



Republic of the Philippines  
**Supreme Court**  
 Manila

**EN BANC**

**SPOUSES ANDRE CHAMBON  
 AND MARIA FATIMA  
 CHAMBON,**

Complainants,

**A.C. No. 11478**

Present:

SERENO, C.J.,\*  
 CARPIO,\*\*  
 VELASCO, JR.,  
 LEONARDO-DE CASTRO,  
 PERALTA,  
 BERSAMIN,  
 DEL CASTILLO,  
 PERLAS-BERNABE,  
 LEONEN,  
 JARDELEZA,  
 CAGUIOA,  
 MARTIRES,  
 TIJAM,  
 REYES, JR., and  
 GESMUNDO, JJ.

- versus -

**ATTY. CHRISTOPHER S. RUIZ,**  
 Respondent.

Promulgated:

September 5, 2017

*[Signature]*

X-----X

**DECISION**

**TIJAM, J.:**

This administrative case arose from a verified Complaint<sup>1</sup> for gross violation of Section 2 (b), paragraph 2 of Rule IV and Section 2, paragraphs (a), (d), and (e) of Rule VI of the 2004 Rules on Notarial Practice filed by complainant Spouses Andre and Maria Fatima Chambon (Spouses

\* On Official Leave.

\*\* Acting Chief Justice.

<sup>1</sup> *Rollo*, pp. 2-20.

*[Handwritten mark]*

Chambon) against Atty. Christopher S. Ruiz (respondent) before the Integrated Bar of the Philippines (IBP).

### The Facts

Spouses Chambon alleged that they were creditors of a certain Suzette Camasura Auman, also known as Mrs. Suzette Camasura Remoreras (Remoreras). To secure her obligation, Remoreras executed a real estate mortgage<sup>2</sup> (REM) over a parcel of land with improvements covered by Transfer Certificate of Title (TCT) No. 29490,<sup>3</sup> which was registered in her maiden name. Said REM was annotated in the Registry of Deeds of Mandaue City in 2006. TCT No. 29490 was handed over to Spouses Chambon.<sup>4</sup>

As Remoreras failed to pay her loan obligation, Spouses Chambon were prompted to institute an extra-judicial foreclosure proceedings on the subject property before the Ex-Officio Sheriff of Mandaue City. The public auction was set on April 27, 2010.<sup>5</sup>

In February 2010, counsel for Spouses Chambon learned that the Regional Trial Court (RTC) of Mandaue City, Branch 56, issued an Order<sup>6</sup> dated March 24, 2008, which directed the issuance of a new Owner's Duplicate Copy of TCT No. 29490. Apparently, a Petition for Issuance of a new Owner's Duplicate Copy of TCT No. 29490, which was grounded on an alleged Notice of Loss/Affidavit of Loss of the subject title, was filed by Remoreras.

Before the scheduled public auction, Remoreras filed a complaint to enjoin the holding of the same on the basis of an alleged execution and delivery of a Release of Mortgage document on the subject property purportedly executed by Spouses Chambon.<sup>7</sup>

Spouses Chambon discovered that the Notice of Loss/Affidavit of Loss<sup>8</sup> and the Release of Mortgage<sup>9</sup> were notarized by the respondent in Cebu City and that certain defects were found in said notarized documents and in the Notarial Register. In the *jurat* of said Notice, there was no competent evidence of identity of the executor. Also, in said Release, Spouses Chambon denied having executed the same.<sup>10</sup>

These incidents prompted Spouses Chambon to file a complaint for for gross violation of Section 2 (b), paragraph 2 of Rule IV and Section 2, paragraphs (a), (d), and (e) of Rule VI of the 2004 Rules on Notarial Practice before the IBP.

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<sup>2</sup> Id. at 21-22.

<sup>3</sup> Id. at 23.

<sup>4</sup> Id. at 3.

<sup>5</sup> Id. at 4.

<sup>6</sup> Penned by Presiding Judge Teresita A. Galanida; id. at 38-41.

<sup>7</sup> Id. at 5.

<sup>8</sup> Id. at 35.

<sup>9</sup> Id. at 36.

