

REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated 07 October 2019 which reads as follows:*

**"A.C. No. 9940 – Maria Clara E. Marquez and Zenaida M. Carmona v. Atty. Jose S. Maronilla**

x ----- x

Before the Court is a complaint filed by Maria Clara E. Marquez (Marquez) and Zenaida M. Carmona (Carmona) against Atty. Jose S. Maronilla (Atty. Maronilla) for the latter's act of notarizing a Deed of Absolute Sale and a Deed of Extra-Judicial Settlement despite the absence of some of the parties.

In their verified complaint dated January 7, 2013, Marquez and Carmona averred that Atty. Maronilla, in his capacity as lawyer and notary public, violated the lawyer's oath in relation to Section 27, Rule 138 of the Rules of Court for notarizing the Deed of Absolute Sale and Deed of Extra-Judicial Settlement even though Leticia Esteban and Maria Editha Gloria, who were residing abroad, did not personally appear before Atty. Maronilla.

Atty. Maronilla belied the allegations in his Comment dated December 9, 2013 claiming that as notary public, he only did his job. Corazon Madrogaba, the person who referred the documents for notarization to him, attested to the fact that before she brought the documents to him, she asked the clients if they are the parties to the documents and if they had identification cards, to which they answered in the affirmative and showed her their respective IDs.<sup>1</sup>

**IBP Report and Recommendation**

After the mandatory conference and the submission of their respective position papers, the Integrated Bar of the Philippines-Commission on Bar Discipline (IBP-CBD) Commissioner Eldrid C. Antiquiera submitted his Report dated September 24, 2014 finding Atty. Maronilla guilty of violating the lawyer's oath and the 2004 Rules on Notarial Practice and recommended that he be suspended from the practice of law and as notary for a period of one year.<sup>2</sup>

<sup>1</sup> Rollo, p. 80.

<sup>2</sup> Id. at 80-82.

11/2/19

On December 14, 2014, the IBP Board of Governors passed a Resolution adopting with modification the Report and Recommendation of the Investigating Commissioner. To quote:

RESOLUTION NO. XXI-2014-959  
CBD Case No. 14-4243  
(Adm. Case No. 9940)  
Maria Clara E. Marquez, et al. vs.  
Atty. Jose S. Maronilla

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 finding Respondent for violation of his Lawyer's Oath and the 2004 Rules on Notarial Practice by notarizing documents without the personal presence of all the parties to the document, Atty. Jose S. Maronilla's notarial commission if presently commissioned is immediately REVOKED. Further, he is DISQUALIFIED from being commissioned as notary public for two (2) years and SUSPENDED from the practice of law for six (6) months.<sup>3</sup>

Atty. Maronilla filed a Motion for Reconsideration,<sup>4</sup> but the same was denied by the IBP on August 27, 2016, finding that there was no new reason or argument adduced to reverse the previous ruling.<sup>5</sup>

### The Court's Ruling

After a review of the records of the case, the Court finds no reason to reverse the IBP Board of Governors' findings.

As the Court has repeatedly pronounced, notarization is not an empty, meaningless or routinary act. It is impressed with public interest as it ensures the authenticity and reliability of a document. It is through notarization that a private document is converted into a public one, making it admissible in evidence without need of preliminary proof of authenticity and due execution.<sup>6</sup> Thus, a notary public must observe the highest degree of care in complying with the basic requirements in the performance of his duties, in order to preserve the confidence of the public in the integrity of the notarial system.<sup>7</sup>

A notary public should not notarize a document unless the persons who signed the same are the very same persons who executed and personally appeared before him to attest to the contents and truth of the statements averred therein. It is the notary's duty to demand that the document

<sup>3</sup> Id. at 79.

<sup>4</sup> Id. at 83-88.

<sup>5</sup> Id. at 94.

<sup>6</sup> *Malvar v. Atty. Baleros*, 807 Phil. 16, 28 (2017).

