



SUPREME COURT OF THE PHILIPPINES
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Republic of the Philippines
Supreme Court
Manila

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SECOND DIVISION

LORETA HEDOCIL-
MENIORIA,*

Complainant,

A.C. No. 13378

[Formerly CBD Case No. 19-
6106]

- versus -

LEONEN, S.A.J., Chairperson,
LAZARO-JAVIER,
LOPEZ, M.,
LOPEZ, J.,** and
KHO, JR., JJ.

ATTY. GLENN ERIC LUMBAY
PERALTA,

Respondent.

Promulgated:

MAY 19 2025

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DECISION

KHO, JR., J.:

For the Court's resolution is a disbarment complaint¹ dated May 29, 2019 filed by complainant Loreta Hedocil-Menioria (complainant) against respondent Atty. Glenn Eric Lumbay Peralta (respondent), accusing the latter of, *inter alia*, violations of his duties as a notary public, particularly, for allegedly notarizing a Partition Agreement dated November 17, 2017 (subject document) between the brothers of complainant, Melecio Hedocil (Melecio) and Artemio Hedocil (Artemio), who both passed away years before the signing of the document.

* Complainant signed over the name "Loreta H. Menoria" in the verified complaint; *rollo*, p. 1.

** On official business.

¹ *Rollo*, pp. 1-7.

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The Facts

Complainant alleged that she is the lone surviving direct and compulsory heir of the late spouses Gaudioso Hedocil and Romana Andojar-Hedocil. This is considering that her brothers, namely Melecio and Artemio, died on April 17, 1984 and November 22, 2005, respectively, as evinced by their death certificates attached in the complaint. During the lifetime and bachelorship of Melecio and Artemio, they acquired a residential property in common properly described as Lot No. 6916 covered under Transfer Certificate of Title (TCT) No. 130-2014000295, located in Poblacion, Molave, Zamboanga Del Sur. On November 17, 2017, respondent notarized the subject document supposedly signed by Melecio and Artemio long after their deaths. According to complainant, respondent performed such act of notarization without requiring the supposed signatories to present any competent evidence of identification, thereby violating the Rules on Notarial Practice.²

In defense, respondent denied any administrative liability, claiming that: (a) this present disbarment case is similar to the criminal case against him for violation of Article 171 of the Revised Penal Code (RPC) which was already dismissed by the Office of the City Prosecutor of Pagadian City; (b) complainant's personality to file the instant disbarment complaint is questionable; (c) the wives of Melecio and Artemio did not divulge the fact of their husbands' deaths; (d) the signature of the lawyer in the subject document was not his; and (e) the original copy of the subject document was not presented, thereby violating the best evidence rule.³

The IBP Report and Recommendation

In a Report and Recommendation⁴ dated March 3, 2021, the Integrated Bar of the Philippines (IBP) Investigating Commissioner (IC) recommended: (a) that respondent be found guilty of violating the Code of Professional Responsibility (CPR), including his oath as a lawyer and as a notary public, and accordingly, be meted with the penalties of suspension from the practice of law for a period of two years; (b) the revocation of his current notarial commission, if still existing; and (c) his perpetual disqualification as a notary public.⁵

In so recommending, the IC found that respondent violated the Rules on Notarial Practice when he failed to require the supposed signatories of the subject documents, *i.e.*, Melecio and Artemio, to present any competent evidence of identification before notarizing such document. In this regard, the IC gave no weight to the dismissal of the criminal case filed against

² *Id.* at 134-135.

³ *Id.* at 136.

⁴ *Id.* at 134-145. Signed by Investigating Commissioner Atty. Patrick M. Velez.

⁵ *Id.* at 144-145.

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respondent, considering the difference of the required evidentiary thresholds in criminal and administrative disciplinary proceedings against lawyers. In this regard, the IC opined that the proper evidentiary threshold in a criminal case is “proof beyond reasonable doubt;” whereas in administrative disciplinary proceedings against lawyers, it is only “preponderance of evidence.” Furthermore, the IC also did not lend credence to respondent’s other assertions, ruling that: (a) as regards the best evidence rule, the “certified true copy” of the document is sufficient evidence of the original as there is actually a certification by the person who is in custody of the original on record; (b) since the issue in administrative disciplinary proceedings against members of the Bar is whether the lawyer committed acts violative of legal ethics, it can be filed by anyone who was aggrieved by such lawyer’s acts; and (c) respondent failed to provide any evidence as to his allegation that the signature appearing in the notarization portion was not his.⁶

In a Resolution⁷ dated November 19, 2021, the IBP Board of Governors adopted and approved the IC’s Report and Recommendation.