<sup>10</sup> Id. at 6-7.

In his Answer, the respondent denied the existence and notarization of the Release of Mortgage. As to the Notice of Loss/Affidavit of Loss, he admitted its existence and its entry in the Notarial Register. However, he imputed negligence on the part of his secretary as regards certain lapses in his Notarial Register.<sup>11</sup>

After investigation, the Investigating Commissioner of the IBP-Committee on Bar Discipline (CBD) rendered a Report and Recommendation<sup>12</sup> dated June 19, 2013, to wit:

Viewed from the foregoing, we recommend that the Respondent's present commission as notary public, if any, be revoked and that he be barred from being commissioned as a notary public for a period of four (4) years.

RESPECTFULLY SUBMITTED.<sup>13</sup>

In a Resolution<sup>14</sup> dated October 11, 2014, the Board of Governors of the IBP adopted the findings of the IBP-CBD, but modified the penalty, *viz*:

*RESOLVED TO ADOPT and APPROVE, as it is hereby ADOPTED and APPROVED with modification, the Report and Recommendation of the Investigating Commissioner in the above-entitled case, herein made part of this Resolution as Annex "A", and for violation of Rule IV, Section 2 (b), Rule VI, Section (a), par. 4, 5, and 6 and Rule VI, Section (2), par. (e) of the 2004 Rules of [sic] Notarial Practice, Atty. Christopher S. Ruiz's notarial commission if presently commissioned is immediately REVOKED. Further, he is DISQUALIFIED from reappointment as notary public for three (3) years and SUSPENDED from the practice of law for three (3) years.*<sup>15</sup> (Emphasis supplied)

### The Issue

Should respondent be administratively disciplined based on the allegations in the complaint and evidence on record?

### Our Ruling

By law, a notary public is empowered to perform the following acts: acknowledgments, oaths and affirmations, jurats, signature witnessing, copy certifications, among others.<sup>16</sup> The duties of a notary public is dictated by public policy and impressed with public interest. It is not a meaningless ministerial act of acknowledging documents executed by parties who are willing to pay the fees for notarization.<sup>17</sup> For notarization by a notary public converts a private document into a public document, making the same

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<sup>11</sup> Id. at 87.

<sup>12</sup> Issued by Commissioner Pablo S. Castillo; id. at 284-290.

<sup>13</sup> Id. at 290.

<sup>14</sup> Id. at 282-283.

<sup>15</sup> Id. at 282.

<sup>16</sup> Section 1, Rule IV of the 2004 Rules on Notarial Practice.

<sup>17</sup> *Isenhardt v. Atty. Real*, 682 Phil. 19, 26 (2012), citing *Lanuzo v. Atty. Bongon*, 587 Phil. 658, 661-662 (2008).

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admissible in evidence without further proof of authenticity; thus, a notarial document is, by law, entitled to full faith and credit upon its face.<sup>18</sup>

In this case, We find that the respondent failed to live up with the duties of a notary public as dictated by the 2004 Rules on Notarial Practice.

The subject Notice of Loss/Affidavit of Loss, allegedly executed by Remoreras, was undisputedly notarized by the respondent and entered in his Notarial Register. However, a careful examination of said Notice reveals that violation of the 2004 Rules was committed.

For one, the *jurat* was incomplete in that the competent proof of identity of the executor, Remoreras, was left in blank. Also, reference to the Notarial Register indicates that the entries pertaining to said Notice were also left in blank. The title/description of instrument, name and addresses of parties, competent evidence of identity, date and time of notarization, and type of notarial act were not filled up.

We emphasize that Section 5 of Rule IV of the 2004 Rules provides:

Sec. 5. False or Incomplete Certificate. – A notary public shall not:

- (a) execute a certificate containing information known or believed by the notary to be false.
- (b) **affix an official signature or seal on a notarial certificate that is incomplete.**

Relevantly, Section 8 defines a notarial certificate as part of, or attachment to, a notarized instrument or document that is completed by the notary public, bears the notary's signature and seal, and states the facts attested to by the notary public in a particular notarization as provided for by these Rules.