<sup>7</sup> *Atty. Bartolome v. Atty. Basilio*, 771 Phil. 1, 5 (2015).

presented to him for notarization be signed in his presence. The purpose of the requirement of personal appearance by the acknowledging party before the notary public is to enable the notary to verify the genuineness of the signature of the acknowledging party. Only by such personal appearance may the notary public be able to ascertain from the acknowledging party himself that the instrument or document is his own free act and deed.<sup>8</sup>

In this case, Atty. Maronilla notarized the Deed of Absolute Sale<sup>9</sup> dated November 12, 2012 and Extra-Judicial Settlement<sup>10</sup> dated January 4, 2013, with the name and signature of Leticia Esteban. A Certification from the Bureau of Immigration<sup>11</sup> shows, however, that she was out of the country during said period.

When asked to comment, Atty. Maronilla explained that he relied on the representation of one Corazon Madrogaba who brought the documents to him. He invoked good faith saying that he believed that the persons who appeared before him were actually the parties mentioned in the documents.

The 2004 Rules on Notarial Practice requires 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.<sup>12</sup> Clearly, Atty. Maronillo failed to exercise due diligence in upholding his duty as a notary public. He failed to ensure the personal presence of the affiants and the presentation of competent evidence of their identities as required under the Notarial Law.

With the breach of the Notarial rules, respondent is deemed to have violated the Code of Professional Responsibility as well, considering that an erring lawyer who is found to be remiss in his functions as a notary public is considered to have violated his oath as a lawyer as well.<sup>13</sup>

The IBP-CBD, therefore, correctly imposed on respondent the penalty of disqualification from being commissioned as notary public for two years and suspended from the practice of law for six months.<sup>14</sup>

**WHEREFORE**, the Court finds Atty. Jose S. Maronilla **GUILTY** of violating the 2004 Rules on Notarial Practice and the Code of Professional Responsibility. The Court, accordingly, immediately **REVOKES** his present notarial commission, if still existing, and **DISQUALIFIES** him from reappointment as Notary Public for a period of two (2) years. He is

<sup>8</sup> *Orola v. Atty. Baribar*, A.C. No. 6927, March 14, 2018.

<sup>9</sup> Annexes "E" and "F" of the Complaint; *rollo*, pp. 17-18.

<sup>10</sup> Annex "G"; *id.* at 21.

<sup>11</sup> Annex "H"; *id.* at 26.

<sup>12</sup> *Gaddi v. Atty. Velasco*, 742 Phil. 810, 815 (2014), citing the 2004 Rules on Notarial Practice, Rule IV, Section 2(b).

<sup>13</sup> *Id.* at 817.

<sup>14</sup> *Malvar v. Baleros*, *supra* note 6, at 30.

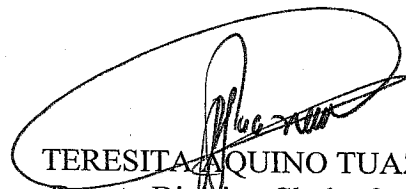
likewise **SUSPENDED** from the practice of law for six (6) months effective immediately with a **WARNING** that a repetition of the same or similar acts in the future shall be dealt with more severely.

The revocation of his notarial commission, prohibition from being commissioned as a notary public and suspension from the practice of law shall take effect immediately upon receipt of this Decision by Atty. Maronilla. 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 Atty. Maronilla'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.

**SO ORDERED.**"

Very truly yours,

  
TERESITA AQUINO TUAZON  
Deputy Division Clerk of Court 10/19/10

MARIA CLARA E. MARQUEZ, ET AL. (reg)

Complainants

F 58 004 Dona Aurora Street  
San Roque, Angono, Rizal

ZENAIDA M. CARMONA (reg)

Complainant

No. 612 Sultan Street  
Highway Hills, Mandaluyong City

ATTY. JOSE S. MARONILLA (reg)

Respondent

Unit 3F, CSV Properties Building No. 325  
Maysilo Circle Plainview  
Mandaluyong City

INTEGRATED BAR OF THE PHILIPPINES (reg)

Doña Julia Vargas Avenue  
Ortigas Center, 1605 Pasig City

\*HON. JOSE MIDAS P. MARQUEZ (x)  
Office of the Court Administrator  
Supreme Court, Manila

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THE BAR CONFIDANT (x)  
Supreme Court, Manila

\*Note: For Circularization to all Courts  
*Please notify the Court of any change in your address.*  
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