



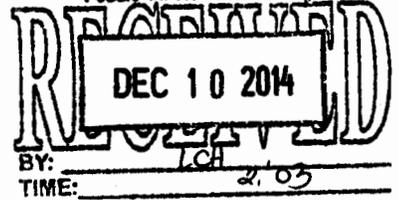
Republic of the Philippines

Supreme Court

Manila

THIRD DIVISION

SUPREME COURT OF THE PHILIPPINES
PUBLIC INFORMATION OFFICE



NOTICE

Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated November 12, 2014, which reads as follows:

“A.C. No. 10119 (Re: Order dated August 29, 2013 of Hon. Genoveva C. Maramba, Exec. Judge, RTC, Dagupan City). – On May 24, 2013, Judge Genoveva C. Maramba (Judge Maramba), Executive Judge of the Regional Trial Court (RTC) of Dagupan City, issued an Order¹ of even date, ordering respondent Atty. Pedro A. Surdilla, Jr. to cease and desist from notarizing documents without authority, with a warning that a repetition of the same or similar conduct in the future will be dealt with more severely.

Despite the cease and desist order, Respondent continued to notarize documents, as shown by his signatures, as notarizing officer appearing on the Applications for Foreclosure of Real Estate Mortgage dated August 15, 2013² and August 27, 2013³ both filed by the Rural Bank of Itogon (Benguet), Inc. (“Itogon Rural Bank”), Mangaldan, Pangasinan Branch. Thus, Judge Maramba issued another Order⁴ dated August 28, 2014, directing that copies of this, as well as the May 24, 2013 Order, be furnished to this Court, the Office of the Bar Confidant (OBC), and the Pangasinan Chapter of the Integrated Bar of the Philippines (IBP), for appropriate action.

In its Report⁵ dated October 23, 2013, the OBC docketed the August 28, 2013 Order as a regular administrative case against the respondent and recommended the following:

1. A.C. No. 10119 entitled “Re: Order dated 28 August 2013 of Hon. Genoveva C. Maramba vs. Atty. Pedro A. Surdilla, Jr.,” be duly noted and approved; and

¹ *Rollo*, p. 2.

² *Id.* at 3.

³ *Id.* at 4.

⁴ *Id.* at 1.

⁵ *Id.* at 6.

2. The copy of the Order dated 28 August 2013 be sent to respondent, and that he be required to Comment thereon within ten (10) days from receipt of the resolution of the Court requiring him to comment.

On January 15, 2014, this Court issued a Resolution⁶ directing the respondent to file his comment on the August 28, 2013 Order within ten (10) days from notice.

In his Comment⁷ dated March 1, 2014, respondent alleged having been granted commission as a Notary Public by then Executive Judge Emma M. Torio of the RTC, Dagupan City, for a term beginning January 18, 2010 until December 31, 2011. Respondent admitted not being able to renew his Notarial Commission allegedly due to the May 2013 local elections wherein he purportedly participated. He denied receiving the adverted May 24, 2013 Order, alleging that he only received the same together with the August 28, 2013 Order on September 6, 2013 in one (1) envelope. Respondent further alleged that he merely notarized the Applications for Foreclosure of Real Estate Mortgage through inadvertence and with good intention, Itogon Rural Bank, Mangaldan Branch, being his former client. Respondent insisted that he had long stopped and ceased from performing notarial activity, and that he did not purposely disobey the cease and desist orders of Judge Maramba.

The main issue in this case is whether or not respondent violated A.M. No. 02-8-13-SC, otherwise known as the "2004 Rules on Notarial Practice." In view of his admission, respondent is clearly in breach of the said Rules.

Sec. 9 of the Rules defines a Notary Public as any person commissioned to perform official acts as defined thereunder:

Sec. 9. Notary Public and Notary. - "Notary Public" and "Notary" refer to any person commissioned to perform official acts under these Rules.

Under Sec. 3 of the Rules, the grant of authority to perform notarial acts is evidenced by the notarial commission issued by the Executive Judge. The notarial commission is issued upon application by any qualified person for the issuance thereof, and after the Executive Judge had conducted a summary hearing on the application and granted the same. Thus:

Sec. 3. Commission. - "Commission" refers to the grant of authority to perform notarial acts and to the written evidence of the authority.

⁶ Id. at 7.

⁷ Id. at 9.

Therefore, only those who have been granted a notarial commission may serve as notaries public, and respondent clearly was not one when he notarized the Applications for Foreclosure of Real Estate Mortgage.

The significance of the act of notarization cannot be stressed enough. Notarization is not an empty, meaningless, or routinary act, but one invested with substantive public interest such that only those who are qualified or authorized to do so may act as notaries public.⁸ Notarization by a notary public converts a private document into a public one and makes it admissible in evidence without further proof of its authenticity.⁹ In *Tenoso v. Echanez*,¹⁰ this Court underscored the importance of the role of notaries public in serving the interest of the public:

Time and again, this Court emphasizes that the practice of law is imbued with public interest and that “a lawyer owes substantial duties not only to his client, but also to his brethren in the profession, to the courts, and to the nation, and takes part in one of the most important functions of the State - the administration of justice - as an officer of the court.” Accordingly, “lawyers are bound to maintain not only a high standard of legal proficiency, but also of morality, honesty, integrity and fair dealing.”

