SUPREME COURT OF THE PHILIPPINES
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**THIRD DIVISION**

ALOYSIUS R. PAJARILLO,
Complainant,

- versus -

ATTY. ARCHIMEDES O. YANTO,

Respondent.

A.C. No. 13332

Present:

CAGUIOA, *J., Chairperson,*
INTING,
GAERLAN,
DIMAAMPAO, and
SINGH, *JJ.*

Promulgated:

August 10, 2022

Misa Dc Bott

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## DECISION

**DIMAAMPAO, *J.:***

This administrative disciplinary case involves the Complaint[1] filed by complainant Aloysius R. Pajarillo against respondent Atty. Archimedes O. Yanto before the Integrated Bar of the Philippines (IBP) for violation of the Code of Professional Responsibility (CPR) and the Rules on Notarial Practice.

The diegesis of the case is synthesized as follows:

Complainant was one of the plaintiffs in a civil case for recovery of ownership and possession with damages then pending before the Regional Trial Court (RTC) of Camarines Norte, Branch 41, docketed as Civil Case No. 8028. Respondent, on the other hand, was the legal counsel of therein defendants Ronnie Pimentel (Ronnie), George Pimentel (George), and Roweno Pimentel (Roweno).[2]

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[1] Record, pp. 1-12.
[2] Id. at 2.

(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. (Emphasis supplied.)

Further, Section 2(e), Rule VI of the same Rules requires that:

(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. (Emphasis supplied.)

From the foregoing provisions of the Notarial Rules, it can be distilled that: *one*, the act of recording in the notarial register all information that needs to be recorded is the **duty of a commissioned notary**; and *two*, each document executed, sworn to, or acknowledged before notaries public is **etched with unique notarial details.**

Here, there was a stark irregularity in the notarization of the SPAs. Instead of affixing different notarial details for each of the two documents, which involved two separate cases, respondent's office staff mistakenly thought that only one and the same document was notarized. Thus, only the SPA intended for the DENR case was reported to the Clerk of Court. The SPA filed before the RTC of Camarines Norte, Branch 41 carried the same notarial details as the first.

In a plethora of cases, the Court reminded lawyers that they cannot simply pass the blame to their secretaries and office staff whenever there are errors in recording the necessary information regarding documents or instruments they have notarized. Commissioned notaries are charged by law with the obligation to **personally record** the notarial details to avoid any error that a non-lawyer may commit. Verily, the office staff or secretary who is not well-acquainted with the Notarial Rules cannot be expected to labor with the same level of meticulousness that a diligent commissioned notary would exhibit out of fear of possible revocation or suspension of his or her notarial commission.

Notaries public are expected to observe the highest degree of compliance with the basic requirements of notarial practice in order to preserve public confidence in the integrity of the notarial system.[13]

Discernibly, respondent's omission is a ground for the revocation of his notarial commission—

RULE XI
Revocation of Commission and Disciplinary Sanctions

SECTION 1. Revocation and Administrative Sanctions. — (a) The Executive Judge shall revoke a notarial commission for any ground on which an application for a commission may be denied.

(b) In addition, the Executive Judge may revoke the commission of, or impose appropriate administrative sanctions upon, any notary public who:

x x x x

(2) **fails to make the proper entry or entries in his notarial register concerning his notarial acts**;

x x x x (Emphasis supplied.)

Jurisprudence provides that a notary public who fails to discharge his duties as such is meted out the following penalties: *(1)* revocation of notarial commission; *(2)* disqualification from being commissioned as notary public; and *(3)* suspension from the practice of law — the terms of which vary based on the circumstances of each case.[14]

By failing to record proper entries in the notarial register, respondent not only violated the Notarial Rules but also the CPR. Specifically, he failed to comply with his duty under Canon 1 of the CPR to uphold and obey the laws of the land, *i.e.*, the Notarial Rules, and to promote respect for law and legal processes. So, too, respondent's delegation to the office staff of his notarial function is 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."[15]

Based on the circumstances obtaining in the case at bench, respondent should be made liable not only as a notary public who failed to discharge his

[13] See *Roa Buenafe vs. Atty. Lirazan*, A.C. No. 9361, 20 March 2019.
[14] Supra note 11.
[15] See *Re: John Mark Tamaño*, A.C. No. 12274, 7 October 2020; See also *Rico vs. Madrazo, Jr.*, A.C. No. 7231, 1 October 2019; See further *Malvar vs. Baleros*, A.C. No. 11346, 8 March 2017.

duties as such but also as a lawyer who exhibited utter disregard for the integrity and dignity owing to the legal profession.

It cannot be stressed enough that notarial duties, as with lawyer duties, ought to be carried out with not just a modicum of competence. When lawyers applied to be commissioned notaries, and when they were subsequently appointed as such, they swore under oath to preserve the sanctity of the notarial process. The legal effect of notarization — how it transforms a private document into a self-authenticating public document that provides evidentiary convenience — should constantly remind notaries public that there is a need on their part to be particularly thorough in keeping the accuracy, integrity, and truthfulness of their notarial records. Not holding fast to this solemn duty will undermine the public's faith and confidence in the notarial system and the legal profession in general.
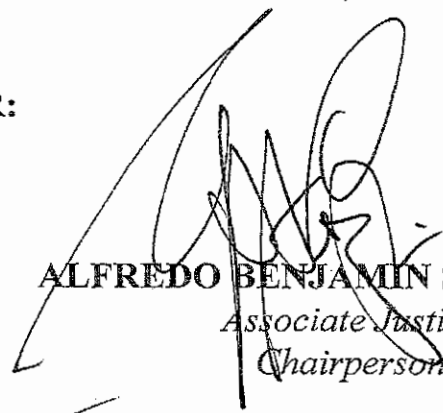
In synthesis, the Court finds respondent liable for violation of the Rules on Notarial Practice and the CPR. Consequently, his notarial commission is revoked, and he is hereby disqualified from being appointed as notary public for one year. Considering that respondent's negligent recording of the notarized SPAs did not cause harm to the substantive rights of complainant and such was made without malice and devoid of any desire to dupe or defraud the latter, the penalty of suspension from the practice of law for a period of three months against respondent is commensurate.

**IN LIGHT OF THE FOREGOING**, the Court finds Atty. Archimedes O. Yanto **GUILTY** of violating the 2004 Rules on Notarial Practice and the Code of Professional Responsibility. Accordingly, his notarial commission, if still existing, is hereby **REVOKED**. He is **DISQUALIFIED** from reappointment as Notary Public for a period of one year. He is likewise suspended from the practice of law for a period of three months. Further, he is **STERNLY WARNED** that a repetition of the same or similar acts in the future shall be dealt with more severely.

**SO ORDERED.**

JAPAR B. DIMAAMPAO
*Associate Justice*

WE CONCUR:

**ALFREDO BENJAMIN S. CAGUIOA**
*Associate Justice*
*Chairperson*

**HENRI JEAN PAUL B. INTING**
*Associate Justice*

**SAMUEL H. GAERLAN**
*Associate Justice*

**MARIA FILOMENA D. SINGH**
*Associate Justice*