In this case, the respondent affixed his signature and seal on the notarial certificate without verifying the identity of the executor. Such was inferred from the fact that the competent proof of such executor's identity was left in blank. Hence, his act of signing the notarial certificate, notwithstanding the fact that it was incomplete, is a clear violation of the said Rules. No allegation as well that Remoreras is personally known to the respondent to dispense with the presentation of a competent evidence of identity.<sup>19</sup>

Moreover, entries in the respondent's Notarial Register, which refer to said Notice of Loss/Affidavit of Loss were also not properly accomplished.

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<sup>18</sup> *Gonzales v. Atty. Ramos*, 499 Phil. 345, 347 (2005).

<sup>19</sup> *Jandoquile v. Atty. Revilla, Jr.*, 708 Phil. 337, 341 (2013).

## RULE VI – NOTARIAL REGISTER

SEC. 1. Form of Notarial Register. - (a) A notary public shall keep, maintain, protect and provide for lawful inspection as provided in these Rules, a chronological official notarial register of notarial acts consisting of a permanently bound book with numbered page.

x x x x

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.

(b) A notary public shall record in the notarial register the reasons and circumstances for not completing a notarial act.

Here, it is undisputed that the respondent's Notarial Register did not bear the details pertaining to said Notice of Loss/Affidavit of Loss. To exculpate himself from liability, he attributed negligence and omission on the part of his secretary who prepared the same.

On this note, We reiterate that a notary public is personally accountable for all entries in his notarial register. He cannot relieve himself of this responsibility by passing the buck to his secretary.<sup>20</sup> The act of recording such entries in the Notarial Register is part and parcel of the duties of a notary public. Keeping in mind the nature of a notary public's responsibility, the respondent should not have shifted such responsibility to his office secretary and allowed her to make such pertinent entries.

As to the second subject document, *i.e.*, Release of Mortgage, the respondent denied having notarized the same. He averred that reference to the book number, document number, and page number of the such alleged Release points to a Special Power of Attorney (SPA) in his Notarial Register. The respondent admitted that while an SPA is indicated therein, it was actually a Deed of Absolute Sale, which he actually notarized. Such inadvertence was also blamed to his office secretary.

<sup>20</sup> *Lingan v. Attys. Calubaquib and Baliga*, 524 Phil. 60, 69 (2006).

Said Release of Mortgage bears similarities as to the signature and seal of the respondent as provided in the Notice of Loss/Affidavit of Loss. Nevertheless, his admission that inadvertence on the part of his secretary was committed with regard to the entries in his Notarial Register also constitutes a violation under the Rules as aforementioned.

We stress that a notary public carries with him a duty imbued with public interest. At all times, a notary public must be wary of the duties pertaining to his office. Thus, those who are not qualified to live up with the mandate of such office must, in absolute terms, be stripped off such authority.

As to penalty, We deem it proper to modify the same in accordance with jurisprudence. For failure to make proper entries in the notarial register, We imposed the penalty of revocation of the notarial commission and suspension from the practice of law for different durations. In the cases of *Agadan, et al. v. Atty. Kilaan*<sup>21</sup> and *Father Aquino v. Atty. Pascuai*,<sup>22</sup> the duration for the suspension is for three months, while in the case of *Bernardo v. Atty. Ramos*,<sup>23</sup> the duration is for six months. On the other hand, for affixing signature and seal on an incomplete notarial certificate, the penalty of revocation of notarial commission, prohibition from being a notary public for two years, and suspension from the practice of law for one year was viewed as wise in the case of *Gaddi v. Atty. Velasco, Jr.*,<sup>24</sup> while in the case of *Flodeliza E. Coquia v. Atty. Emmanuel E. Laforteza*,<sup>25</sup> the penalty of revocation of notarial commission and disqualification from being a notary public for one year was considered proper. Lastly, in the case of *Bartolome v. Basilio*,<sup>26</sup> wherein the notary public was found to have failed to make proper entries in his notarial register and affixed his signature in an incomplete notarial certificate, the penalty imposed was revocation of the notarial commission, suspension from the practice of law for one year, and prohibition from being a notary public for two years.

