



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

DOMINADOR C. FONACIER,
Complainant,

A.C. No. 13557
[Formerly CBD Case No. 14-4293]

- versus -

Present:

ATTY. GREGORIO E.
MAUNAHAN,
Respondent.

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

Promulgated:

OCT 04 2023

X-----X

DECISION

KHO, JR., J.:

Before the Court is an administrative Complaint¹ for disbarment against respondent Atty. Gregorio E. Maunahan² (Atty. Maunahan) filed by complainant Dominador C. Fonacier (Fonacier) for grave misconduct, grave dishonesty, and violations of his oath as a lawyer and A.M. No. 02-8-13-SC³ or the 2004 Rules on Notarial Practice (2004 Notarial Rules).⁴

* On leave, but left a vote pursuant to Section 4, Rule 12 of the SC Internal Rules.

¹ *Rollo*, pp. 1-3.

² Also referred to as "Atty. Gregorio H. Maunahan" in some parts of the *rollo*.

³ Took effect on August 1, 2004.

⁴ See Complainant's Position Paper dated October 4, 2016; *rollo*, pp. 51-58.

Atty

The Facts

On May 12, 2009, a Petition⁵ for replacement of lost original duplicate owner's copy of Transfer Certificate of Title (TCT) No. T-246114,⁶ docketed as L.R.C. CAD. Case No. B-4300 was filed before Branch 25, Regional Trial Court of Biñan, Laguna (RTC, Biñan) by a certain Anicia C. Garcia (Anicia), represented by her Attorney-in-Fact, Ma. Nida N. Garcia (Nida). Atty. Maunahan signed the Petition as counsel of Anicia.⁷

Attached to the Petition are Special Power of Attorney (SPA),⁸ appointing Nida as attorney-in-fact and Affidavit of Loss (AOL),⁹ both allegedly executed by Anicia on March 13, 2009 and notarized by Atty. Maunahan.¹⁰ The SPA and AOL were purportedly recorded in Page No. 10, Book No. III, Series of 2009 of Atty. Maunahan's Notarial Register as Doc. No. 2093 and Doc. No. 2094, respectively.¹¹ The Petition's Verification and Certification Against Forum Shopping¹² (Verification and Certification) dated May 11, 2009 was also notarized by Atty. Maunahan and supposedly appeared in Page No. 20, Book No. V, Series of 2009 of his Notarial Register as Doc. No. 3698.¹³

In an Order¹⁴ dated August 10, 2009, the RTC, Biñan granted the Petition and ordered the Register of Deeds of Calamba, Laguna to issue a new owner's duplicate copy of TCT No. T-246114 in favor of Anicia.¹⁵ Fonacier filed a Motion for Reconsideration¹⁶ arguing, among others, that the real Anicia C. Garcia executed in his favor a Deed of Sale with Assumption of Mortgage¹⁷ of the property covered by TCT No. T-246114 and that the duplicate copy of TCT No. T-246114 was not lost, but in the custody of Ramon Vicente Velasco, Fonacier's attorney-in-fact. Fonacier further averred that the SPA and the AOL both dated March 13, 2009 and the Verification and Certification dated May 11, 2009 were spurious and could not have been executed by the real Anicia C. Garcia, considering that the latter already died on June 7, 1999.¹⁸ Finding Fonacier's Motion for Reconsideration meritorious, the RTC, Biñan reversed its earlier ruling and dismissed the Petition in an Order¹⁹ dated September 1, 2009.

⁵ *Id.* at 4-5.

⁶ *Id.* at 87-90.

⁷ *Id.* at 5.

⁸ *Id.* at 6.

⁹ *Id.* at 7.

¹⁰ *Id.* at 6-7.

¹¹ *Id.*

¹² *Id.* at 5.

¹³ *Id.*

¹⁴ *Id.* at 105-106. Signed by Presiding Judge Teodoro N. Solis.

¹⁵ *Id.* at 106.

¹⁶ Not attached to the *rollo*.

¹⁷ Not attached to the *rollo*.

¹⁸ *Rollo*, p. 59.

¹⁹ *Id.* at 59-60. Signed by Presiding Judge Teodoro N. Solis.