Similarly, the duties of notaries public are dictated by public policy and impressed with public interest. “Notarization is not a routinary, meaningless act, for notarization converts a private document to a public instrument, making it admissible in evidence without the necessity of preliminary proof of its authenticity and due execution.”

As a lawyer, respondent is beholden first and foremost to uphold and to promote respect to the law. Accordingly, respondent is “bound to maintain not only a high standard of legal proficiency, but also of morality, honesty, integrity and fair dealing.” Respondent’s excuse that he notarized the aforementioned documents out of his good intentions for a former client is flimsy and unavailing. By admitting to notarizing documents without a notarial commission, respondent veritably admits being gravely remiss in his duties as a lawyer and failing to maintain a high standard of honesty and fair dealing. In misrepresenting himself as a notary public, respondent deceived the public regarding his qualifications to perform notarial acts and engaged in unlawful and dishonest conduct to the detriment of his clients, and in violation of the Code of Professional Responsibility.

In *Nunga v. Viray*,¹¹ this Court has stated that the act of notarizing documents with an expired notarial commission is an act of deliberate falsehood proscribed by the Code of Professional Responsibility, the

⁸ *Agdan v. Kilaan*, A.C. No. 9385, November 11, 2013, 709 SCRA 1; citing *Lingan v. Attys. Calubaquib and Baliga*, A.C. No. 5377, June 15, 2006, 490 SCRA 26.

⁹ *Tigno v. Aquino*, G.R. No. 129416, November 25, 2004, 444 SCRA 61, 75.

¹⁰ A.C. No. 8384, April 11, 2013, 696 SCRA 1, 6-7.

¹¹ A.M. No. 4758, April 30, 1999, 306 SCRA 487, 491-492.

commission of which subjects the erring lawyer to disciplinary action by this Court:

Where the notarization of a document is done by a member of the Philippine Bar at a time when he has no authorization or commission to do so, the offender may be subjected to disciplinary action. For one, performing a notarial without such commission is a violation of the lawyer's oath to obey the laws, more specifically, the Notarial Law. Then, too, by making it appear that he is duly commissioned when he is not, he is, for all legal intents and purposes, indulging in deliberate falsehood, which the lawyer's oath similarly proscribes. These violations fall squarely within the prohibition of Rule 1.01 of Canon 1 of the Code of Professional Responsibility, which provides: "A lawyer shall not engage in unlawful, dishonest, immoral or deceitful conduct."

Thus, respondent's act of notarizing the Applications for Judicial Foreclosure merits the disciplinary action by this Court. As to the proper imposable penalty, the past penalties imposed by the Court upon similar erring lawyers are instructive:

In *Buensuceso v. Barrera*,¹² the Court suspended the respondent from the practice of law for one (1) year for notarizing documents after his commission as a Notary Public has expired. While in *Tenoso v. Echanes*,¹³ the respondent therein was suspended from the practice of law for two (2) years and disqualified from being commissioned as a notary public for two (2) years.

Thus, the Court finds it sufficient to suspend respondent from the practice of law for one (1) year, and to disqualify him from being commissioned as a notary public for two (2) years.

IN VIEW OF THE FOREGOING, the Court finds Atty. Pedro A. Surdilla, Jr. **GUILTY** of engaging in notarial practice without a notarial commission and of violating En Banc Resolution dated November 12, 2002, as amended by En Banc Resolution dated April 1, 2003. Accordingly, the Court **SUSPENDS** Atty. Surdilla, Jr. from the practice of law for one (1) year and **DISQUALIFIES** him from being commissioned as a notary public for two (2) years. The Court hereby warns Atty. Surdilla, Jr. that a repetition of the same or similar act in the future shall merit a more severe sanction.

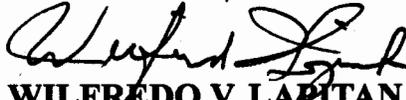
¹² A.M. No. 3727, December 11, 1992, 216 SCRA 309.

¹³ Supra note 10.

Let copies of this Resolution be furnished the Office of the Court Administrator for dissemination to all lower courts, the IBP and the Office of the Bar Confidant. (Perlas-Bernabe, J., Acting Member in lieu of Peralta, J. per Special Order No. 1866 dated November 4, 2014).

SO ORDERED.”

Very truly yours,


WILFREDO V. LAPITAN

Division Clerk of Court

12/1/14

Hon. Genoveva C. Maramba
Executive Judge
REGIONAL TRIAL COURT
2400 Dagupan City

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Hon. Jose Midas P. Marquez
Court Administrator
OFFICE OF THE COURT ADMINISTRATOR
Supreme Court, Manila