The Issue Before the Court

The issue for the Court’s resolution is whether respondent should be held administratively liable for the act complained of.

The Court’s Ruling

The Court affirms and adopts the findings and recommendations of the IBP with modifications.

At the outset, the Court would like to amend the IC’s notion that the evidentiary threshold in administrative disciplinary cases against members of the Bar is “preponderance of evidence.” In *Reyes v. Nieva*,⁸ the Court had definitively stated that the quantum of proof required to hold lawyers liable in administrative cases is through substantial evidence—which is more than a mere scintilla but is such relevant evidence as a reasonable mind might accept as adequate to support a conclusion, *viz.*:

Besides, the evidentiary threshold of substantial evidence — as opposed to preponderance of evidence — is more in keeping with the primordial purpose of and essential considerations attending this type of cases. As case law elucidates, “[d]isciplinary proceedings against lawyers are *sui generis*. Neither purely civil nor purely criminal, they do not involve a trial of an action or a suit, but is rather an investigation by the

⁶ *Id.* at 142–144.

⁷ *Id.* at 132–133. Signed by Assistant National Secretary Jose Angel B. Guidote, Jr.

⁸ 794 Phil. 360 (2016) [Per J. Perlas-Bernabe, *En Banc*], citing *Foster v. Agtang*, 749 Phil. 576 (2014) [Per *Curiam*, *En Banc*].

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Court into the conduct of one of its officers. Not being intended to inflict punishment, it is in no sense a criminal prosecution. Accordingly, there is neither a plaintiff nor a prosecutor therein. It may be initiated by the Court *motu proprio*. Public interest is its primary objective, and the real question for determination is whether or not the attorney is still a fit person to be allowed the privileges as such. Hence, in the exercise of its disciplinary powers, the Court merely calls upon a member of the Bar to account for his actuations as an officer of the Court with the end in view of preserving the purity of the legal profession and the proper and honest administration of justice by purging the profession of members who by their misconduct have proved themselves no longer worthy to be entrusted with the duties and responsibilities pertaining to the office of an attorney. In such posture, there can thus be no occasion to speak of a complainant or a prosecutor.”⁹ (Emphasis supplied; citation omitted)

Guided by the foregoing, the Court rules that complainant was able to establish, by substantial evidence, respondent’s administrative liability, as will be explained hereunder.

It must always be stressed that notarization is not an empty, meaningless or routinary act, but one invested with substantive public interest. Notarization converts a private document into a public document, making it admissible in evidence without further proof of its authenticity. Thus, a notarized document is, by law, entitled to full faith and credit upon its face.¹⁰

As correctly found by the IBP, respondent clearly failed to fully comply with his obligations as embodied in the Lawyer’s Oath.

Rule IV, Section 2(b) of the Rules on Notarial Practice emphasizes:

(b) A person shall not perform a notarial act if the person involved as signatory to the instrument or document —

(1) is not in the notary’s presence personally at the time of the notarization; and

(2) is not personally known to the notary public or otherwise identified by the notary public through competent evidence of identity as defined by these Rules.

Verily, the above provision provides that a notary public should not notarize a document unless the signatory to the document is in the notary’s presence personally at the time of the notarization, and personally known to the notary public or otherwise identified through competent evidence of identity.¹¹

In this regard, jurisprudence instructs that noncompliance with Rule IV, Section 2(b) of the 2004 Rules on Notarial Practice also comprises a violation

⁹ *Id.* at 379–380.

¹⁰ *Sanchez v. Inton*, 866 Phil. 1 (2019) [Per J. Perlas-Bernabe, *En Banc*].

¹¹ *Id.* at 8–9.