Based on the foregoing, on July 30, 2014, Fonacier filed before the Integrated Bar of the Philippines Commission on Bar Discipline (IBP CBD) the Complaint for disbarment against Atty. Maunahan. Fonacier alleged that Atty. Maunahan made it appear that Nida was duly authorized to file the Petition and represent her principal, Anicia, by preparing a falsified SPA, AOL, and Verification and Certification. He asserted that it was highly improbable for Anicia to have executed and subscribed said documents, considering that she already passed away on June 7, 1999 as a result of a vehicular accident. By placing his signature and notarial seal in these documents, Atty. Maunahan falsely stated that the alleged Anicia, who appeared before him, was “known to him” to be the same person who executed the documents even though he did not ascertain her identity. Further, despite their falsity, Fonacier contended that Atty. Maunahan made use of the SPA, AOL, and Verification and Certification in the Petition he filed before the RTC, Biñan.²⁰

Finally, contrary to what appeared in the SPA, AOL, and Verification and Certification, Fonacier asserted that these supposed public documents were actually not entered or recorded in Atty. Maunahan’s notarial register as evidenced by the Certifications²¹ issued by the Office of the Clerk of Court of the Regional Trial Court of Calamba City, Laguna (OCC-RTC, Calamba). In the said Certifications, Fonacier pointed out that what appeared as Doc. No. 2093 and Doc. No. 2094, Page No. 10, Book No. III, Series of 2009 of Atty. Maunahan’s notarial register were actually a Certificate of Redemption²² and Contract of Lease,²³ respectively, and not the SPA and the AOL. The same was also true with the Verification and Certification, which appeared as Doc. No. 3698, Page No. 20, Book V, Series of 2009 of Atty. Maunahan’s notarial register, but turned out to be actually a *Bilihan ng Bahay*.²⁴

Thus, Fonacier filed the administrative Complaint, arguing that Atty. Maunahan’s acts constituted grave misconduct, grave dishonesty, and violations of his oath as a lawyer and the 2004 Notarial Rules.²⁵ Fonacier also filed three counts of falsification of a public document by a Notary Public before Branch 34, RTC, Calamba City, Laguna (RTC, Calamba).

For his part, Atty. Maunahan vehemently denied the allegations against him and countered that the Complaint must be dismissed because he notarized the documents believing in good faith that the alleged Anicia who appeared before him was the real Anicia C. Garcia.²⁶ He narrated that a woman claiming to be Anicia, together with Nida and a certain Celia Mallo, went to his law

²⁰ *Id.* at 54–55.

²¹ *Id.* at 65 & 69. Signed by Clerk of Court VI Atty. Leny B. Salazar.

²² *Id.* at 70–71.

²³ *Id.* at 66–68.

²⁴ *Id.* at 62–63.

²⁵ See Complainant’s Position Paper dated October 4, 2016; *id.* at 54–55.

²⁶ See Memorandum for Respondent dated November 17, 2016; *id.* at 75–86.

office in the afternoon of March 13, 2009. The alleged Anicia, who introduced herself as a lieutenant colonel in the Nurse Corps, requested Atty. Maunahan to prepare the AOL of the original owner's duplicate copy of TCT No. T-246114, which was lost when her unit assignment was transferred from Villamor Airbase, Pasay City to Fernando Airbase, Lipa City. The alleged Anicia also asked him to prepare the SPA appointing Nida as her attorney-in-fact in her Petition for replacement of lost title.²⁷

According to Atty. Maunahan, he asked for proof of identities of the alleged Anicia and Nida, who provided him their respective community tax certificates (CTCs). The two even showed Atty. Maunahan a copy of an SPA executed on December 14, 1992 by Anicia, also appointing Nida as attorney-in-fact. Said SPA was acknowledged before a certain Atty. Manuel Bautista of Manila, and inscribed in his notarial register as Doc. No. 365, Page No. 75, Book No. XLV, Series of 1992. Convinced with the identities of Anicia and Nida, Atty. Maunahan prepared and notarized the SPA and the AOL.²⁸

