

ALOYSIUS R. PAJARILLO, COMPLAINANT, VS. ATTY. ARCHIMEDES O. YANTO, RESPONDENT.*A.C. No. 13332. August 10, 2022*

Ponente: DIMAAMPAO, J.

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This administrative disciplinary case involves the Complaint^[1] filed by complainant Aloysius R. Pajarillo against respondent Atty. Archimedes O. Yanto before the Integrated Bar of the Philippines (IBP) for violation of the Code of Professional Responsibility (CPR) and the Rules on Notarial Practice.

The diegesis of the case is synthesized as follows:

Complainant was one of the plaintiffs in a civil case for recovery of ownership and possession with damages then pending before the Regional Trial Court (RTC) of Camarines Norte, Branch 41, docketed as Civil Case No. 8028. Respondent, on the other hand, was the legal counsel of therein defendants Ronnie Pimentel (Ronnie), George Pimentel (George), and Roweno Pimentel (Roweno).^[2]

In the pre-trial brief submitted by defendants for Civil Case No. 8028, they alluded to a Special Power of Attorney (SPA) notarized by respondent authorizing Roweno to represent his brothers, Ronnie and George, in filing the case. The SPA, however, was not attached to the pre-trial brief. During their formal offer of exhibits, defendants adduced the SPA, which the RTC admitted. Sensing irregularity in the sudden emergence of the SPA, complainant went to the Office of the Clerk of Court to verify whether such a document existed in respondent's notarial registry. Complainant discovered that the SPA was not recorded in the notarial registry of respondent. Instead, a different SPA was registered bearing the same document number, page number; book number, and series.^[3] This impelled complainant to file a criminal case against respondent for Falsification of Public Documents before the Office of the Provincial Prosecutor. He also lodged the instant administrative disciplinary case before the IBP docketed as CBD Case No. 18-5757.

In riposte, respondent refuted the allegation against him. He denied falsifying the subject SPA.^[4] Instead, he proffered that on 5 February 2015, defendants, his clients, went to his office bringing several copies of two different SPAs: one intended for the civil case before the RTC of Camarines Norte Branch 41, and the other for a case to be filed with the Department of Environment and Natural Resources (DENR). Both SPAs contained similar provisions authorizing Roweno to represent his brothers, Ronnie and George.^[5]

As it happened, defendants signed the SPAs and respondent notarized the same. Thereafter, he forwarded the copies of the two SPAs to his office staff. Believing that the documents consisted only of one SPA as they looked identical, his staff assigned only one notarial detail to both SPAs. The copy which was kept by the staff and submitted to the Clerk of Court for reportorial purposes was the SPA intended for the DENR case. Meanwhile, the copy which respondent retained and filed before the RTC of Camarines Norte, Branch 41 was the SPA for the civil case. Respondent stood pat on his stance that he never falsified the two SPAs.^[6]

Ensuingly, the RTC of Camarines, Norte, Branch 41 rendered an adverse decision against complainant on the civil case.[7] On the other hand, the provincial prosecutor found no probable cause to charge respondent with Falsification of Public Documents.[8]

REPORT AND RECOMMENDATION OF THE IBP

On 5 June 2021, the Board of Governors of the IBP issued a Resolution[9] recommending the dismissal of the administrative complaint filed against respondent. The IBP Board reversed the ruling of the Investigating Commissioner finding respondent liable for violating the Rules on Notarial Practice. The IBP Board was convinced that since respondent's mistake was honest and isolated, no bad faith may be attributed to him. Likewise considered credible were the affidavits of the two members of respondent's staff who explained the mistake in recording the notarial details of the SPAs.

RULING OF THE COURT

This Court deviates from the IBP's dismissal of the Complaint. Respondent must be held liable for his violation of the Rules on Notarial Practice and the CPR.

Notarization is not an empty, meaningless, routinary act. Notarization by a notary public converts a private document into a public document making it admissible in evidence without further proof of its authenticity. A notarial document is, by law, entitled to full faith and credit, and as such, notaries public are obligated to observe with utmost care the basic requirements in the performance of their duties.[10] A violation of the Rules on Notarial Practice taints the public's confidence in the integrity of the notarial system.[11]

In keeping with the faithful observance of their duties, notaries public shall keep, maintain, protect, and provide for lawful inspection, a chronological official notarial register of notarial acts consisting of a permanently bound book with numbered pages.[12] Section 2, Rule VI of the Notarial Rules requires that every notarial act must be registered in the notarial register, viz.:

SEC. 2. Entries in the Notarial Register. — (a) For every notarial act, the notary shall record in the notarial register at the time of notarization the following:

- (1) the entry number and page number;
- (2) the date and time of day of the notarial act;
- (3) the type of notarial act;
- (4) the title or description of the instrument, document or proceeding;
- (5) the name and address of each principal;
- (6) the competent evidence of identity as defined by these Rules if the signatory is not personally known to the notary;
- (7) the name and address of each credible witness swearing to or affirming the person's identity;
- (8) the fee charged for the notarial act;
- (9) the address where the notarization was performed if not in the notary's regular place of work or business; and
- (10) any other circumstance the notary public may deem of significance or relevance. (Emphasis supplied.)

Further, Section 2(e), Rule VI of the same Rules requires that:

- (e) The notary public shall give to each instrument or document executed, sworn to, or acknowledged before

him a number corresponding to the one in his register, and shall also state on the instrument or document the page/s of his register on which the same is recorded. No blank line shall be left between entries. (Emphasis supplied.)