Guided by the foregoing precedents, the imposition of the penalty of revocation of notarial commission and suspension from the practice of law for a period of one year is considered as just and proper. Also, We deem it proper to impose the penalty of perpetual disqualification from being a notary public. It is beyond question that respondent was doubly negligent in the performance of his duties as a notary public. Not only did he notarize an incomplete notarial document, but he also admittedly delegated to his secretary his duty of entering details in his Notarial Register. To recall, such admission was apparent from respondent's act of shifting the blame to his secretary when attention was called out as to the non-accomplishment of pertinent entries in his Notarial Register. To Our mind, such acts constitute dishonesty to this Court, warranting perpetual disqualification from being a notary public.

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<sup>21</sup> 720 Phil. 625 (2013).

<sup>22</sup> 564 Phil. 1 (2007).

<sup>23</sup> 433 Phil. 8 (2002).

<sup>24</sup> 742 Phil. 810 (2014).

<sup>25</sup> A.C. No. 9364, February 8, 2017.

<sup>26</sup> A.C. No. 10783, October 14, 2015, 772 SCRA 213.

**WHEREFORE**, the instant complaint is **GRANTED**. Respondent Atty. Christopher S. Ruiz is found **GUILTY** of violating the 2004 Rules on Notarial Practice. Accordingly, We hereby **REVOKE** his notarial commission and **PERPETUALLY DISQUALIFY** him from being a notary public. Atty. Ruiz is also **SUSPENDED** from the practice of law for a period of one (1) year, effective immediately. He is **STERNLY WARNED** that repetition of the same will be dealt with more severely.


Let copies of this Decision be furnish all courts, the Office of the Bar Confidant, and the Integrated Bar of the Philippines for their information and guidance. The Office of the Bar Confidant is directed to append a copy of this Decision to respondent's record as member of the Bar.


**SO ORDERED.**


  
**NOEL GIMENEZ TIJAM**  
 Associate Justice

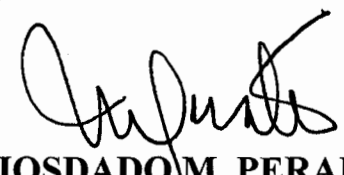
**WE CONCUR:**

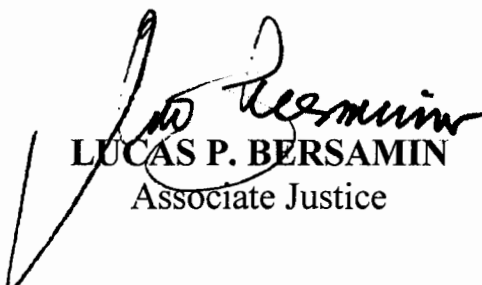
(On official leave)  
**MARIA LOURDES P. A. SERENO**  
 Chief Justice

  
**ANTONIO T. CARPIO**  
 Associate Justice  
 Acting Chief Justice

  
**PRESBITERO J. VELASCO, JR.**  
 Associate Justice

  
**TERESITA J. LEONARDO-DE CASTRO**  
 Associate Justice

  
**DIOSDADO M. PERALTA**  
 Associate Justice

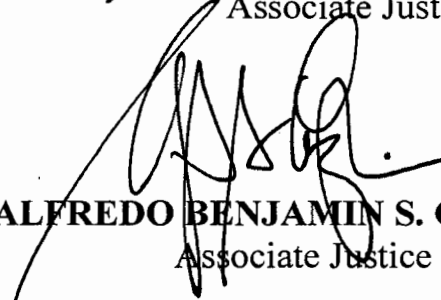
  
**LUCAS P. BERSAMIN**  
 Associate Justice


  
**MARIANO C. DEL CASTILLO**  
 Associate Justice

  
**ESTELA M. PERLAS-BERNABE**  
Associate Justice


  
**MARVIC M.V.F. LEONEN**  
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**FRANCIS H. JARDELEZA**  
Associate Justice

  
**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice

  
**SAMUEL R. MARTIRES**  
Associate Justice

  
**ANDRES B. REYES, JR.**  
Associate Justice

  
**ALEXANDER G. GESMUNDO**  
Associate Justice