On May 11, 2009, Atty. Maunahan alleged that Anicia and Nida came back to his law office and presented him a new certified copy of TCT No. T-246114 registered in the name of Anicia with the SPA and the AOL annotated therein in page 3 under Entry No. 917417 inscribed on May 5, 2009. The alleged Anicia then requested Atty. Maunahan to prepare the petition. Convinced with the regularity of the annotations of the SPA and the AOL in said title, Atty. Maunahan prepared the Petition and Verification and Certification, and notarized the same in consideration of PHP 35,000.00 lawyer's fee.²⁹

Finally, Atty. Maunahan admitted that he failed to record the SPA, AOL, and Verification and Certification in his notarial register due to the alleged negligence committed by his staff, but posited that the complaint must be dismissed, considering that he had already rectified said failure by submitting the documents to the OCC-RTC, Calamba.³⁰

The IBP Report and Recommendation

In a Report and Recommendation³¹ dated March 30, 2017, the IBP CBD recommended that Atty. Maunahan be found administratively liable, and that he be meted with the penalties of revocation of his notarial commission, disqualification as a notary public for a period of three years, and suspension from the practice of law for a period of three months.³²

²⁷ *Id.* at 80.

²⁸ *Id.*

²⁹ *Id.* at 80-81.

³⁰ *Id.* at 93 & 100.

³¹ *Id.* at 179-188. Signed by Commissioner Romualdo A. Din, Jr.

³² *Id.* at 188.

In so recommending, the IBP CBD found that Atty. Maunahan clearly failed to exercise utmost diligence in the performance of his functions as a notary public when he failed to ascertain the identity of the alleged Anicia in the documents he notarized and stated that the real Anicia personally appeared before him when in truth and in fact, Anicia had long been dead. By notarizing the SPA, AOL, and the Verification and Certification, the IBP CBD found Atty. Maunahan to have engaged in unlawful, dishonest, immoral, or deceitful conduct, and committed gross negligence in the performance of his duties as a notary public.³³

In an Extended Resolution³⁴ dated July 13, 2018, the IBP Board of Governors (BOG) affirmed the revocation of Atty. Maunahan's notarial commission, but recommended higher penalties of perpetual disqualification from being commissioned as a notary public and two years suspension from the practice of law.³⁵

The IBP BOG found Atty. Maunahan to have committed gross negligence when he simply relied on the CTC that Anicia presented to him instead of requiring the party to present competent evidence of identity, i.e., a government-issued identification card to ascertain her identity.³⁶

Undeterred, Atty. Maunahan filed a Motion for Reconsideration,³⁷ arguing, among others, that the fact of death of the real Anicia was made public only on August 29, 2009 when Fonacier filed a Motion for Reconsideration of the RTC, Biñan Order dated August 10, 2009. He insisted that he was not aware that the real Anicia was already dead since 1999, since the alleged Anicia who appeared before him also presented, in addition to her CTC, an officer's identification card (ID) stating that she was a lieutenant colonel in the Nurse Corps assigned at Fernando Airbase, Lipa City. Atty. Maunahan, thus, maintained that the notarization of the documents was done in good faith and in accord with his oath and duties as a notary public³⁸ and asserted that he was already acquitted on the three counts of falsification of public document by a notary public filed against him by Fonacier before the RTC, Calamba.³⁹

In an Extended Resolution⁴⁰ dated July 2, 2022, the IBP BOG granted Atty. Maunahan's Motion for Reconsideration and recommended the dismissal of the Complaint against the latter on humanitarian grounds. In so ruling, the IBP BOG took exception to Atty. Maunahan's case, considering that the latter was already 77 years of age, has served the Laguna IBP Chapter

³³ *Id.* at 186–187.

³⁴ *Id.* at 135–147. Signed by Commissioner Plaridel J. Bohol II.

³⁵ *Id.* at 147.

³⁶ *Id.* at 198–199.

³⁷ *Id.* at 148–157.

³⁸ *Id.* at 152–153.

³⁹ *Id.* at 150–151.

⁴⁰ *Id.* at 174–176. Signed by CBD Task Force Commissioner Jude A. Allaga.

in various capacities as an officer, and was likewise given credit for having served the Armed Forces of the Philippines (AFP) and the Philippine National Police (PNP) for a combined number of 35 years. It likewise took into consideration his acquittal in the three criminal cases for falsification⁴¹ and the fact that it was also the first time Atty. Maunahan had committed an infraction of this nature.⁴²

The Issue Before the Court

The core issue for the Court's resolution is whether Atty. Maunahan should be held administratively liable for the acts complained of.

