



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated July 11, 2022, which reads as follows:

“A.C. No. 12694 (Re: Resolution dated September 27, 2019 of the Regional Trial Court, Branch 65, Jordan, Guimaras, in Not. Reg. Case No. 2019-03 [Atty. John Edward G. Gando, *Complainant* vs. Atty. Vicente De Asis, *Respondent*] for Revocation of Notarial Commission vs. Atty. Vicente De Asis). – This administrative case stemmed from a Verified Complaint¹ dated May 28, 2019 filed by Atty. John Edward G. Gando (complainant) before Branch 65, Regional Trial Court (RTC), Jordan, Guimaras against Atty. Vicente De Asis (respondent) for multiple violations of A.M. No. 02-8-13-SC, or the 2004 Rules on Notarial Practice (Notarial Rules).

Complainant, the incumbent Vice-Governor of the Province of Guimaras, and respondent were both candidates in the 2019 midterm elections for the position of Vice-Governor. A few days before the May 13, 2019 elections, Margarita A. Cacho (Cacho) filed an Affidavit of Complaint² before the Commission on Elections (COMELEC) against all local candidates of *Partido Demokratiko Pilipino – Lakas ng Bayan* (PDP-Laban), including herein complainant, for alleged vote-buying. In support thereof, Cacho submitted the following affidavits (subject affidavits) which were all notarized by respondent,³ viz.:

- 1) Cacho’s Affidavit of Complaint dated May 2, 2019;⁴
- 2) Joint Affidavit of Alejandro Jardeleza III⁵ and Daylenn Deza dated April 26, 2019;⁶
- 3) Joint Affidavit of Rex Geraldoy and Charry Galia

¹ *Rollo*, pp. 143-152. Docketed as Not. Reg. Case No. 2019-03.

² *Id.* at 153-154.

³ *Id.* at 144.

⁴ *Id.* at 153-154.

⁵ Referred to as “Alejandro G. Jardeleza” in some parts of the *rollo* (see *id.* at 155-156).

⁶ *Id.* at 155-156.

- dated April 29, 2019;⁷
- 4) Affidavit of Lorna Pabay dated April 29, 2019;⁸
 - 5) Affidavit of Michelle Canlas (Canlas) dated April 29, 2019;⁹
 - 6) Affidavit of Jocelyn Gensatao¹⁰ (Gensatao) dated April 26, 2019;¹¹
 - 7) Affidavit of Diosdado Veloso dated April 26, 2019;¹²
 - 8) Joint Affidavit of Carlo Pillora and Merlyn Ventura dated April 29, 2019;¹³ and
 - 9) Joint Affidavit of Complaint of Davis Wilson Columna (Columna), Felicito Gareza, Dan Elby Habaña, Pablito Esmaya, Vincent Pascual¹⁴ De Asis (Vincent), Charry Galia, Felipe Hilan Nava, Gualberto Galia, Carmelina Fernandez, Wilme Denila, Jomel Galvez, Alejandro Jardeleza III, and Marlon Constantino dated April 30, 2019.¹⁵

Complainant alleged that respondent violated the Notarial Rules when he notarized the subject affidavits despite multiple irregularities. *First*, the affiants in the subject affidavits were neither personally known by respondent, nor were they identified by him through competent evidence of identity¹⁶ in violation of paragraph 2 of Section 2(b),¹⁷ Rule IV of the Notarial Rules. *Second*, respondent is disqualified from notarizing the Joint Affidavit of Complaint¹⁸ dated April 30, 2019 executed by Columna, *et al.* because Vincent, one of the principals therein, is his son.¹⁹ *Third*, respondent, being a candidate for the post of

⁷ Id. at 157.

⁸ Id. at 158.

⁹ Id. at 159.

¹⁰ Referred to as “Guinsatao” in some parts of the *rollo* (see id. at 166 and 169-170).

¹¹ Id. at 165.

¹² Id. at 171.

¹³ Id. at 172.

¹⁴ Referred to as “Pascal” in some parts of the *rollo* (see id. at 173 and 176).

¹⁵ Id. at 173-176.

¹⁶ Id. at 145-147.

