



Republic of the Philippines
Supreme Court
 Manila

FIRST DIVISION

**RE: ORDER DATED
 DECEMBER 5, 2017 IN ADM.
 CASE NO. NP-008-17 (LUIS
 ALFONSO R. BENEDICTO VS.
 ATTY. JOHN MARK TAMAÑO)
 ISSUED BY THE EXECUTIVE
 JUDGE, REGIONAL TRIAL
 COURT, BACOLOD CITY,**
 Complainant,

A.C. No. 12274

Present:

PERALTA, *CJ.*, Chairperson,
 CAGUIOA,
 LAZARO-JAVIER,
 LOPEZ, and
 GAERLAN, *JJ.*

Promulgated:

OCT 07 2020

-versus-

ATTY. JOHN MARK TAMAÑO,
 Respondent.

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R E S O L U T I O N

LOPEZ, J.:

Notarization converts a private document into a public document, making it admissible in evidence without further proof of its authenticity and due execution.¹ Considering the evidentiary value given to notarized documents, notaries public must ensure proper recording of documents in their notarial registers, lest, falsely making it appear that they were notarized when in fact they were not;² the confidence of the public in the integrity of documents will be undermined.³

ANTECEDENTS

The case stemmed from a verified Complaint⁴ for the permanent

¹ *Roa-Buenafe v. Lirazan*, A.C. No. 9361, March 20, 2019.

² *Bernardo v. Atty. Ramos*, 433 Phil. 8, 16-17 (2002).

³ *Arrieta v. Llosa*, 346 Phil. 932, 937 (1997).

⁴ *Rollo*, pp. 8-15.

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revocation of Atty. John Mark M. Tamaño's (Atty. Tamaño) notarial commission filed by United Cadiz Sugarcane Planters Association, Inc.'s (UCSPAI) Corporate Secretary Luis Alfonso R. Benedicto (Benedicto) before the Office of the Executive Judge, Regional Trial Court, Bacolod City, and docketed as Adm. Case No. NP-008-17. Atty. Tamaño allegedly notarized UCSPAI's General Information Sheets (GIS) for the years 2010, 2011, 2012, 2013, and 2014 without the affiants'⁵ personal appearance. Also, Atty. Tamaño assigned the notarial particulars of documents he previously notarized and entered in his notarial register on the UCSPAI's GIS. Hence, UCSPAI's GIS were not recorded in Atty. Tamaño's notarial books.

In his Answer,⁶ Atty. Tamaño averred that Benedicto admitted in the pleadings he filed in the related falsification and perjury cases that he signed the 2014 GIS. Benedicto cannot now deny that he appeared before him to execute the 2014 GIS since he never questioned its validity and due execution. Even so, Benedicto's alleged non-appearance did not cause damage or prejudice to him or to UCSPAI, which benefited from the notarized GIS that complied with the requirements of the Securities and Exchange Commission (SEC).

During the preliminary conference, the parties stipulated that Atty. Tamaño did not record in his notarial register the UCSPAI's GIS for the years 2010 up to 2014.⁷ This was supported by the Certificates⁸ issued by the Office of the Clerk of Court of Bacolod City and Atty. Tamaño's notarial books⁹ showing that the notarial particulars written on the UCSPAI's GIS¹⁰ pertain to different documents:

Year	Notarial Particulars	Instrument recorded in Atty. Tamaño's notarial register	Instrument not recorded in Atty. Tamaño's notarial register
2010	Doc. No. 183; Page No. 36; Book No. 204; Series of 2010	Certificate executed by Wilfredo Remula	UCSPAI's GIS for the year 2010
2011	Doc. No. 312; Page No. 63; Book No. 268; Series of 2011	Deed of Absolute Sale executed by Julius Caesar Lacson and Jonathan Bayona	UCSPAI's GIS for the year 2011
2012	Doc. No. 7; Page No. 2; Book No. 307; Series of 2012	Contract Extension Agreement executed by Victor C. Go	UCSPAI's GIS for the year 2012
2013	Doc. No. 279; Page No. 56; Book No. 363;	Sworn Statement (RTPL) executed by Atty. Ma. Cecilia Soriano Salcedo	UCSPAI's GIS for the year 2013

⁵ GIS for the years 2010, 2011, 2012 and 2013 were executed by Enrique C. Regalado; and the 2014 GIS by Luis Alfonso R. Benedicto; see *id.* at 20, 24, 28, 33 and 38.