The Court's Ruling

The Court overturns the findings and recommendations of the IBP.

I.

At the outset, it bears clarifying that Atty. Maunahan's acquittal in the three falsification cases filed by Fonacier against him ought to have no bearing in the resolution of the instant administrative disciplinary case.

Time and again, the Court has consistently held that "disciplinary proceedings against lawyers are *sui generis* in that they are neither purely civil nor purely criminal; they involve investigations by the Court into the conduct of one of its officers, not the trial of an action or a suit."⁴³ Sourced from Article VIII,⁴⁴ Section 5(5) of the 1987 Constitution, "the Court's disciplinary authority over members of the Bar is in recognition of the fact that lawyers are not merely professionals, but are also considered *officers of the court*. As such, they are called upon to share in the responsibility of dispensing justice and resolving disputes in society. Hence, it cannot be denied that the Court

⁴¹ *Id.* at 176.

⁴² *Id.*

⁴³ *Laurel v. Delute*, 880 Phil. 474, 487 (2020) [*Per Curiam, En Banc*], citing *Ylaya v. Gacott*, 702 Phil. 390, 406 (2013) [Per J. Brion, Second Division].

⁴⁴ Article VIII, Section 5(5) of the 1987 Constitution reads:

ARTICLE VIII
JUDICIAL DEPARTMENT

....

Sec. 5. The Supreme Court shall have the following powers:

....

(5) Promulgate rules concerning the protection and enforcement of constitutional rights, pleading, practice, and procedure in all courts, *the admission to the practice of law*, the integrated bar, and legal assistance to the underprivileged. . . .

AKG

has “**plenary disciplinary authority**” over members of the Bar. As earlier intimated, in the exercise of such disciplinary powers—through proceedings which are *sui generis* in nature—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**. In so doing, the Court aims to ensure the proper and honest administration of justice by purging the profession of members who, by their misconduct, have proven themselves no longer worthy to be entrusted with the duties and responsibilities of an attorney.”⁴⁵

Thus, in *Laurel v. Delute*,⁴⁶ the Court *En Banc* definitively held that a lawyer’s administrative misconduct may proceed independently from criminal and civil cases, regardless of whether or not these cases involve similar or overlapping factual circumstances; and that the findings in one type of case will have no determinative bearing on the others. In that case, the Court *En Banc* explained that this rule stems from the basic and fundamental differences of these types of proceedings, *viz.*:

Verily, the independency of criminal, civil, and administrative cases from one another — irrespective of the similarity or overlap of facts — stems from the **basic and fundamental differences of these types of proceedings** in terms of purpose, parties-litigants involved, and evidentiary thresholds. *These key foundational distinctions constitute the rationale as to why a disposition in one case would not affect the other.* To briefly recount:

(1) *As to purpose*, criminal actions are instituted to determine the penal liability of the accused for having outraged the State with his/her crime; civil actions are for the enforcement or protection of a right, or the prevention or redress of a wrong; while administrative disciplinary cases against lawyers are instituted in order to determine whether or not the lawyer concerned is still fit to be entrusted with the duties and responsibilities pertaining to the office of an attorney.

(2) *As to the party-litigants involved*, criminal actions are instituted in the name of the State, *i.e.*, People of the Philippines, against the accused, and the private complainant, if any, is regarded merely as a witness for the State; in civil actions, the parties are the plaintiff, or the person/entity who seeks to have his right/s protected/enforced, and the defendant is the one alleged to have trampled upon the plaintiff’s right/s; in administrative proceedings against lawyers, there is no private interest involved and there is likewise no redress for private grievance as it is undertaken and prosecuted solely for the public welfare and for preserving courts of justice from the official ministrations of person unfit to practice law, and the complainant is also deemed as a mere witness.

(3) *As to evidentiary thresholds*, criminal proceedings require proof beyond reasonable doubt; civil actions necessitate the

⁴⁵ *Laurel v. Delute*, supra note 43, at 487, citations omitted.

⁴⁶ *Id.*

lower threshold of preponderance of evidence; and administrative disciplinary proceedings against lawyers need only substantial evidence.