¹⁷ Section 2. *Prohibitions*. – x x x

(b) A person shall not perform a notarial act if the person involved as signatory to the instrument or document –

x x x x

(2) is not personally known to the notary public or otherwise identified by the notary public through competent evidence of identity as defined by these Rules.

¹⁸ *Rollo*, pp. 173-176.

¹⁹ Id. at 147 and 149. Section 3(c), Rule IV of the 2004 Rules on Notarial Practice (Notarial Rules) provides that a notary public is disqualified from performing a notarial act if he or she is “a spouse, common-law partner, ancestor, descendant, or relative by affinity or consanguinity of the

Vice-Governor, was disqualified from notarizing the subject affidavits as they were meant to work against the candidacies of his and his party's political opponents.²⁰ *Fourth*, respondent failed to send a copy of the subject affidavits or entries to the Executive Judge within the first 10 days of the following month.²¹

In fact, Canlas and Gensatao denied narrating substantial portions of their respective affidavits which, according to them, were prepared by respondent. Canlas alleged that respondent made her sign the Affidavit dated April 29, 2019 without having the opportunity to read it after giving her and her aunt, Merlin Ventura, ₱200.00 each for their lunch.²² Meanwhile, Gensatao stated that she signed the Affidavit dated April 26, 2019 without reading it because it was written in English which she cannot understand, *viz.*:

*A7. Bangud sang kakulangan sang pag intyende, akon man sa gilayon ginpirmahan ang Affidavit nga iningglis nga wala ko na mabasa kag maintyendehan kay indi man ako kaintyende sang iningglis.*²³

In his Answer,²⁴ respondent alleged that: (1) all the affiants in the subject affidavits were his political allies, and thus, there was no need to indicate their respective competent evidence of identity in the *jurat* of the subject affidavits because he personally knew all of them; (2) his act of notarizing the joint-affidavit executed by Columna, *et al.*, where his son Vincent is one of the principals, is not a ground for revocation of his notarial commission; and (3) the submission of the copy of the entries in the notary public's notarial register within the first 10 days of the month is not required in the province of Guimaras.²⁵

principal within the fourth civil degree.”

²⁰ Id. at 147 and 180. Section 3(b), Rule IV of the Notarial Rules provides that a notary public is disqualified from performing a notarial act if he “will receive, as a direct or indirect result, any commission, fee, advantage, right, title, interest, cash, property, or other consideration, except as provided by these Rules and by law.”

²¹ Id. Section 2(h), Rule VI of the Notarial Rules provides: “A certified copy of each month's entries and a duplicate original copy of any instrument acknowledged before the notary public shall, within the first ten (10) days of the month following, be forwarded to the Clerk of Court and shall be under the responsibility of such officer. If there is no entry to certify for the month, the notary shall forward a statement to this effect in lieu of certified copies herein required.”

²² Id. at 161.

²³ Translated as: “[F]or lack of understanding, I immediately signed the Affidavit in English language that I did not read and failed to understand as I can hardly understand English language.” Id. at 167.

²⁴ Id. at 188-193.

²⁵ Id. at 190-191.

RTC Resolution

In its Resolution²⁶ dated September 27, 2019, the RTC found that respondent committed multiple violations of the Notarial Rules, revoked his notarial commission, and disqualified him from being commissioned as notary public in the province of Guimaras for a period of one year, *viz.*:²⁷

WHEREFORE, the present notarial commission of Atty. Vicente B. De Asis for the Province of Guimaras is REVOKED. He is further DISQUALIFIED from being commissioned as notary public in this province for one (1) year.

Atty. De Asis is ordered to SURRENDER to the court within five (5) days from receipt hereof his official seal to be destroyed or defaced in accordance with Section 2(e), Rule VII of the 2004 Rules on Notarial Practice. He is likewise ordered to IMMEDIATELY DELIVER to the court his notarial records in accordance with Section 5(b), Rule VI of the 2004 Rules of Notarial Practice.

The Clerk of Court of this court is ordered to IMMEDIATELY POST the revocation of the respondent's commission in a conspicuous place in this court in accordance with Section 3, Rule XI of the Rules.

