

## LEONARDO S. BITON, PETITIONER, VS. ANDRES MOMONGAN, RESPONDENT.

*Per. Rec. No. 2555. September 03, 1935*

Ponente: IMPERIAL, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/a74aff3c3bd4/>

---

### IMPERIAL, J.:

This administrative case originated from the complaint for malpractice filed against the respondent attorney.

The latter was a legal practitioner and at the same time a notary public in the City of Cebu, Province of Cebu. On October 26, 1927, he ratified, as notary public, a document entitled "Legal Separation", executed by the spouses Leonardo Biton and Fortunata Quijano, as husband and wife, wherein it was agreed that they separated mutually and voluntarily, that they renounced their lights and obligations, and that they authorized each other to remarry, renouncing any action to which they might be entitled and each promising not to be a witness against the other.

The respondent admits that he ratified the document without reading its contents, but that he was, not the one who prepared it. The complainant testified that the respondent prepared the document and that it was drawn up to conform with the respondent's legal advice to him and his wife. The latter asserts that it was her husband who had prepared the document. In the face of this evidence, we are of the opinion that it is preponderantly in favor of the respondent's claim that he did not draft the document.

It seems evident that the respondent ratified the document with knowledge of its contents. It is unbelievable that he had merely asked the parties to the document if they acknowledged its contents without he himself being familiar therewith. The word "pleases" appearing on the second line of the second paragraph has the respondent's initials stamped over it. The latter admitted his initials and the authorship of the amendment. This admission necessarily implies knowledge of the contents of the document, for otherwise it would not have been possible for the respondent to make the amendment.

The contract acknowledged by the respondent is indubitably illegal and immoral. Its covenants are contrary to law, morals, and good customs, and tend to subvert the vital foundation of the legitimate family. The ratification of a contract of this type, executed by a notary public who is a practicing attorney at the same time, constitutes malpractice, and as a disciplinary measure, this court may impose even disbarment. (*Panganiban vs. Borromeo*, 58 Phil., 367.)

In imposing the punishment, there should be taken into account the recommendation for leniency made by the judge who conducted the investigation, and the circumstance that the respondent has been undoubtedly suspended from the office of notary public to which he will not be reappointed for an indefinite period; wherefore, we hold the respondent Andres Momongan guilty of malpractice, and he is hereby severely censured. So ordered.

Avanceña, C.J., Malcolm, Villa-Real, Abad Santos, Hull, Butte, Goddard, and Recto, JJ., concur.  
Respondent severely censured.

**ABOUT BATAS.ORG**

# Study smarter at BATAS.org

*The Philippine bar review and law-school companion built around how your brain actually remembers.*

**The complete Philippine law library - free for everyone.**

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

**Audio case-brief lectures.**

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

**Bar review built on the science of memory.**

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

**The full law-school curriculum.**

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

**Mock exams that tell you where you stand.**

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

**A study planner that keeps you on pace.**

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

**Start free at <https://batas.org>**

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.