



**Republic of the Philippines
Supreme Court
Bacolod City**

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated November 29, 2022, which reads as follows:

“A.C. No. 13330 [formerly CBD Case No. 17-5354] (*Edgardo C. De Guzman v. Atty. Jowel A. Mendoza*). — The Notice of Resolution¹ dated October 12, 2019 of the Integrated Bar of the Philippines’ Board of Governors, transmitted by Letter² dated January 11, 2022 of Atty. Avelino V. Sales, Jr., Director for Bar Discipline, Integrated Bar of the Philippines, together with the records and flash drive file; and the Extended Resolution³ dated June 16, 2021 of the Integrated Bar of the Philippines’ Commission on Bar Discipline, are both **NOTED**.

A Petition⁴ was filed by Edgardo C. De Guzman (complainant) with the Commission on Bar Discipline (CBD) of the Integrated Bar of the Philippines (IBP) on April 17, 2017 for the disbarment of Atty. Jowel A. Mendoza (respondent). The case was docketed as CBD Case No. 17-5354. The petition alleged that:

3. Sometime on July 1, 2016, or thereabouts, herein complainant/petitioner received a copy of a Verified Position Paper for the Respondent (undated) filed in CBD Case No. 15-4609, entitled “Edgardo C. De Guzman vs. Atty. Virgilio R. Batalla”, before the Commission of Bar Discipline, Integrated Bar of the Philippines, Pasig City,

4. Attached to the said Verified Position Paper for the Respondent (undated), is a document denominated as “Verification” signed and executed by Atty. Virgilio R. Batalla. Said “Verification” with a blank date, was notarized on blank date by herein respondent Atty. Jowel A. Mendoza, notary public for Taguig City, Pasig, Pateros, San Juan, Metro Manila. x x x

¹ *Rollo*, pp. 74-75.

² *Id.* at 73.

³ *Id.* at 80-83.

⁴ *Id.* at 1-5.

x x x x

6. Section 12, Rule II (Definitions) of the Rules on Notarial Practice categorically require the presentation of the competent evidence of identity in every notarial act/deed both in the Acknowledgment, Affirmation or Oath, and Jurat. The competent evidence of identity consists of at least one current identification document issued by an official agency bearing the photograph and signature of the individual. x x x

x x x x

7. In said Jurat, herein respondent Atty. Jowel A. Mendoza did not require the presentation of the required identification card from the alleged affiant Atty. Virgilio R. Batalla; notwithstanding the non-presentation of competent evidence of identity of alleged affiant Atty. Virgilio R. Batalla, said respondent Atty. Jowel A. Mendoza proceeded to notarize the same;⁵

On June 5, 2017, the CBD of the IBP issued an Order⁶ directing respondent to submit his answer within 15 days from receipt thereof.⁷

Respondent submitted his Answer⁸ on July 28, 2017. He substantially argued that complainant is aware that he (respondent) personally knows Atty. Batalla since he (respondent) is the counsel of the latter in the case where the subject Verified Position Paper was filed.⁹ Respondent specifically alleged that:

12. Be that as it may, the Complainant and counsel have knowledge that the Respondent is the counsel of Atty. Virgilio Batalla in the very case where the Verified Position Paper was filed. Hence, Atty. Virgilio Batalla is known to the Respondent, That all person [sic] that have been furnished with a copy of the Verified Position Paper, including the Complainant and the Commissioner handling the case have knowledge that Respondent is the Counsel of Atty. Virgilio Batalla, as Respondent in fact attended the pre-trial conference of the said case where Complainant and counsel likewise appeared.

13. Inarguably, there was compliance in the requirements for a Jurat as defined by Black's Law Dictionary and as quoted in *GAMIDO vs. NEW BILIBID PRISONS (NBP)*. Nonetheless, being the legal counsel of the affiant, and such fact is known to all the parties, there is already a substantial compliance, assuming without admitting that identification of the affiant is essential to the completion of Jurat.

14. As to the allegation that the verification was undated, the same is not true, clearly, on the same page where affiant, Atty. Virgilio Batalla signed, the date 27 June 2017 is visibly indicated, as said verification was

⁵ Id. at 3-4.

⁶ Id. at 16.

⁷ Id.

⁸ Id. at 20-29.

