



Republic of the Philippines

Supreme Court

Manila

THIRD DIVISION

SUPREME COURT OF THE PHILIPPINES

PUBLIC INFORMATION OFFICE

SEP 11 2020

BY: JUAN [Signature]
TIME: _____

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Third Division, issued a Resolution dated **March 11, 2020**, which reads as follows:*

“A.C. No. 10657 (Re: Order dated 4 August 2014 in Civil Case No. 6613-AF v. Attys. Caroline P. Soriano-Siapno and Emmanuel Noah C. Siapno). – The Court NOTES:

- (1) the letter dated February 3, 2020 of the Integrated Bar of the Philippines (IBP) transmitting the documents pertaining to this case;
- (2) the Notice of Resolution dated February 22, 2018 of the IBP Board of Governors (BOG) adopting the findings of fact and recommendation of the investigating commissioner, with modification;
- (3) the Notice of Resolution dated December 6, 2018 of the IBP BOG denying respondent Atty. Soriano-Siapno’s motion for reconsideration; and
- (4) the Notice of Resolution dated October 12, 2019 of the IBP BOG, which noted and denied Atty. Soriano-Siapno’s second motion for reconsideration and directed the IBP Commission on Bar Discipline to forward the records of this case to the Supreme Court for proper disposition.

This administrative case for disbarment stemmed from the August 4, 2014 Order¹ of the Regional Trial Court of Cabanatuan City, Branch 26(RTC), wherein Presiding Judge Johnmuel Romano R.D. Mendoza (*Judge Mendoza*) directed the Office of the Bar Confidant (*OBC*) to investigate Attys. Caroline P. Soriano-Siapno (*Atty. Soriano-Siapno*) and Emmanuel Noah C. Siapno (*Atty. Siapno*) relative to Civil Case No. 6613-AF.

¹ *Rollo*, pp. 1-3.

The Antecedents

Atty. Soriano-Siapno was a lawyer of the Public Attorney's Office (PAO) for 13 years until her resignation on March 13, 2015, while Atty. Siapno is the nephew-in-law of Atty. Soriano-Siapno and the counsel of record for the petitioner in Civil Case No. 6613-AF² pending before the RTC.

In the August 4, 2014 Order in Civil Case No. 6613-AF, Judge Mendoza noted that the Petition³ and Judicial Affidavits⁴ (*hereinafter, subject documents*) of petitioner and her witness were made under oath before Atty. Soriano-Siapno of the PAO, Cabanatuan City⁵ in violation of Section 8⁶ of Republic Act (R.A.) No. 9406⁷ and Section 5,⁸ Article X of the PAO Operations Manual, which both provide that the general authority of a Public Attorney to administer oaths is limited to those in connection with the performance of their official duty. As to Atty. Siapno, Judge Mendoza observed that he may be practicing law illegally as his roll number (779999) and date of admission to the Bar (January 2, 2014) indicated in the motions and pleadings were both fictitious considering that "[t]he number of lawyers in the country has yet to reach one hundred thousand" and that he had been appearing in court since 2013.⁹ Due to procedural defects in both the Petition and the Judicial Affidavits submitted by the petitioner, the RTC dismissed Civil Case No. 6613-AF.

In the January 28, 2015 Resolution,¹⁰ this Court required Judge Mendoza to submit all the documents mentioned in the August 4, 2014 Order. Atty. Soriano-Siapno and Atty. Siapno were also required to comment.

² *Ferrer-Caparas v. Caparas*, for declaration of nullity of marriage; *id.* at 1.

³ *Id.* at 11-14.

⁴ *Id.* at 36-47. Judicial Affidavits of petitioner Grace Ferrer-Caparas and her witness, Dra. Pacita Tudla.

⁵ *Id.* at 1.

⁶ SECTION 8. Sections 41 and 42, Chapter 10, Book I of the same Code, as amended, is hereby further amended to read as follows:

"SEC. 41. *Officers Authorized to Administer Oaths.* - The following officers have general authority to administer oaths: President; Vice President, Members and Secretaries of both Houses of Congress; Members of the Judiciary; Secretaries of Departments; provincial governors and lieutenant-governors; city mayors; municipal mayors; bureau directors; regional directors; clerks of court; registrars of deeds; other civilian officers in the public service of the government of the Philippines whose appointments are vested in the President and are subject to confirmation by the Commission on Appointments; all other constitutional officers; PAO lawyers in connection with the performance of duty; and notaries public."