Furnish the Office of the Court Administrator and the Office of the Bar Confidant copies of this resolution.

SO ORDERED.²⁸ (Emphasis omitted)

The Court, in its Resolution²⁹ dated February 10, 2020, affirmed the RTC Resolution declaring the revocation of respondent's notarial commission and his disqualification from being commissioned as notary public for one year. The Court likewise directed respondent to explain why no further sanctions should be imposed on him.³⁰

Issue

Whether further administrative sanctions should be imposed upon respondent.

²⁶ Id. at 1-10. Penned by Executive Judge Rosario Abigail M. Dris-Villanueva.

²⁷ Id. at 10.

²⁸ Id.

²⁹ Id. at 14-15.

³⁰ Id. at 14.

The Court's Ruling

After a careful examination of the records, the Court finds respondent guilty of violating Canon 1 and Rule 1.01 of the Code of Professional Responsibility (CPR), as well as the Lawyer's Oath, for his multiple breaches of the Notarial Rules. As such, in addition to the revocation of his notarial commission and his disqualification from being commissioned as notary public for a period of one (1) year, the Court further resolves to suspend respondent from the practice of law for a period of six (6) months.

Section 2(b)(2), Rule IV of the Notarial Rules states:

SECTION 2. *Prohibitions.* — x x x

x x x x

(b) A person shall not perform a notarial act if the person involved as signatory to the instrument or document —

x x x x

(2) is not personally known to the notary public or otherwise identified by the notary public through competent evidence of identity as defined by these Rules.

Meanwhile, items (b) and (c) of Section 3, Rule IV of the Notarial Rules provide:

SECTION 3. *Disqualifications.* — A notary public is disqualified from performing a notarial act if he:

x x x x

(b) will receive, as a direct or indirect result, any commission, fee, advantage, right, title, interest, cash, property, or other consideration, except as provided by these Rules and by law; or

(c) is a spouse, common-law partner, ancestor, descendant, or relative by affinity or consanguinity of the principal within the fourth civil degree.

In the case, there is no dispute that: (1) respondent notarized the subject affidavits despite the absence of any details regarding the identity

of the signatories in violation of Section 2(b)(2), Rule IV of the Notarial Rules; (2) he notarized the Joint Affidavit of Complaint dated April 30, 2019, notwithstanding the fact that one of the signatories therein is his son, Vincent, in violation of Section 3(c), Rule IV of the Notarial Rules; and (3) respondent admitted that he notarized the subject affidavits to defeat the candidacies of his political opponents, an act that violates Section 3(b) of Rule IV as he will receive “as a direct or indirect result” any advantage or other considerations, except as provided by the Notarial Rules and by law.³¹

Respondent then affixed his official signature and seal on the notarial certificate of the subject affidavits that were incomplete, in violation of Section 5(b),³² Rule IV of the same Rules.³³ Thereafter, he failed to make the proper entries in his notarial register and forward the certified copies of the subject affidavits to the clerk of court of the commissioning court within the first 10 days of the following month, in violation of Section 1, Section 2(a)(5) and (6), and Section 2(h) of Rule VI of the Notarial Rules, viz.:

SECTION 1. *Form of Notarial Register.* — (a) A notary public shall keep, maintain, protect and provide for lawful inspection as provided in these Rules, a chronological official notarial register of notarial acts consisting of a permanently bound book with numbered pages.

x x x x

SECTION 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:

x x x x

(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;

x x x x

(h) A certified copy of each month’s entries and a duplicate original

³¹ See Respondent’s Answer, id. at 190-191.

³² Section 5. *False or Incomplete Certificate.* — A notary public shall not: x x x
x x x x

(b) affix an official signature or seal on a notarial certificate that is incomplete.

³³ *Leano v. Salatan*, A.C. No. 12551, July 8, 2020.

copy of any instrument acknowledged before the notary public shall, within the first ten (10) days of the month following, be forwarded to the Clerk of Court and shall be under the responsibility of such officer. If there is no entry to certify for the month, the notary shall forward a statement to this effect in lieu of certified copies herein required.