⁶ *Id.* at 69-74.

⁷ *Id.* at 177.

⁸ *Id.* at 210-212.

⁹ *Id.* at 183-203.

¹⁰ *Id.* at 204-209.

	Series of 2013	Mating	
2014	Doc. No. 170; Page No. 34; Book No. 424; Series of 2014	Memorandum of Agreement Executed by Ricky Desampasado and Rico C. Catalogo	UCSPAI's GIS for the year 2014

Atty. Tamaño claimed that he found out about the unrecorded notarized UCSPAI's GIS when he received a copy of the complaint filed against him in Adm. Case No. NP-008-17.¹¹ He then learned from his staff that they failed to enter the five GIS in his notarial books. Atty. Tamaño explained that as an office practice, he would sign the documents after reading and ascertaining their authenticity and due execution and then refer to his staff for filling in the notarial details and affixing his notarial seal. He admitted that there were lapses committed by his office staff to which he is responsible.

In an Order¹² dated December 5, 2017, Executive Judge Raymond Joseph G. Javier found that Atty. Tamaño failed to record in his notarial register the notarized GIS of UCSPAI for the years 2010 to 2014, in violation of Section 2(a), Rule VI of the 2004 Rules of Notarial Practice and accordingly, revoked Atty. Tamaño's notarial commission, *viz.*:

REVOCATION OF APPOINTMENT

of **ATTY. JOHN MARK M. TAMAÑO** as **NOTARY PUBLIC** for and in the Cities of Bacolod and Talisay and the Municipalities of Murcia and Salvador Benedicto, all in the Province of Negros Occidental, for the term ending **December 31, 2017** without prejudice to the outcome of this administrative case pending before him.¹³ (Emphasis in the original.)

Thereafter, the entire records of Adm. Case No. NP-008-17 was transmitted to this Court.¹⁴

On July 25, 2018, the Office of the Bar Confidant (OBC) issued its Report for Raffle¹⁵ recommending that the Order dated December 5, 2017 in Adm. Case No. NP-008-17 be docketed as a regular administrative case against Atty. Tamaño. In a Resolution¹⁶ dated August 22, 2018, the Court approved the instant administrative case, sustained the revocation of Atty. Tamaño's appointment as a notary public until December 31, 2017, and required Atty. Tamaño to show cause: (1) why his notarial commission as notary public should not be revoked; (2) why he should not be permanently disqualified from being commissioned as notary public; and, (3) why he should not be suspended from the practice of law.

In his Answer,¹⁷ Atty. Tamaño insisted that Benedicto and Enrique

¹¹ *Id.* at 275-280.

¹² *Id.* at 5-6, 333-334.

¹³ *Id.* at 6 and 334.

¹⁴ *Id.* at 1-2.

¹⁵ *Id.* at 337.

¹⁶ *Id.* at 338-340.

¹⁷ *Id.* at 342-349.

Regalado, Sr. accomplished and executed the UCSPAI's GIS in his presence. However, he admitted his serious neglect in attending to his duties as notary public, particularly, in not making sure that the notarized documents are recorded in the notarial register. Benedicto averred in his Reply¹⁸ that Atty. Tamaño is not worthy of compassion considering that he violated the Notarial Rules for a continuous period of five years. Atty. Tamaño cannot pass the blame to his staff in failing to record the GIS in his notarial books.