From the foregoing provisions of the Notarial Rules, it can be distilled that: one, the act of recording in the notarial register all information that needs to be recorded is the duty of a commissioned notary; and two, each document executed, sworn to, or acknowledged before notaries public is etched with unique notarial details.

Here, there was a stark irregularity in the notarization of the SPAs. Instead of affixing different notarial details for each of the two documents, which involved two separate cases, respondent's office staff mistakenly thought that only one and the same document was notarized. Thus, only the SPA intended for the DENR case was reported to the Clerk of Court. The SPA filed before the RTC of Camarines Norte, Branch 41 carried the same notarial details as the first.

In a plethora of cases, the Court reminded lawyers that they cannot simply pass the blame to their secretaries and office staff whenever there are errors in recording the necessary information regarding documents or instruments they have notarized. Commissioned notaries are charged by law with the obligation to personally record the notarial details to avoid any error that a non-lawyer may commit. Verily, the office staff or secretary who is not well-acquainted with the Notarial Rules cannot be expected to labor with the same level of meticulousness that a diligent commissioned notary would exhibit out of fear of possible revocation or suspension of his or her notarial commission.

Notaries public are expected to observe the highest degree of compliance with the basic requirements of notarial practice in order to preserve public confidence in the integrity of the notarial system.[13]

Discernibly, respondent's omission is a ground for the revocation of his notarial commission—

RULE XI

Revocation of Commission and Disciplinary Sanctions

SECTION 1. Revocation and Administrative Sanctions. — (a) The Executive Judge shall revoke a notarial commission for any ground on which an application for a commission may be denied.

(b) In addition, the Executive Judge may revoke the commission of, or impose appropriate administrative sanctions upon, any notary public who:

x x x x

(2) fails to make the proper entry or entries in his notarial register concerning his notarial acts;

x x x x (Emphasis supplied.)

Jurisprudence provides that a notary public who fails to discharge his duties as such is meted out the following penalties: (1) revocation of notarial commission; (2) disqualification from being commissioned as notary public; and (3) suspension from the practice of law — the terms of which vary based on the circumstances of each case.[14]

By failing to record proper entries in the notarial register, respondent not only violated the Notarial Rules but also the CPR. Specifically, he failed to comply with his duty under Canon 1 of the CPR to uphold and obey the laws of the land, i.e., the Notarial Rules, and to promote respect for law and legal processes. So, too, respondent's delegation to the office staff of his notarial function is a direct violation of Rule 9.01, Canon 9 of the CPR, which provides that "[a] lawyer shall not delegate to any unqualified person the performance of any task which by law may only be performed by a member of the Bar in good standing." [15]

Based on the circumstances obtaining in the case at bench, respondent should be made liable not only as a notary public who failed to discharge his duties as such but also as a lawyer who exhibited utter disregard for the integrity and dignity owing to the legal profession.

It cannot be stressed enough that notarial duties, as with lawyer duties, ought to be carried out with not just a modicum of competence. When lawyers applied to be commissioned notaries, and when they were subsequently appointed as such, they swore under oath to preserve the sanctity of the notarial process. The legal effect of notarization — how it transforms a private document into a self-authenticating public document that provides evidentiary convenience — should constantly remind notaries public that there is a need on their part to be particularly thorough in keeping the accuracy, integrity, and truthfulness of their notarial records. Not holding fast to this solemn duty will undermine the public's faith and confidence in the notarial system and the legal profession in general.

In synthesis, the Court finds respondent liable for violation of the Rules on Notarial Practice and the CPR. Consequently, his notarial commission is revoked, and he is hereby disqualified from being appointed as notary public for one year. Considering that respondent's negligent recording of the notarized SPAs did not cause harm to the substantive rights of complainant and such was made without malice and devoid of any desire to dupe or defraud the latter, the penalty of suspension from the practice of law for a period of three months against respondent is commensurate.

IN LIGHT OF THE FOREGOING, the Court finds Atty. Archimedes O. Yanto GUILTY of violating the 2004 Rules on Notarial Practice and the Code of Professional Responsibility. Accordingly, his notarial commission, if still existing, is hereby REVOKED. He is DISQUALIFIED from reappointment as Notary Public for a period of one year. He is likewise suspended from the practice of law for a period of three months. Further, he is STERNLY WARNED that a repetition of the same or similar acts in the future shall be dealt with more severely.

SO ORDERED.

Caguioa (Chairperson), Inting, Gaerlan and Singh, JJ., concur.

[1] Record, pp. 1-12.

[2] Id. at 2.

[3] Id. at 150-151.

[4] Id. at 108-116.

[5] Id. at 109.

[6] Id. at 110.

[7] Id. at 128-137.

[8] Id. at 138-140.

[9] Id. (Unpaginated).

[10] See *Collantes vs. Atty. Mabuti*, A.C. No. 9917, 14 January 2019.

[11] See *Orenia III vs. Gonzales*, A.C. No. 12766, 7 October 2020.

[12] Section 1, Rule VI of the Rules on Notarial Practice.

[13] See *Roa Buenafe vs. Atty. Lirazan*, A.C. No. 9361, 20 March 2019.

[14] *Supra* note 11.

[15] See *Re: John Mark Tamaño*, A.C. No. 12274, 7 October 2020; See also *Rico vs. Madrazo, Jr.*, A.C. 7231, 1 October 2019; See further *Malvar vs. Baleros*, A.C. No. 11346, 8 March 2017.

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