Again, owing to these basic and fundamental differences, a finding in one type of case should have **no binding determinative effect** in the disposition of another. *This is because a civil, criminal or administrative proceeding must be adjudged according to the case type's own peculiar and distinct parameters.* Accordingly, the dissent's fear that the findings in an administrative case would undermine the findings made in a separate civil or criminal case involving related facts is a mere impression that is more notional than conceptual.⁴⁷ (Emphasis, italics, and underscoring in the original)

Given the foregoing, the Court shall now determine Atty. Maunahan's administrative liability, if any, notwithstanding his acquittal in the three falsification cases.

II.

At the outset, the Court stresses that **A.M. No. 22-09-01-SC** or the **Code of Professional Responsibility and Accountability (CPRA)**, which repealed the Code of Professional Responsibility and which took effect on May 29, 2023⁴⁸ provides, in Section 1 thereof, for the **Code's applicability in all pending and future cases**, except in instances where "in the opinion of the Supreme Court, its retroactive application would not be feasible or would work injustice, in which case, the procedure under which the cases were filed shall govern." Here, the Court deems the application of CPRA in relation to the 2004 Notarial Rules to be proper in determining Atty. Maunahan's administrative liabilities.

Time and again, the Court has emphasized 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. It is for this reason that a notary public must observe with utmost care the basic requirements in the performance of his notarial duties; otherwise, the public's confidence in the integrity of a notarized document would be undermined.⁴⁹ In this light, the Court has ruled that notaries must inform themselves of the facts they certify to; most importantly, they should not take part or allow themselves to be part of illegal transactions.⁵⁰

⁴⁷ *Id.* at 488–490; citations omitted.

⁴⁸ The CPRA was published in the Philippine Star and Manila Bulletin on May 14, 2023 and shall take effect 15 calendar days after its publication.

⁴⁹ *Triol v. Atty. Agcaivil, Jr.*, 834 Phil. 154, 158 (2018) [Per J. Perlas-Bernabe, *En Banc*], citing *Vda. de Miller v. Atty. Miranda*, 772 Phil. 449, 455 (2015) [Per J. Perlas-Bernabe, First Division].

⁵⁰ *Vda. de Miller v. Atty. Miranda*, *id.*

In this regard, Rule IV, Section 2(b) of the 2004 Notarial Rules provide that a person shall not perform a notarial act if the person involved as signatory to the instrument of documents is not: (1) in the notary's presence personally at the time of the notarization; and (2) personally known to the notary public or otherwise identified by the notary public through competent evidence of identity.

In addition, "the required personal appearance and competent evidence of identity allow the notary public to verify the identity of the principal himself or herself and determine whether the instrument, deed, or document is his or her voluntary act."⁵¹ Rule II, Section 12 of the 2004 Notarial Rules, as amended, per *En Banc* Resolution dated February 19, 2008, defines "competent evidence of identity" as follows:

Sec. 12. Competent Evidence of Identity. — The phrase "competent evidence of identity" refers to the identification of an individual based on:

(a) At least one current identification document issued by an official agency bearing the photograph and signature of the individual; such as but not limited to, passport, driver's license, Professional Regulations Commission ID, National Bureau of Investigation clearance, police clearance, postal ID, voter's ID, Barangay certification, Government Service and Insurance System (GSIS) e-card, Social Security System (SSS) card, Philhealth card, senior citizen card, Overseas Workers Welfare Administration (OWWA) ID, OFW ID, seaman's book, alien certificate of registration/immigrant certificate of registration, government office ID, certification from the National Council for the Welfare of Disable Persons (NCWDP), Department of Social Welfare and Development (DSWD) certification; or

(b) The oath or affirmation of one credible witness not privy to the instrument, document or transaction who is personally known to the notary public and who personally knows the individual, or of two credible witnesses neither of whom is privy to the instrument, document or transaction who each personally knows the individual and shows to the notary public documentary identification.