"SEC. 42. *Duty to Administer Oaths.* - Officers authorized to administer oaths, with the exception of notaries public, municipal judges and clerks of court, are not obliged to administer oaths or execute certificates save in matters of official business or in relation to their functions as such; and with the exception of notaries public, the officer performing the service in those matters shall charge no fee, unless specifically authorized by law."

⁷ An Act Reorganizing and Strengthening the Public Attorney's Office, March 23, 2007.

⁸ SECTION 5. Authority to Administer Oaths. - Public Attorneys shall have the general authority to administer oaths in connection with the performance of their official duty free of charge.

⁹ *Rollo*, p. 2.

¹⁰ *Id.* at 8.

Respondents thereafter filed their respective Comments.¹¹ In its March 14, 2016 Resolution,¹² this Court referred the case to the Integrated Bar of the Philippines (*IBP*) for a thorough investigation upon recommendation of the OBC since there was a pending administrative case before the PAO emanating from the same allegedly improper acts of Atty. Soriano-Siapno.

The Ruling of the IBP

In the June 30, 2017 Report and Recommendation,¹³ Commissioner Ricardo M. Espina (*Investigating Commissioner*) recommended that the case against Atty. Siapno be dismissed for lack of merit. With regard to the charges against Atty. Soriano-Siapno, on the other hand, the Investigating Commissioner found them to be anchored on legal grounds. As such, he recommended that Atty. Soriano-Siapno be suspended for six (6) months “from the practice of law and as an officer authorized to administer oath[s] in connection with her duty as PAO lawyer or, in the alternative, as notary public.”¹⁴

The Investigating Commissioner accepted Atty. Siapno’s defense of honest mistake in inadvertently indicating his 2014 Professional Tax Receipt¹⁵ number and its corresponding date as his Roll of Attorneys Number and date of his admission to the Bar.¹⁶

However, the Investigating Commissioner gave no credence to Atty. Soriano-Siapno’s justification that in the subject documents, she was administering the oath not of the petitioner in Civil Case No. 6613-AF but of her father (Atty. Rodolfo M. Soriano, Jr., the original counsel of therein petitioner) and nephew-in-law (Atty. Siapno)¹⁷, which is allowed under Section 6(a), Article II of the PAO Operations Manual. According to the Investigating Commissioner, while it is true that Public Attorneys may render legal assistance to “[i]mmediate members of the family, and relatives within the 4th civil degree of consanguinity or affinity x x x regardless of qualification under the indigency test,” the same Section 6(a),¹⁸ Article II of the PAO Operations Manual explicitly provides that the grant of such authority is subject to the “approval of the Chief Public Attorney, upon the recommendation of the Regional Public Attorney or Service Head, as the case may be.” The Investigating Commissioner added that it is clear that Atty. Soriano-Siapno, in

¹¹ Id. at 62-67 and 69-70.

¹² Id. at 81-82.

¹³ Id. at 119-123.

¹⁴ Id. at 123.

¹⁵ Id. at 72.

¹⁶ Id. at 71. Atty. Siapno was admitted to the Bar on March 26, 2012, with Roll No. 60984.

¹⁷ *Rollo*, p. 66.

¹⁸ SECTION 6. Other Persons Qualified for Assistance. —

a. Immediate members of the family, and relatives within the 4th civil degree of consanguinity or affinity of a Public Attorney, may avail of his/her services regardless of qualification under the indigency test, subject to the approval of the Chief Public Attorney, upon the recommendation of the Regional Public Attorney or Service Head, as the case may be. The lawyer concerned shall submit an Affidavit of Kinship, file a leave of absence during hearings, and submit a monthly status report on the case (Sec. 4 (a) of the Implementing Rules and Regulations of RA 9406); x x x

an act not connected to the performance of her duty as a Public Attorney, administered the oath on an affiant who is duly represented by counsel, her nephew-in-law Atty. Siapno, contrary to Section 7(3)¹⁹ of the PAO Operations Manual, R.A. No. 9406,²⁰ and its implementing rules. In doing so, Atty. Soriano-Siapno violated Canon 1,²¹ particularly Rules 1.01²² and 1.02,²³ of the Code of Professional Responsibility.

In its February 22, 2018 Resolution,²⁴ the IBP Board of Governors (*IBP Board*) resolved to adopt the findings of fact and recommendation of the Investigating Commissioner with the modification of decreasing the penalty of suspension from the practice of law to one (1) month only.