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of the Code of Professional Responsibility, as the said lawyer is considered to have violated his oath as a lawyer.¹² Further, the lawyer violates Canon 1, Rule 1.01 and Canon 10, Rule 10.01 of the CPR, which respectively state:

CANON 1 — A lawyer shall uphold the Constitution, obey the laws of the land and promote respect for law and legal processes.

Rule 1.01 — *A lawyer shall not engage in unlawful, dishonest, immoral or deceitful conduct.*

CANON 10 — A lawyer owes candor, fairness and good faith to the court.

Rule 10.01 — *A lawyer shall not do any falsehood, nor consent to the doing of any in Court*; nor shall he mislead, or allow the Court to be misled by any artifice. (Emphasis supplied)

Here, respondent admits that he prepared and notarized the subject document but pleads that he be exculpated from administrative liability by stating that he merely trusted the wives of Melecio and Artemio who are his regular clients.

Respondent's plea deserves scant consideration.

As aptly pointed out by the IC, the gravamen of this case lies with the details of respondent's acts and not with the personal emotions or incentives of complainant. Thus, by notarizing the subject document without the signatories personally appearing before him—a fact which is no longer possible as Melecio and Artemio have long died before the execution of the document—respondent exposed himself to administrative liability. It bears reiterating that a notary public should not notarize a document unless the person who signed it is the very same person who executed and personally appeared before him to attest to the contents and the truth of what are stated therein. Without the appearance of the person who actually executed the document in question, the notary public would be unable to verify the genuineness of the signature of the acknowledging party and to ascertain that the document is the party's free act or deed.¹³ As such, it is only proper that respondent be administratively sanctioned.

Respondent's administrative liability having been established, the Court now looks into the proper penalty to be imposed on him. In this regard, case law instructs that a notary public who violates the Notarial Rules must be meted out the following penalties: (a) revocation of notarial commission; (b) disqualification from being commissioned as notary public; and (c)

¹² *Piczon-Hermoso v. Parado*, 885 Phil. 1 (2020) [Per J. Perlas-Bernabe, Second Division].

¹³ *Agbulos v. Viray*, 704 Phil. 1, 7 (2013) [Per J. Peralta, Third Division].

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suspension from the practice of law. The duration of which varies depending on the circumstances.¹⁴

In *Spouses Zialcita v. Latras*,¹⁵ the erring lawyer was suspended from the practice of law for six months, his notarial commission revoked, and was disqualified from being commissioned as a notary public for a period of two years for notarizing a document without the personal presence of the affiant. In *Gaddi v. Velasco*,¹⁶ for the same offense, the Court revoked the notary public's notarial commission and prohibited him from being commissioned as such for two years, and suspended him from the practice of law for one year. Finally, in *Orola v. Baribar*,¹⁷ in a similar case, the Court suspended the erring lawyer from the practice of law for one year, revoked his incumbent commission, and prohibited him from being commissioned as a notary public for two years.

Considering the circumstances in this case, the Court deems it appropriate to mete on respondent the penalties of suspension from the practice of law for a period of one year; immediate revocation of his notarial commission, if still existing; and disqualification as a notary public for a period of two years.

However, the Court notes that respondent had already been disbarred in 2022. In *Dela Cruz v. Peralta*,¹⁸ this Court ruled to disbar respondent after having been found guilty of violating the Lawyer's Oath, and violating Rule 1.01 of Canon 1, Rule 7.03 of Canon 7, Rule 10.01 of Canon 10, Canon 11, Canon 15, Canon 16, and Canon 17 of the CPR.

For imposition of penalties against an already disbarred lawyer, the Court held in *Valmonte v. Quesada, Jr.*:¹⁹

However, considering that the Court had already imposed upon respondent the ultimate penalty of disbarment for his gross misconduct and willful disobedience of the lawful orders of the court in an earlier complaint for disbarment filed against him in *Zarcilla v. Quesada, Jr.*, the penalty of additional six months suspension from the practice of law can no longer be imposed upon him. The reason is obvious: "[o]nce a lawyer is disbarred, there is no penalty that could be imposed regarding his privilege to practice law."