Evidently, notaries public should not notarize a document unless the person who signed the same is the very person who executed and personally appeared before them to attest to the contents and the truth of what are stated therein. This requirement, in turn, is fulfilled by the presentation by the attesting person of competent evidence of identity. Notably, the foregoing enumeration no longer included CTCs in the list of competent evidence of identity considering the ease with which a CTC could be obtained these days.⁵² Further, a CTC is no longer considered a competent evidence of identity as it does not bear the photograph and signature of its owner.⁵³

⁵¹ *Ladrera v. Atty. Osorio*, 869 Phil. 1, 10 (2020) [Per J. Lazaro-Javier, First Division].

⁵² *Iringan v. Atty. Gumangan*, 816 Phil. 820, 834 (2017) [Per J. Leonardo-De Castro, First Division].

⁵³ *Lopez v. Atty. Mata*, 878 Phil. 1, 14 (2020) [Per J. Lazaro-Javier, First Division].

In this case, Atty. Maunahan clearly failed to judiciously discharge his duties as a notary public when he notarized the SPA, AOL, and Verification and Certification notwithstanding the fact that the real Anicia C. Garcia was already dead and could not have executed the said documents. It bears emphasizing that although later reversed by the same court after Fonacier was able to establish that the real Anicia C. Garcia already died on June 7, 1999, the indubitable fact remains that the RTC, Biñan granted the Petition and ordered the issuance of a new title in favor of the alleged Anicia on the bases of the SPA, AOL, and Verification and Certification. Such grave error could have been avoided had Atty. Maunahan endeavored to exert diligent efforts to confirm the alleged Anicia's identity through the competent evidence of identity enumerated in the 2004 Notarial Rules. Here, records show beyond cavil that Atty. Maunahan notarized the SPA, AOL, and Verification and Certification on the basis only of the CTC, and his reliance on the SPA executed on December 14, 1992 as proof of identification of the alleged Anicia that appeared before him.⁵⁴ Further, given the lack of evidence to support it, the Court cannot give credence to Atty. Maunahan's justification that he believed in good faith that the alleged Anicia was the real Anicia C. Garcia since she showed her a lieutenant colonel ID. Clearly therefore, Atty. Maunahan had been grossly remiss in his duties as a notary public.

Furthermore, the Court also finds Atty. Maunahan to have grossly failed to faithfully comply with the basic requirement to record every notarial act in the notarial register under Rule VI, Section 2 of the 2004 Notarial Rules, viz:

SEC. 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;
- (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;

⁵⁴ *Rollo*, p. 52.

XVLG

- (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.

In *Atty. Bartolome v. Atty. Basilio*,⁵⁵ the Court has emphasized the importance of recording the notarial act considering the status of a public document attached to the instrument if the same appears in the notarial register and evidentiary value given to notarized documents, to wit:

Since the notarial register is a record of the notary public's official acts, he is charged with recording therein the necessary information regarding the document or instrument notarized. **If the document or instrument does not appear in the notarial records, doubt as to its nature arises so that the alleged notarized document cannot be considered a public document. Considering the evidentiary value given to the notarized documents, the failure of the notary public to record the document in his notarial register is tantamount to falsely making it appear that the document was notarized when, in fact, it was not, as in this case.**⁵⁶
(Emphasis supplied)

Here, Atty. Maunahan admitted that he did not record the SPA, AOL, and Verification and Certification in his notarial register.⁵⁷ **His infraction was even more compounded by the fact that *there were actually three different documents in his notarial register, i.e., Certificate of Redemption, Contract of Lease, and Bilihan ng Bahay, that reflect the same inscriptions stated in the SPA, AOL, and Verification and Certification, respectively.*** Atty. Maunahan's justification that it was his office staff who had been negligent and putting the blame on the latter, *sans* proof to support it is, to the mind of the Court, just another feeble attempt on the part of Atty. Maunahan to cover up his infraction after the fact. Indubitably, Atty. Maunahan's violation of the 2004 Notarial Rules are grave enough to warrant sanctions from the Court.

At this juncture, it is worth stressing that Atty. Maunahan's violation of the above provisions of the 2004 Notarial Rules also constitute a violation of the CPRA and his oath as a lawyer. The well-settled rule is that **"in the realm of legal ethics, a breach of the 2004 Rules on Notarial Practice would also constitute a violation of the Code of Professional Responsibility (CPR), 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. He does not only fail to fulfill his solemn oath of upholding and obeying the law and its legal processes, but he also commits an act of**

⁵⁵ 771 Phil. 1 (2015) [Per J. Perlas-Bernabe, First Division].