Atty. Soriano-Siapno moved for reconsideration²⁵ of the February 22, 2018 Resolution, insisting on the argument that Public Attorneys may extend free legal service to immediate family members. She also submitted a copy of the May 18, 2016 PAO Decision where she was meted the penalty of reprimand for violating Section 7(3) of the PAO Operations Manual, as amended.

In its December 6, 2018 Resolution,²⁶ the IBP Board denied Atty. Soriano-Siapno's Motion for Reconsideration. Undeterred, Atty. Soriano-Siapno filed another Motion for Reconsideration²⁷ which the IBP Board likewise denied in its October 12, 2019 Resolution.²⁸

The Ruling of the Court

This Court adopts the findings and recommendation of the IBP Board except as to the penalty imposed upon Atty. Soriano-Siapno.

The May 18, 2016 PAO Decision, in Atty. Soriano-Siapno's administrative case covering the same act of impropriety imputed here, discussed the requirements when Public Attorneys may administer oaths: 1)

¹⁹SECTION 7. Persons Not Qualified for Legal Assistance. — Public Attorneys and employees are prohibited from assisting the following:

x x x x

3. Parties represented by de parte counsels; x x x

²⁰ Section 3 of R.A. No. 9406 provides: "[a] new Section 14-A is hereby inserted in Chapter 5, Title III, Book IV of Executive Order No. 292, otherwise known as the "Administrative Code of 1987," to read as follows:

"SEC. 14-A. Powers and Functions. - The PAO shall independently discharge its mandate to render, free of charge, legal representation, assistance, and counselling to indigent persons in criminal, civil, labor, administrative and other quasi-judicial cases. In the exigency of the service, the PAO may be called upon by proper government authorities to render such service to other persons, subject to existing laws, rules and regulations."

²¹ A lawyer shall uphold the Constitution, obey the laws of the land and promote respect for law of and legal processes.

²² A lawyer shall not engage in unlawful, dishonest, immoral or deceitful conduct.

²³ A lawyer shall not counsel or abet activities aimed at defiance of the law or at lessening confidence in the legal system.

²⁴ *Rollo*, p. 118.

²⁵ *Id.* at 124-130.

²⁶ *Id.* at 152-153.

²⁷ *Id.* at 156-166.

²⁸ *Id.* at 235.

the oath to be administered is in connection with the performance of their duties; 2) the parties availing the notarial services of the [PAO] are indigents; 3) the document to be notarized is not a commercial document; and 4) the document should contain the PAO notarial seal.²⁹ In this case, there is no question that Atty. Soriano-Siapno administered the oath of an affiant represented by private counsels, her late father and nephew-in-law. This act has no relation to her functions as a Public Attorney. It is, therefore, apparent that she failed to observe the exacting standards lawyers are expected to uphold.

In significantly similar cases,³⁰ this Court meted the penalty of reprimand, fine, or revocation of notarial commission and disqualification from being commissioned as notary public to lawyers with concurrent authority as notaries public *ex-officio* who performed notarial acts not connected to the exercise of their official functions and duties. Considering the foregoing discussion and taking into consideration the PAO's remark that this is Atty. Soriano-Siapno's first offense in her 13 years of service, this Court finds the penalty of reprimand appropriate.

WHEREFORE, respondent Atty. Caroline P. Soriano-Siapno is found **GUILTY** of violation of Canon 1, Rules 1.01 and 1.02, of the Code of Professional Responsibility. Accordingly, she is hereby **REPRIMANDED** and **STERNLY WARNED** that a repetition of the same or similar offense shall be dealt with more severely.

Further, this Court resolves to **DISMISS** the case against respondent Atty. Emmanuel Noah C. Siapno for lack of merit.

Let a copy of this Resolution be furnished to the Office of the Bar Confidant to be appended to respondent Atty. Caroline P. Soriano-Siapno's personal record as a member of the Bar. Likewise, let copies of the same be served on the Integrated Bar of the Philippines and the Office of the Court Administrator, which is directed to circulate them to all courts in the country for their information and guidance.

SO ORDERED."

Very truly yours,

Misael Domingo C. Battung III
MISAELO DOMINGO C. BATTUNG III
Division Clerk of Court

9/12/20

²⁹ Id. at 142-143.

³⁰ See *Coquia v. Laforteza*, 805 Phil. 400(2017); *Nate v. Contreras*, 754 Phil. 75 (2015); *Astorga v. Solas*, 413 Phil. 558 (2001); and *Tabao v. Asis*, 322 Phil. 630 (1996).

Judge Johnmuel Romano R.D. Mendoza
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