But while the Court can no longer impose the penalty upon the disbarred lawyer, it can still give the corresponding penalty only for the sole purpose of recording it in his personal file with the Office of the Bar

¹⁴ *Roa Buenafe v. Lirazan*, 850 Phil. 1 (2019) [Per J. Gesmundo, First Division].

¹⁵ 848 Phil. 763 (2019) [Per J. Peralta, Third Division].

¹⁶ 742 Phil. 810 (2014) [Per Acting C.J. Carpio, Second Division].

¹⁷ 828 Phil. 1 (2018) [Per J. Peralta, Second Division].

¹⁸ 930 Phil. 549 (2022) [*Per Curiam, En Banc*].

¹⁹ 867 Phil. 247 (2019) [Per J. Hernando, Second Division].

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Confidant (OBC), which should be taken into consideration in the event that the disbarred lawyer subsequently files a petition to lift his disbarment.

In addition, the Court may also impose a fine upon a disbarred lawyer found to have committed an offense prior to his/her disbarment as the Court does not lose its exclusive jurisdiction over other offenses committed by a disbarred lawyer while he/she was still a member of the Law Profession. In fact, by imposing a fine, the Court is able "to assert its authority and competence to discipline all acts and actuations committed by the members of the Legal Profession."

All told, the Court finds respondent guilty of unauthorized practice of law. And although he has already been disbarred, the Court, nevertheless, deems it proper to give the corresponding penalty of six months suspension from the practice of law for the sole purpose of recording it in his personal file in the OBC. The Court, likewise, considers it necessary to impose upon respondent a penalty of fine in the amount of Php 40,000.00.²⁰

Thus, aside from respondent's suspension from the practice of law for one year, the Court deems it likewise proper to impose a fine of PHP 40,000.00 against him.

ACCORDINGLY, the Court finds respondent Atty. Glenn Eric Lumbay Peralta **GUILTY** of violating the 2004 Rules on Notarial Practice and Canon 1, Rule 1.01 and Canon 10, Rule 10.01 of the Code of Professional Responsibility. The Court **SUSPENDS** him from the practice of law for a period of one year; **REVOKES** his incumbent commission as a notary public, if any; and **PROHIBITS** him from being commissioned as a notary public for a period of two years. However, considering that he has already been disbarred, the penalties provided herein can no longer be imposed but nevertheless should be considered in the event that he should apply for the lifting of his disbarment. He is also **ORDERED** to pay a **FINE** in the amount of PHP 40,000.00 within a period not exceeding three months from receipt of this Decision.

Let copies of this Decision be furnished to the Office of the Bar Confidant to be appended to respondent's personal record as an 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.


The Integrated Bar of the Philippines is **DIRECTED** to furnish the local chapter to which respondent belongs, a copy of this Decision.

This Decision is immediately executory upon receipt thereof.

SO ORDERED.

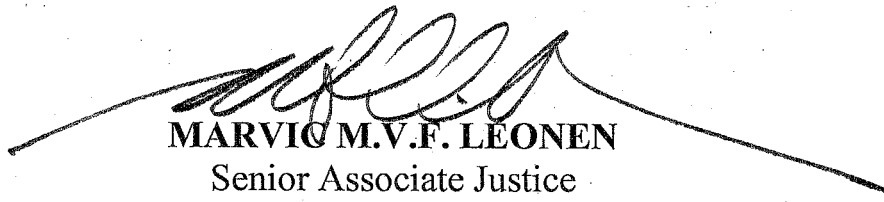
²⁰ *Id.* at 251-252.

Handwritten signature



ANTONIO T. KHO, JR.
Associate Justice

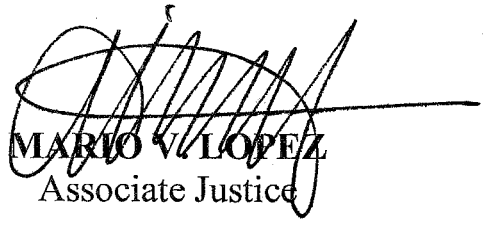
WE CONCUR:



MARVIC M.V.F. LEONEN
Senior Associate Justice
Chairperson



AMY C. LAZARO-JAVIER
Associate Justice



MARIO V. LOPEZ
Associate Justice

On official business
JHOSEP Y. LOPEZ
Associate Justice