⁹ Id. at 27.

subscribed before the Respondent, thus the date of notary is 27 June 2017.¹⁰

Complainant filed his Reply¹¹ on September 20, 2017, asserting that “competent evidence of identity” is expressly required for each act of jurat and acknowledgment. Complainant further pointed out that in the subject Verified Position Paper, the jurat does not bear any competent evidence of identity. Complainant likewise added that contrary to respondent’s assertion, Atty. Virgilio Batalla signed his name as the lawyer for himself, instead of respondent.¹²

On October 13, 2017, during the mandatory conference of the case, complainant appeared with his counsel, Atty. Edgardo Cruz. Respondent, however, failed to appear.¹³

Thereafter, Investigating Commissioner Leilani V. Escueta (Investigating Commissioner) submitted her Report and Recommendation¹⁴ dated April 19, 2018, where she found that respondent was remiss in performing his duty as a notary public, thus:

The Notarial Law is explicit on the obligations and duties of a notary public. One of the duties of a notary public is to require the affiant to present **competent evidence of identity if he is not personally known to the notary public.**

Here, Respondent alleged that he personally knew the affiant, Atty. Virgilio Batalla, as he is the counsel of the latter in a separate complaint for disbarment filed by the same Complainant herein. But, Respondent failed to present any evidence proving that he personally knew the affiant. Thus, Respondent failed in his duty as a notary public.¹⁵ (Emphasis and underscoring in the original)

Based on her findings, the Investigating Commissioner recommended that respondent be found guilty of violating the Notarial Law, to wit:

WHEREFORE, premises considered, it is recommended that Respondent ATTY. JOWEL A. MENDOZA, be found GUILTY of violation of the Notarial Law. Nonetheless, considering the triviality of the misconduct, it is recommended that he be MERELY WARNED that a repetition of the same offense or similar acts in the future shall be dealt with more severely.

Respectfully Submitted.¹⁶

¹⁰ Id.

¹¹ Id. at 33-47.

¹² Id. at 35.

¹³ Id. at 48.

¹⁴ Id. at 75-79.

¹⁵ Id. at 78-79.

¹⁶ Id. at 79.

An Extended Resolution¹⁷ dated June 16, 2021 was subsequently issued by the IBP Board of Governors, resolving to approve and adopt the April 19, 2018 Report and Recommendation, insofar as it found respondent to have violated the 2004 Rules on Notarial Practice¹⁸ in failing to require his affiant, Atty. Batalla, to present a competent evidence of his identity.

The same Extended Resolution, however, modified the penalty imposed on respondent, to wit:

RESOLVED to APPROVE and ADOPT, as it is hereby APPROVED and ADOPTED, 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 the recommendation fully supported by the evidence on record and the applicable laws and rules and finding further that respondent attempted to deceive the Investigating Commissioner by claiming he is the counsel of the affiant in the CBD Case when the position paper did not indicate his name as counsel, the notarial commission of Atty. Jowel A. Mendoza is hereby IMMEDIATELY REVOKED, if subsisting, and he is further DISQUALIFIED from being appointed as notary public for two (2) years, and SUSPENDED from the practice of law for one (1) year in accordance with the rules with a Warning that repetition of a similar offense shall be dealt with more severely.¹⁹

The sole issue for this Court's consideration is whether respondent should be disbarred for violation of the 2004 Rules on Notarial Practice.

We rule in the *negative*.

We resolve, however, to approve and adopt the Extended Resolution dated June 16, 2021, issued by the IBP Board of Governors, finding respondent liable for violation of the Rules on Notarial Practice, with the following penalties: (1) Revocation of his notarial commission, if subsisting; (2) Disqualification from being appointed as notary public for two years; and (3) Suspension from practice of law for one year.²⁰

Section 6, Rule II of the 2004 Rules on Notarial Practice provides:

SEC. 6. *Jurat*. — "Jurat" refers to an act in which an individual on a single occasion:

- (a) appears in person before the notary public and presents an instrument or document;
- (b) is personally known to the notary public or **identified by the notary public through competent evidence of identity as defined by these Rules;**

¹⁷ Id. at 80-83.

¹⁸ A.M. No. 02-8-13-SC, July 6, 2004. Effective: August 1, 2004.