On February 6, 2019, the Court referred the case to the OBC for evaluation, report, and recommendation.¹⁹

On May 30, 2019, the OBC issued its Report and Recommendation²⁰ finding Atty. Tamaño to have violated his duties as a notary public and a lawyer under Sections 1 and 2(a), Rule VI and Section 1, Rule XI of the Notarial Rules as well as Rule 1.01, Canon 1 of the Code of Professional Responsibility (CPR) when he assigned to his office secretary the task of recording the notarial acts in the notarial registry book. The OBC recommended that Atty. Tamaño be suspended from the practice of law for two years and be perpetually disqualified from being commissioned as a notary public, *viz.*:

WHEREFORE, IN VIEW OF THE FOREGOING, it is respectfully recommended that respondent **ATTY. JOHN MARK M. TAMAÑO** be **SUSPENDED** from the practice of law for a period of two (2) years and **PERPETUALLY DISQUALIFIED** from being commissioned as a notary public for violations of Sections 1 and 2 (a), Rule VI and Section 1, Rule XI of the 2004 Rules on Notarial Practice (A.M. No. 02-8-13-SC) as well as Rule 1.01, Canon 1 of the Code of Professional Responsibility (CPR) with a warning that a repetition of the same or similar acts will be dealt with more severely.²¹

RULING

The OBC's Report and Recommendation, now before this Court for final action, is well grounded.

Section 2, Rule VI of the Notarial Rules enumerates the details required to be written in the notarial register of a notary public:

SECTION 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;

¹⁸ *Id.* at 351-359.

¹⁹ *Id.* at 364-366.

²⁰ *Id.* at 367-371.

²¹ *Id.* at 371.



- (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.

x x x x

(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.²² (Emphasis supplied.)

The notary public's failure to make the proper entry or entries in the notarial register concerning his notarial acts is a ground for the revocation of his commission or imposition of appropriate administrative sanctions.²³

Here, Atty. Tamaño did not deny notarizing the five UCSPAI's GIS and even stated that the affiants appeared before him for the notarization of the GIS. However, he failed to record the GIS in his notarial register. Atty. Tamaño assigned the entries of the notarial details of UCSPAI's GIS for the years 2010 up to 2014 to five distinct documents. The Certificates²⁴ issued by the Office of the Clerk of Court of Bacolod City revealed that as *per* Atty. Tamaño's notarial books submitted to them, the notarial particulars assigned to the UCSPAI's 2010 GIS pertain to a Certificate executed by Wilfredo Remula,²⁵ the 2011 GIS' notarial details pertain to a Deed of Absolute Sale executed by Julius Caesar Lacson and Jonathan Bayona,²⁶ the 2012 GIS to a Contract Extension Agreement executed by Victor C. Go,²⁷ the 2013 GIS to a Sworn Statement (RTPL) executed by Atty. Ma. Cecilia Soriano Salcedo Mating,²⁸ and the 2014 GIS to a Memorandum of Agreement Executed by Ricky Desampasado and Rico C. Catalogo.²⁹ Undoubtedly, the GIS of UCSPAI for the years 2010, 2011, 2012, 2013, and 2014 are not found in Atty. Tamaño's notarial register.

We have repeatedly held that notarization is not an empty, meaningless

²² 2004 Rules on Notarial Practice; A.M. No. 02-08-13-SC; Promulgated on July 6, 2004.

²³ *Id.*, Rule XI, Sec. 1.

²⁴ *Supra* note 8.

²⁵ *Rollo*, p. 204.

²⁶ *Id.* at 206.

²⁷ *Id.* at 207.

²⁸ *Id.* at 208.

²⁹ *Id.* at 209.



or routinary act, but invested with substantive public interest.³⁰ It is through the act of notarization that a private document is converted into a public one, making it admissible in evidence without further proof of its authenticity and due execution.³¹ In *Bernardo v. Atty. Ramos*,³² we emphasized the significance of recording notarized documents in the notarial books:

The notary public is further enjoined to record in his notarial registry the necessary information regarding the document or instrument notarized and retain a copy of the document presented to him for acknowledgment and certification especially when it is a contract. The notarial registry is a record of the notary public's official acts. Acknowledged documents and instruments recorded in it are considered public document. If the document or instrument does not appear in the notarial records and there is no copy of it therein, doubt is engendered that the document or instrument was not really notarized, so that it is not a public document and cannot bolster any claim made based on this document. Considering the evidentiary value given to notarized documents, the failure of the notary public to record the document in his notarial registry is tantamount to falsely making it appear that the document was notarized when in fact it was not.³³ (Citations omitted.)