⁵⁶ *Id.* at 8-9, citations omitted.

⁵⁷ *Rollo*, pp. 93, 100.

falsehood and engages in an unlawful, dishonest, and deceitful conduct.⁵⁸
In this regard, Atty. Maunahan's actions also constitute a breach of Canon II, Section 1 and Canon III, Section 2, of the CPRA, viz:

CANON II
Propriety

A lawyer shall, at all times, act with propriety and maintain the appearance of propriety in personal and professional dealings, observe honesty, respect and courtesy, and uphold the dignity of the legal profession consistent with the highest standards of ethical behavior.

SEC. 1. *Proper conduct.* — A lawyer shall not engage in unlawful, dishonest, immoral, or deceitful conduct.

....

CANON III
Fidelity

Fidelity pertains to a lawyer's duty to uphold the Constitution and the laws of the land, to assist in the administration of justice as an officer of the court, and to advance or defend a client's cause, with full devotion, genuine interest, and zeal in the pursuit of truth and justice.

....

SEC. 2. *The responsible and accountable lawyer.* — A lawyer shall uphold the constitution, obey the laws of the land, promote respect for laws and legal processes, safeguard human rights, and at all times advance the honor and integrity of the legal profession.

In sum, given the factual milieu of the case, the Court finds that Atty. Maunahan *twice* violated in *bad faith* the 2004 Notarial Rules, as amended, in relation to Canon II, Section 1 and Canon III, Section 2 of the CPRA, ***when he: (a) notarized documents without ascertaining the identity of the person who sought for such notarization, and (b) failed to properly record in his notarial register his notarial acts.*** Verily, Atty. Maunahan's violations were **so grave** that they undermined the integrity of the office of a notary public and degraded the function of notarization, as well as cause damage to those directly affected by the same. As such, it is only proper that he be administratively sanctioned.⁵⁹

III.

With Atty. Maunahan's administrative liability having been duly established, the Court has held that a notary public who fails to discharge his

⁵⁸ See *Re: Order Dated January 7, 2020 of Judge Ignacio I. Alajar Suspending Atty. Ely F. Azarraga*, A.C. No. 12798, February 3, 2021 [Per J. Delos Santos, Third Division], citation omitted.

⁵⁹ See *id.*

Arca

duties as such is meted out the following penalties: (1) revocation of notarial commission, if existing; (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.⁶⁰

Under Canon VI, Section 33(p) of the CPRA, violating the Notarial Rules in bad faith is a *serious offense* sanctioned under Section 37(a) of the same Canon, as follows:

SEC. 37. *Sanctions.* —

(a) If the respondent is found guilty of a serious offense, any of the following sanctions, or a combination thereof, shall be imposed:

- (1) Disbarment;
- (2) Suspension from the practice of law for a period exceeding six (6) months;
- (3) Revocation of notarial commission and disqualification as notary public for not less than two (2) years; or
- (4) A fine exceeding P100,000.00.

Relatedly, Canon VI, Section 39 and 40 of the CPRA provides:

SEC. 39. *Manner of imposition.* — If one (1) or more aggravating circumstances and no mitigating circumstances are present, the Supreme Court may impose the penalties of suspension or fine for a period or amount not exceeding double of the maximum prescribed under this Rule. The Supreme Court may, in its discretion, impose the penalty of disbarment depending on the number and gravity of the aggravating circumstances.

If one (1) or more mitigating circumstances and no aggravating circumstances are present, the Supreme Court may impose the penalties of suspension or fine for a period or amount not less than half of the minimum prescribed under the CPRA.

If there are both aggravating and mitigating circumstances present, the Supreme Court may offset each other.

