

****Title: Felipe E. Abella vs. Atty. Asteria E. Cruzabra****

****Facts:****

1. ****Admission to Bar and Government Appointment:**** Atty. Asteria E. Cruzabra was admitted to the Philippine Bar on 30 May 1986. She was appointed as the Deputy Register of Deeds of General Santos City on 11 August 1987.
2. ****Notary Public Commission:**** While serving as Deputy Register of Deeds, Cruzabra filed a petition for commission as a notary public, which was granted on 29 February 1988 without prior authority from the Department of Justice (DOJ) Secretary.
3. ****Document Notarization:**** Cruzabra notarized approximately 3,000 documents. She ceased notarizing after a reprimand by the Chief of the Land Registration Authority's Investigation Division.
4. ****Complainant's Charge:**** Felipe E. Abella accused Cruzabra of violating Canon 1 of the Code of Professional Responsibility and Section 7(b)(2) of Republic Act No. 6713, alleging unauthorized private practice and conflict of interest with her official functions.
5. ****Respondent's Defense:**** Cruzabra admitted to being a notary public from 29 February 1988 to 31 December 1989 but claimed she had implicit authorization from her superior, the Register of Deeds. She argued it was an honest mistake, committed in good faith, and that she was not engaged in illegal private practice.
6. ****IBP Investigation:**** Investigative Commissioner Lydia A. Navarro recommended the dismissal of the complaint due to lack of merit, supported by evidence that Cruzabra relied on her superior's authority.

****Procedural Posture:****

1. ****Initial Complaint:**** Filed by Abella on 8 May 2002.
2. ****Investigation and Recommendations:**** Commissioner Navarro filed a report on 25 January 2005 recommending dismissal.
3. ****IBP Board of Governors Decision:**** On 12 March 2005, the Board dismissed the complaint for lack of merit.
4. ****Appeal to Supreme Court:**** Abella appealed the dismissal, alleging a serious error by IBP.

****Issues:****

1. ****Whether Cruzabra engaged in unauthorized private practice of law by acting as a notary public without written authorization from the DOJ Secretary.****

2. **Whether her notarization of documents conflicted with her official duties as Deputy Register of Deeds.**
3. **Whether good faith and reliance on her superior's authority can excuse Cruzabra's actions.**

Court's Decision:

1. **Unauthorized Practice of Law:**

- The Court held that Cruzabra engaged in notarial practice without the required written authority from the DOJ Secretary. Even assuming she was authorized by her superior, the Court found no evidence of such written permission, violating Memorandum Circular No. 17 and Section 7(b)(2) of RA 6713.

2. **Conflict with Official Duties:**

- The Court did not delve extensively into whether her practice significantly conflicted with her official duties because the unauthorized practice was sufficient to merit reprimand.

3. **Good Faith and Reliance on Superior's Authority:**

- The Court ruled that reliance on superior's authority or good faith did not absolve her of responsibility. The requirement for written authorization was clear, and ignorance of the law is not an excuse.

Doctrine:

1. **Private Practice of Profession:**

- Public officials and employees cannot engage in private practice of their profession without written permission from the head of their department. This aligns with Memorandum Circular No. 17 and Section 7(b)(2) of RA 6713.

2. **Good Faith and Ignorance of Law:**

- Ignorance of the law or good faith reliance on a superior's instructions does not excuse an official's failure to adhere to legal requirements.

3. **Conflict of Interest:**

- Even with permission, the private practice must not conflict or tend to conflict with official functions.

Class Notes:

1. **Elements of Unauthorized Practice (Civil Service Law):**

- **Engagement:** Individual must engage in practice without required authorization.
- **Authority:** Written permission from the head of the department is mandatory.
- **Conflict:** There should be no conflict with official duties.
- **Statutes:** Section 7(b)(2) of RA 6713; Memorandum Circular No. 17.

2. **Good Faith Exception:**

- Not applicable in the face of clear statutory mandates.
- Reference: Yumol, Jr. v. Ferrer Sr., Muring, Jr. v. Gatcho.

3. **Reprimand and Sanction:**

- Unauthorized private practice incurs formal reprimand, with warnings for repeat offenses.

Historical Background:

The context of this case hinges on the regulatory frameworks governing the conduct of public officials in the Philippines. It reflects a stringent adherence to ethical standards under RA 6713, enacted to ensure that public office is a public trust. The decision reiterates the judiciary's commitment to upholding the rule of law and integrity in public service by penalizing unauthorized practice, reinforcing the structures against potential conflicts of interest, and ensuring that public officials remain devoted to their duties.