

**Title:** **Coquia vs. Laforteza (2017)**

**Facts:**

1. **Positions Held:** Atty. Emmanuel E. Laforteza served as Clerk of Court of RTC, Branch 68, Lingayen, Pangasinan from November 17, 2004, to January 31, 2011, thereafter transferring to the Department of Justice.
2. **Complaint Filing:** Flordeliza E. Coquia filed a Petition for Disbarment against Atty. Laforteza on February 6, 2012, for unauthorized notarization of documents related to Civil Case No. 18943.
3. **Unauthorized Notarization Allegations:** On January 7, 2009, while Laforteza was Clerk of Court, Coquia claimed that he conspired with Clemente Solis to falsify two documents — an Agreement between Solis and Coquia, and a Payment Agreement. Coquia clarified she was in university classes in Manila that day, supported by her Faculty Daily Time Record.
4. **Response:** Laforteza was asked to comment. He stated that he notarized the documents due to representations made by Luzviminda Solis, a court employee, who claimed the documents were genuine and presented the signatories as legitimate parties.
5. **Admission:** In subsequent conferences, Laforteza admitted not knowing Coquia and Clemente personally and that he relied on Luzviminda’s representations.
6. **Procedural Stages:**
  - **Initial Referral:** Complaint referred to Atty. Cristina B. Layusa of the Office of the Bar Confidant.
  - **Laforteza’s Comment:** He denied allegations, noting reliance on Luzviminda and asserted the presumption of regularity.
  - **Joint Affidavit:** Clemente and Luzviminda Solis supported Laforteza, stating he initially hesitated but later notarized at their insistence.
  - **Referral to IBP:** The case was referred to the Integrated Bar of the Philippines (IBP) for investigation.
7. **IBP Findings and Recommendations:**
  - **IBP-CBD Report:** Recommended dismissal for lack of sufficient evidence.
  - **IBP Board of Governors:** Reversed IBP-CBD’s recommendation; reprimanded and cautioned Laforteza.

8. **Supreme Court's Concurrence**: Agreed with IBP Board's findings with a modification of the penalty. (Case Brief / Digest)

**Issues**:

1. **Unauthorized Notarization**: Whether Laforteza's act of notarizing the documents was unauthorized under the Notarial Law.
2. **Conspiracy and Misconduct Allegation**: Whether there was substantial evidence proving Laforteza conspired with the Solises to falsify documents.
3. **Due Diligence in Notarial Practices**: Whether Laforteza exercised due diligence required for performing notarial acts.

**Court's Decision**:

1. **Unauthorized Notarization**:

- Ruled that as an ex officio notary public, Laforteza was limited to notarial acts related to his official functions. The notarized private documents bore no relation to his duty as Clerk of Court. Hence, the notarization was unauthorized.
- Cited non-compliance with Section 41 of the Revised Administrative Code and related sections which limit ex officio notarizations to official functions.

2. **Conspiracy and Misconduct**:

- Concluded insufficient evidence of Laforteza's direct participation or conspiracy in fraudulently preparing documents.
- Emphasized the presumption of regularity and the requirement for clear, preponderant evidence in disbarment cases.

3. **Violation of Notarial Law**:

- Confirmed that Laforteza committed infractions by notarizing pre-signed documents, failing to personally verify identities, and not complying with required notarial processes (2004 Rules on Notarial Practice).
- Highlighted the necessity for notaries public to strictly meeting all procedural requirements to prevent abuses and maintain public trust.

**Doctrine Reiterated**:

- **Ex Officio Notarization**: Clerks of court as ex officio notaries are restricted to notarizing documents related to their official duties.
- **Diligence in Notarization**: Notaries must personally verify the identities of parties and

ensure proper procedures to protect the public interest.

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

1. **\*\*Ex Officio Notark\*\*:**

- Sect. 41, Revised Administrative Code: Limits acts of ex officio notaries to official functions.
- Sect. 242, same code: Strictly aligns their notarial acts to within territorial jurisdiction and official capacity.

2. **\*\*Diligent Verification\*\*:**

- 2004 Rules on Notarial Practice:
- Rule II, Section 1: Mandates personal appearance for acknowledgment.
- Rule IV, Section 2(b): Prohibits notarization without direct, personal verification.

3. **\*\*Burden of Proof\*\*:**

- Misconduct cases require clear, preponderant evidence, and cannot rely on suspicions and speculations alone.

**\*\*Historical Background\*\*:**

- **\*\*Judicial Integrity Enforcement\*\*:** This case underlines ongoing efforts by the Philippine judiciary to maintain high ethical standards among legal practitioners, especially in notarial functions which are critical in legal documentation and public trust. The limitation on clerks of court functioning as notaries is in response to past abuses and aims to ensure accountability and integrity within the judicial process.