There is no doubt, Atty. Tamaño's failure to record the GIS in his notarial book is inexcusable and constitutes gross negligence in carefully discharging his duties as a notary public. By failing to record proper entries in the notarial register, Atty. Tamaño violated his duty under Canon 1 of the CPR to uphold and obey the laws of the land, specifically, the Notarial Rules, and to promote respect for law and legal processes.

Atty. Tamaño offered plain oversight by his office staff in failing to log details of the GIS in the notarial book as excuse. We stress, however, that notaries public are the ones charged by the law with the recording in the notarial registry books of the necessary information regarding documents they have notarized.³⁴ Section 2, Rule VI of the Notarial Rules declares in no uncertain terms that "the *notary shall record* in the notarial register" the details of documents and instruments executed by him. Clearly, notaries public must cause the personal recordation of every notarial act in the notarial books since they are personally accountable for all entries in their notarial register.³⁵ Atty. Tamaño's delegation of his notarial function to his office staff is also 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."

Still, Atty. Tamaño claimed that UCSPA I benefited from the notarization because the SEC required submission of notarized GIS. We cannot give honor, much less credit to this lame justification. The principal

³⁰ *Almario v. Agno*, A.C. No. 10689, January 8, 2018; *Villaflores-Puza v. Atty. Arellano*, 811 Phil. 313, 315 (2017), citing *Mariano v. Atty. Echanez*, 785 Phil. 923, 927 (2016).

³¹ *Gaddi v. Atty. Velasco*, 742 Phil. 810, 815 (2014).

³² 433 Phil. 8 (2002).

³³ *Id.* at 16-17.

³⁴ *Roa-Buenafe v. Lirazan*, *supra* note 1; *Dr. Malvar v. Atty. Baleros*, 807 Phil. 16, 28 (2017).

³⁵ *Sps. Chambon v. Atty. Ruiz*, 817 Phil. 712, 721 (2017).



function of a notary public is to authenticate documents. When a notary public certifies to the due execution and delivery of the document under his hand and seal, he gives the document the force of evidence.³⁶ Given the evidentiary value accorded to notarized documents, the failure of the notary public to record the document in his notarial register corresponds to falsely making it appear that the document was notarized when, in fact, it was not. It cannot be overemphasized that notaries public are urged to observe with utmost care and utmost fidelity the basic requirements in the performance of their duties; otherwise, the confidence of the public in the integrity of notarized deeds will be undermined.³⁷ Undoubtedly, Atty. Tamaño's failure to strictly comply with the rules on notarial practice degrades the function of notarization and diminishes public confidence on notarial documents.

In several cases, the Court has subjected lawyers who were remiss in their duties as notaries public to disciplinary sanction. We imposed the following penalties: (1) revocation of notarial commission; (2) disqualification from being commissioned as notary public; and (3) suspension from the practice of law.³⁸

In *Bernardo v. Atty. Ramos*,³⁹ the notary public admitted that he failed to register in his notarial book the deed of absolute sale he notarized. That he notarized the document out of sympathy for his *kababayan* is not a legitimate excuse. We suspended the lawyer from the practice of law for six months, revoked his notarial commission, and disqualified him from reappointment to the office of notary public.

In *Dr. Malvar v. Atty. Baleros*,⁴⁰ the lawyer assigned the same notarial details to two distinct documents. She also delegated her notarial function of recording entries in her notarial register to her staff and the assailed document was missing from the notarial records. The Court suspended the lawyer from the practice of law for six months, disqualified her from reappointment as notary public for two years, and revoked her notarial commission.

In *Sps. Chambon v. Ruiz*,⁴¹ the lawyer not only notarized an incomplete notarial document, but he also admittedly delegated to his secretary his duty of entering details in his notarial register. The Court found him doubly negligent in the performance of his duties as a notary public and ruled that his acts constitute dishonesty. He was meted out the penalty of perpetual disqualification from being a notary public, suspension from the practice of law for one year, and revocation of his notarial commission.

In the recent case of *Roa-Buenafe v. Lirazan*,⁴² the lawyer delegated the task of notarization to his secretary who supposedly entered the notarial

³⁶ *Bernardo v. Atty. Ramos*, *supra* note 32 at 17.