For all the violations, respondent merely reiterated in his Comment³⁴ that there was no need to write the identification documents (ID) of the affiants because he knew them all personally³⁵ and that the complaint was solely motivated by ill will because of their political rivalry.³⁶ It bears stressing, however, that while a notary public may be excused from requiring the presentation of competent evidence of identity if the signatory is personally known to him, jurisprudence dictates that such fact must be expressly indicated in the *jurat* or affirmation. It simply cannot be assumed.³⁷

Indubitably, respondent committed multiple violations of the Notarial Rules and in effect breached Canon 1³⁸ and Rule 1.01³⁹ of the CPR, as well as the Lawyer's Oath.

In *Re: Atty. Ely F. Azarraga*,⁴⁰ the Court, aside from revoking the notarial commission and disqualifying therein respondent from being commissioned as notary public, likewise suspended the notary public from the practice of law for a period of *six (6) months* for having notarized an affidavit without requiring the presentation of any competent evidence of identity, with a stern warning that a repetition of the same or similar acts in the future shall be dealt with more severely.⁴¹ In *Dr. Malvar v. Atty. Baleros*,⁴² the notary public's failure to enter the notarial acts in her notarial register, and her failure to properly identify the person who signed the questioned document resulted in the revocation of her notarial commission, disqualification for two (2) years from being appointed as notary public, and suspension of *six (6) months* from the practice of law due to the various infringements of the Notarial

³⁴ *Rollo*, pp. 17-24.

³⁵ *Id.* at 21.

³⁶ *Id.* at 22.

³⁷ *Jorge v. Marcelo*, G.R. No. 232989, March 18, 2019.

³⁸ Canon 1 - A lawyer shall uphold the Constitution, obey the laws of the land and promote respect for law of and legal processes.

³⁹ Rule 1.01 - A lawyer shall not engage in unlawful, dishonest, immoral or deceitful conduct.

⁴⁰ A.C. No. 12798, February 3, 2021.

⁴¹ *Id.*

⁴² 807 Phil. 16 (2017).

Rules.⁴³ In *Ladrera v. Atty. Osorio*,⁴⁴ the Court meted out the penalty of revocation of notarial commission with prohibition from being a notary public for two (2) years, and suspension for *six (6) months* from the practice of law due to various infringements of the Notarial Rules and violation of Canon 1, Rule 1.01 of the CPR.⁴⁵ In *Yuchengco v. Atty. Angare*,⁴⁶ the Court suspended therein respondent from the practice of law for a period of *six (6) months* considering that she exhibited a lack of basic understanding of the Notarial Rules.⁴⁷

In light of the foregoing, the Court, aside from revoking respondent's notarial commission and disqualifying him from being commissioned as notary public for one (1) year, deems it proper to suspend him from the practice of law for a period of six (6) months in view of his multiple violations of the Notarial Rules, the CPR, and the Lawyer's Oath.

Time and again, the Court has held that a notarial document is, by law, entitled to full faith and credit upon its face, making it admissible in evidence without further proof of authenticity.⁴⁸ For this reason, notaries public, such as respondent, must observe with utmost care the basic requirements in the performance of their duties.

WHEREFORE, premises considered, Atty. Vicente De Asis is **SUSPENDED** from the practice of law for a period of six (6) months effective immediately with a **STERN WARNING** that the repetition of a similar violation will be dealt with more severely. He is **DIRECTED** to report the date of his receipt of this Resolution to enable the Court to determine when his suspension shall take effect.

Let a copy of this Resolution be entered in the personal records of respondent Atty. Vicente De Asis as a member of the Bar, and copy furnished the Office of the Bar Confidant, the Integrated Bar of the Philippines, and the Office of the Court Administrator for circulation to all courts in the country.

⁴³ Id.

⁴⁴ A.C. No. 10315, January 22, 2020.

⁴⁵ Id.

⁴⁶ A.C. No. 11892, June 22, 2020.

⁴⁷ Id.

⁴⁸ *Spouses Chambon v. Ruiz*, 817 Phil. 712, 718 (2017).

SO ORDERED.”

By authority of the Court:

Misael DDC Batt
MISAELO DOMINGO C. BATTUNG III
Division Clerk of Court
688
10/11/22

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