Atty. Rafanan was in

violation of the Notarial Law for failing to perform mandatory formalities required of notaries public. The Court noted the mandatory nature of these formalities and underscored that notaries public must not neglect these duties. Rafanan's justification for his non-compliance, based on observed practices of other notaries and his understanding of the law, was found unacceptable.

However, the Court did not find Rafanan's act of testifying for his clients in conflict with CPR Rule 12.08, considering the necessity of his testimony for the ends of justice. It was highlighted that lawyers should refrain from being witnesses unless absolutely necessary and should entrust the trial to another counsel if they do testify.

Regarding the harassment claims, the Court found no sufficient evidence to hold Rafanan administratively liable. Thus, Atty. Rafanan was found guilty of violating the Notarial Law and was fined P3,000, with a warning of more severe penalties for future infractions.

### **\*\*Doctrine\*\***:

1. **\*\*Notarial Law Violation\*\***: Notaries public must adhere to the solemn duties of their office, including the proper notation of community tax certificates, maintaining a notarial register, and executing required certifications. Failure to observe these duties constitutes a violation of the Notarial Law.
2. **\*\*Professional Conduct\*\***: The CPR requires lawyers to avoid testifying on behalf of their clients unless such testimony is deemed essential to the ends of justice.

### **\*\*Class Notes\*\***:

- **\*\*Key Elements for Notaries Public\*\***: Ensure proper execution of notarial duties; comply with requirements for community tax certificates, maintain a detailed notarial register, execute required certifications.
- **\*\*CPR Rule 12.08 Application\*\***: Lawyers must generally avoid testifying on behalf of their clients, except under circumstances where their testimony is essential to justice. When they do testify, they should entrust the trial to another counsel.

**\*\*Historical Background\*\***: This case illustrates the stringent standards imposed on legal practitioners in the Philippines, emphasizing the importance of adherence to legal duties and ethical standards to maintain public confidence in the legal system.