¹⁹ *Rollo*, p. 83.

²⁰ Id. at 82.

- (c) signs the instrument or document in the presence of the notary;
and
- (d) takes an oath or affirmation before the notary public as to such instrument or document. (Emphasis supplied)

In turn, *competent evidence of identity* is defined in Section 12, Rule 2 of the same rules in this manner:

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; 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.²¹

In this case, as found by the Investigating Commissioner, it was substantially established that respondent failed to require his affiant, Atty. Batalla, to present competent evidence of his identity. Indeed, the subject Verification did not indicate the identification required of the affiant.²²

Moreover, respondent’s allegation that he personally knows the affiant because he is the counsel of the latter in a separate complaint cannot be given weight and credence considering that he failed to present evidence to support the same.²³

In *Legaspi v. Attys. Landrito and Toribio*,²⁴ the Court explained:

It cannot be overemphasized that notarization of documents is not an empty, meaningless or routinary act. It is invested with substantive public interest, such that only those who are qualified or authorized may act as notaries public. It is through the act of 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. Indeed, a notarial document is by law entitled to full faith and credit upon its face, and for this reason, notaries public must observe utmost care in complying with the elementary formalities in the performance of their duties. Otherwise, the confidence of the public in the integrity of this form of conveyance would be undermined.²⁵

²¹ 2004 RULES ON NOTARIAL PRACTICE, Rule II, Sec. 12.

²² *Rollo*, p. 8.

²³ *Id.* at 81.

²⁴ 590 Phil. 1 (2008).

²⁵ *Id.* at 6.

Moreover, in *Ang v. Atty. Gupana*,²⁶ the Court elaborated:

As a lawyer commissioned as notary public, respondent is mandated to subscribe to the sacred duties appertaining to his office, such duties being dictated by public policy impressed with public interest. Faithful observance and utmost respect of the legal solemnity of the oath in an acknowledgment or *jurat* is sacrosanct. Simply put, such responsibility is incumbent upon respondent and failing therein, he must now accept the commensurate consequences of his professional indiscretion. x x x²⁷

When a lawyer commissioned as a notary public fails to discharge his duties as such, he is given the following penalties: (1) revocation of his notarial commission; (2) disqualification from being commissioned as a notary public for a period of two years; and (3) suspension from the practice of law for one year.²⁸

We find the imposition of the said penalty upon respondent to be in order, especially in this case where the IBP Board of Governors also noted an attempt by the respondent to deceive the Investigating Commissioner. Respondent claimed to personally know the affiant, Atty. Batalla, since he was the latter's counsel. However, the subject Verified Position Paper does not indicate respondent as counsel for Atty. Batalla.²⁹

WHEREFORE, finding the Extended Resolution of the Board of Governors of the Integrated Bar of the Philippines to be fully supported by evidence on record and by applicable laws and jurisprudence, the Court **RESOLVES** to **ADOPT** and **APPROVE** the recommendation to **IMMEDIATELY REVOKE**, if subsisting, the notarial commission of respondent, Atty. Jowel A. Mendoza. He is further **DISQUALIFIED** from being appointed as notary public for two (2) years, and **SUSPENDED** from the practice of law for one (1) year, in accordance with the rules, with a **STERN WARNING** that repetition of the same offense or the commission of a similar act shall be dealt with more severely.

The disqualification from being appointed as notary public and the suspension from the practice of law shall take effect immediately upon receipt of this resolution by Atty. Jowel A. Mendoza. He is **DIRECTED** to immediately file a manifestation to the Court that his disqualification and suspension have started, copy furnished all courts and quasi-judicial bodies where he has entered his appearance as counsel.

²⁶ 726 Phil. 127 (2014)

²⁷ Id. at 135.


²⁸ *Baysac v. Atty. Aceron-Papa*, 792 Phil. 635, 646-647 (2016).

²⁹ *Rollo*, pp. 9-13.

Let copies of this Resolution be furnished the Office of the Bar Confidant for recording in the personal file of Atty. Jowel A. Mendoza; the Office of the Court Administrator for dissemination to all courts of the Philippines; and the Integrated Bar of the Philippines for distribution to all its chapters.

SO ORDERED.” *Marquez, J., on official business.*

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court *4/1/19*

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court

301-A

JAN 19 2023

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