SECTION 40. *Penalty for multiple offenses.* --- **If the respondent is found liable for more than one (1) offense arising from separate acts or omissions in a single administrative proceeding, the Court shall impose separate penalties for each offense.** Should the aggregate of the imposed penalties exceed five (5) years of suspension from practice of law

⁶⁰ *Orenia III v. Atty. Gonzales*, 887 Phil. 520 (2020) [Per J. Inting, Second Division], citing *Bakidol v. Atty. Bilog*, A.C. No. 11174, June 10, 2019 [Notice of Resolution, Third Division], further citing *Sappayani v. Atty. Gasmén*, 768 Phil. 1, 9 (2015) [Per J. Perlas-Bernabe, *En Banc*].

or P1,000,000.00 in fines, the respondent may, in the discretion of the Supreme Court, be meted with the penalty of disbarment.

If a single act or omission gives rise to more than one (1) offense, the respondent shall still be found liable for all such offense, but shall, nonetheless, only be meted with the appropriate penalty for the most serious offense. (Emphasis supplied)

In *Bartolome*, the erring lawyer-notary public who notarized a document where one of the signatories was already dead and failed to record the notarial act in his notarial register was meted the penalty of revocation of his notarial commission, suspension from being commissioned as notary public for two years, and suspension from the practice of law for one year. In the case of *Lopez v. Atty. Mata*,⁶¹ the Court imposed the penalty of revocation of notarial commission, suspension from being commissioned as notary public for two years, and suspension from the practice of law for six months on the erring lawyer-notary public who notarized a document on the basis only of a CTC as proof of identity.

Guided by the foregoing pronouncements and provisions of the CPRA, and considering not only Atty. Maunahan's age, his service to the IBP, AFP, and PNP, but also his outright admission of his infractions, and the fact that this is his first offense, Atty. Maunahan is hereby meted out the following penalties for each of his violation of the 2004 Notarial Rules:

- (a) For notarizing documents without ascertaining the identity of the person who sought for such notarization, Atty. Maunahan is meted the penalty of suspension from the practice of law for a period of three months; revocation of his notarial commission, if existing; and disqualification as a notary public for one year; and
- (b) For failure to properly record in his notarial register his notarial acts, Atty. Maunahan is ordered to pay a fine in the amount of PHP 50,000.00.

ACCORDINGLY, the Court finds respondent Atty. Gregorio E. Maunahan **GUILTY** of violating the 2004 Rules on Notarial Practice and the Code of Professional Responsibility and Accountability. The Court hereby imposes the following sanctions against him:

- (a) **SUSPENSION** from the practice of law for a period of three months, **REVOCAION** of his notarial commission, if existing; and **DISQUALIFICATION** from being commissioned as a notary public for a period of one year, effective immediately upon receipt of this Decision; and
- (b) A **FINE** in the amount of PHP 50,000.00.

⁶¹ 878 Phil. 1, 21 (2020) [Per J. Lazaro-Javier, First Division].

The Court likewise **STERNLY WARNS** respondent Atty. Gregorio E. Maunahan that a repetition of the same or similar offense in the future shall be dealt with more severely.

The suspension from the practice of law, the revocation of his notarial commission, if existing, and the disqualification from being commissioned as notary public, shall take effect immediately upon receipt of this Decision by Atty. Gregorio E. Maunahan. 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.

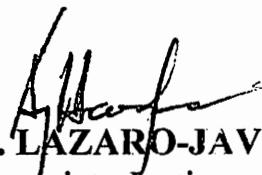
Let copies of this Decision be furnished to the Office of the Bar Confidant to be appended to Atty. Gregorio E. Maunahan's personal record as an attorney; the Integrated Bar of the Philippines for its information and guidance; and the Office of the Court Administrator for circulation to all courts in the country.

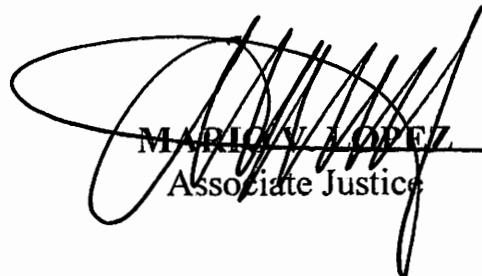
SO ORDERED.


ANTONIO T. KHO, JR.
Associate Justice

WE CONCUR:

On leave but left his vote
MARVIC M.V.F. LEONEN
Senior Associate Justice


AMY C. LAZARO-JAVIER
Associate Justice
Acting Chairperson


MARIO V. LOPEZ
Associate Justice


JHOSEP V. LOPEZ
Associate Justice