³⁷ *Dr. Malvar v. Atty. Baleros*, 807 Phil. 16, 29-30 (2017).

³⁸ *Fire Officer I Sappayani v. Atty. Gasmén*, 768 Phil. 1, 9 (2015).

³⁹ 433 Phil. 8 (2002).

⁴⁰ 807 Phil. 16 (2017).

⁴¹ 817 Phil. 712 (2017).

⁴² *Supra* note 1.



details in his notarial book. He also failed to explain why there was no copy in his notarial records of the documents he had admittedly notarized. We suspended the lawyer from the practice of law for one year, revoked his incumbent notarial commission and disqualified him from reappointment as notary public for two years.

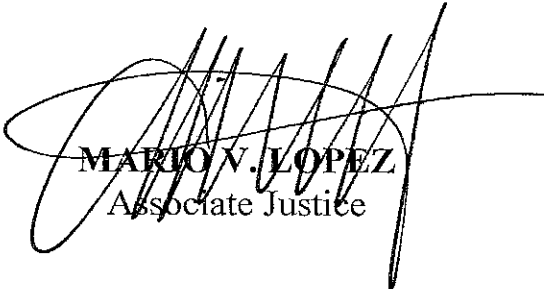
Thus, in keeping with recent jurisprudence, the Court modifies the recommended penalty of the OBC. Five documents – GIS – were notarized using notarial details similar to other notarized documents in a continuous period of five years. These documents were submitted by UCSPAI to the SEC, a government agency, as part of the reportorial requirements of the company. Taking into account all of Atty. Tamaño's acts, which violated his duties as a duly commissioned notary public and Canons 1 and 9 of the CPR, we deem it proper to suspend him from the practice of law for a period of one year, revoke his incumbent notarial commission, if any, and disqualify him from being commissioned as a notary public for two years.

FOR THESE REASONS, the Court finds respondent Atty. John Mark Tamaño **GUILTY** of violation of the 2004 Rules on Notarial Practice and the Code of Professional Responsibility. Atty. John Mark Tamaño is **SUSPENDED** from the practice of law for one (1) year; his incumbent notarial commission, if any, is **REVOKED**; and he is **DISQUALIFIED** from reappointment as notary public for a period of two (2) years. He is **WARNED** that a repetition of the same offense or similar acts in the future shall be dealt with more severely.

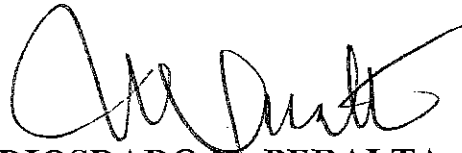
The suspension from the practice of law, the revocation of his notarial commission, if any, and the prohibition from being commissioned as a notary public shall take effect immediately upon respondent's receipt of this Resolution. He is **DIRECTED** to immediately file a Manifestation to the Court that his suspension has started, copy furnished all courts and quasi-judicial bodies where he has entered his appearance as counsel.

Let copies of this Resolution be furnished to the Office of the Bar Confidant, to be appended to respondent's personal record as attorney; the Integrated Bar of the Philippines for its information and guidance; and the Office of the Court Administrator for circulation to all courts in the country.

SO ORDERED.

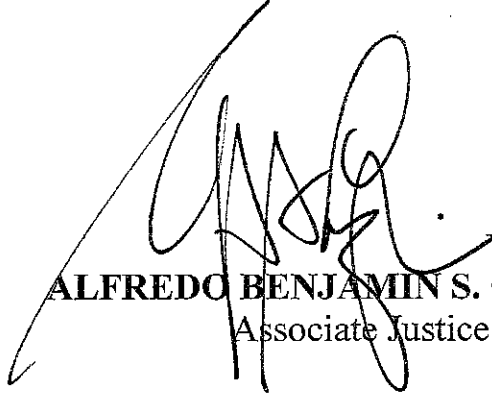

MARIO N. LOPEZ
Associate Justice

WE CONCUR:



DIOSDADO M. PERALTA

Chief Justice
Chairperson



ALFREDO BENJAMIN S. CAGUIOA

Associate Justice



AMY C. LAZARO-JAVIER

Associate Justice



SAMUEL H. GAERLAN

Associate Justice

