

Title: Laquindanum v. Quintana, A.C. No. 608 Phil. 727 (2008)

Facts:

1. Atty. Nestor Q. Quintana was performing notarial functions in Midsayap, Cotabato, although his notarial commission was issued for Cotabato City and the Province of Maguindanao.
2. Executive Judge Lily Lydia A. Laquindanum directed Atty. Quintana to stop notarizing documents in Midsayap, Cotabato, as it was outside his commissioning court's jurisdiction.
3. Despite the directive, Atty. Quintana continued notarizing documents in Midsayap.
4. An investigation revealed that Atty. Quintana's wife performed notarial acts in his absence.
5. Atty. Quintana's petition for a notarial commission in Midsayap was initially not acted upon by Judge Laquindanum due to his IBP membership issues.
6. Judge Laquindanum submitted evidence to the Office of the Bar Confidant (OBC) that Atty. Quintana notarized documents despite his commission expiring on December 31, 2005.
7. Atty. Quintana admitted to some documents' notarization signatures but denied authorizing his wife to notarize documents, claiming entrapment.

Issues:

1. Did Atty. Quintana extend his notarial acts beyond his territorial jurisdiction?
2. Did Atty. Quintana perform notarial acts with an expired commission?
3. Did Atty. Quintana allow his wife to perform notarial acts in his absence?
4. Did Atty. Quintana notarize a document where one signatory was already dead?

Court's Decision:

1. As to the jurisdiction issue, the Court affirmed that Atty. Quintana violated Sec. 11, Rule III of the 2004 Rules on Notarial Practice by performing notarial acts outside Cotabato City and the Province of Maguindanao.
2. Regarding the expired commission issue, the Court found Atty. Quintana guilty of notarizing documents without a valid commission after December 31, 2005.
3. On the matter of unauthorized notarization by his wife, the Court held Atty. Quintana responsible, citing his accountability for his office and staff's notarial activities.
4. Concerning the notarization of a document where a signatory was deceased, the Court established gross negligence and a disregard for notarial rules and public trust.

Doctrine:

1. Notaries public must strictly comply with territorial limitations set forth in their

commissions.

2. Notarization without a valid commission constitutes unauthorized practice, violating notarial rules and ethical obligations.
3. Notaries are personally accountable for the acts of their employees and others within their office.
4. Notarization of a document without presence and identity verification of signatories is gross negligence and amounts to falsification.

Class Notes:

1. 2004 Rules on Notarial Practice, Sec. 11 - Notaries must operate strictly within their commission's geographic jurisdiction.
2. Code of Professional Responsibility, Canon 7, Rule 1.01 - Lawyers must uphold the integrity and dignity of the legal profession, avoiding false statements.
3. Importance of Notary Public - Provides authentication and verification of documents, transforming them from private to public documents, making them admissible in evidence without further proof of authenticity.
4. Unauthorized Practice - Lawyers and notaries must ensure all legal acts fall within the boundaries of their legal and professional authorizations.

Historical Background:

In the early-21st century in the Philippines, the regulation of notarial acts was emphasized to preserve public trust in legal documents. This case highlights the judiciary's efforts to enforce strict adherence to notarial laws and ethical standards, protecting the integrity of notarized documents and ensuring legal professionals respect their regulatory boundaries.