



Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **January 25, 2023** which reads as follows:*

“**A.C. No. 13561 [Formerly CBD Case No. 11-3139] (Atty. Roberto C. Cajes v. Atty. Salvador D. Diputado).**—For Our review is Resolution No. XXII-2017-1172<sup>1</sup> issued by the Integrated Bar of the Philippines (IBP) Board of Governors (Board), which adopted the Report and Recommendation<sup>2</sup> of the IBP Commission on Bar Discipline (Commission) to revoke the notarial commission, to disqualify from being commissioned as notary public for a period of two years, and to suspend from the practice of law for a period of one year respondent Atty. Salvador D. Diputado (Atty. Diputado), for violation of Section 3, Rule IV of the Rules on Notarial Practice and of Canon 13, Rule 13.02 of the Code of Professional Responsibility (Code), as well as Canons 20 and 27 of the Canons of Professional Ethics.<sup>3</sup>

**Complainant’s Allegations**

Atty. Roberto C. Cajes (Atty. Cajes) filed a Complaint<sup>4</sup> for disbarment against Atty. Diputado for notarizing documents executed by his own parents-in-law in violation of the Notarial Rules disallowing a notary public from notarizing documents executed by a principal who is related to him or her within the fourth civil degree of consanguinity or affinity.<sup>5</sup> On different occasions in 2008, 2009, 2010, and 2011, Atty. Diputado notarized several Affidavits of Publication signed by his mother-in-law, Dr. Lilia Balite, the publisher of the local newspaper known as *Bohol Times*.<sup>6</sup> In 2007 and 2010, he also notarized the Certificates of Candidacy of his father-in-law, Atty.

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<sup>1</sup> *Rollo*, pp. 262-263.

<sup>2</sup> *Id.* at 269-279. Penned by Commissioner Ramsey M. Quijano.

<sup>3</sup> *Id.* at 279.

<sup>4</sup> *Id.* at 1-9.

<sup>5</sup> *Id.* at 270.

<sup>6</sup> *Id.*

Dionisio Balite, who ran for Congress and Board Member, respectively, in their district at that time.<sup>7</sup>

Atty. Cajes claimed that Atty. Diputado did not only violate the disqualification rule set forth under the Notarial Rules but also the rule prohibiting a notary public from performing a notarial act where he may receive a direct or indirect advantage, right or interest. Atty. Cajes stated that Atty. Diputado acquired direct or indirect advantage or interest over said notarial acts because he is the Editor-in-Chief of *Bohol Times* at the time of said notarization.<sup>8</sup>

Moreover, Atty. Cajes averred that Atty. Diputado violated Canon 13, Rule 13.02 of the Code for making public statements in the media regarding a pending case. Such statements were allegedly in relation to the libel case filed by complainant's daughter, Jane Censoria Cajes-Yap (Cajes-Yap) against Ciriaco Guingging (Guingging), a co-anchor of Atty. Diputado in their DYTR radio program and Manuel Ferdinand De Erio (De Erio), a client of Atty. Diputado, pending at that time with the Regional Trial Court of Talibon, Bohol, Branch 52. The case was filed after De Erio wrote in his column that Cajes-Yap was "the only SK President who is wrapped with anomalies and controversies."<sup>9</sup>

Atty. Diputado allegedly made such public statement on June 12, 2011 in his column "Long Cuts" of *Bohol Times*. The said statement was quoted by Atty. Cajes as follows:

And fifth, this Order from COA is clear proof that Jane Censoria Cajes was lying through her teeth because she testified under oath during the hearing of the Libel Case she filed against De Erio and BG Guingging that she has already liquidated the amount received by her when in truth and in fact, she has not.

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Now, now, when Manuel Ferdinand de Erio wrote in his column in the Sunday Post which was the basis for the filing of the libel charge that Jane Censoria Cajes "was the only SK President who is wrapped by anomalies and controversies," was De Erio telling a lie?

Was it libelous?

Was de Erio prompted by a desire to malign the good name, honor and reputation of Jane Censoria Cajes?

Longcuts doesn't think so.

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<sup>7</sup> Id.

<sup>8</sup> Id.

<sup>9</sup> Id. at 271.

But of course, the Inquest Prosecutor has found probable cause for the filing of an Information for Libel against de Erio and BG Guingging.

The case is now pending before the RTC of Talibon.<sup>10</sup>

Atty. Cajes further alleged that Atty. Diputado made another comment on June 15, 2011 regarding the said case in his radio program “*Quantas Claras*” over DYTR Bohol. Atty. Diputado allegedly explained and discussed the defense of his client by attacking the credibility and moral character of Atty. Cajes without regard to the due process clause and *sub judice* rule. Atty. Cajes claimed that the comment was intended to convince the listening public “about the guilt of Atty. Cajes’ daughter in the separate graft case to validate the comments of Atty. Diputado’s client in the subject pending libel case.”<sup>11</sup>

Complainant also alleged that on the same radio program, respondent lawyer allowed his co-anchor, Guingging, to advertise his legal services during the June 16, 2011 broadcast, thereby violating Canon 27 of the Canons of Professional Ethics for resorting to indirect advertisements for professional employment. The said statement was quoted as follows:

Ciriaco “Boy” Guingging: Bueno mga higala... dali ra kayo ang oras... nakahurot ug balig 30 minutos ang katawa... kining inyong ubos nga alagad... I hope kamo nakapupo mga maayong pagtulon-an sa usa ka dili abogado... kay naglecture ug sub judice... At least I was seconded by Atty. Lopez... mga higala unsa man ang mga kasaypanan among nahimu mangayo mi ug pasaylo. Ang ato pod ani nakahatag pod mi ug pagtulon-an sa atong mga kaigsoonan labi na mga katin-awan labi nag na gikan sa kabubut-on ni Atty. Diputado... **plugging... kung kinahanglan kintahay mo ug mga legal advice adtoa lang si Atty. Diputado... ok aron ma convert ug cash pod...** kini si Boy Guingging uban ni Ted Ayeng ug ni Salva Diputado... kaming tanan nag ingon maayong buntag ug hangtod sa sund nga higayon.

(Ciriaco “Boy” Guingging: Friends... time is so short... laughter consumed about 30 minutes... this is your lowly servant... I hope you were able to get good lessons from a non-lawyer... because sub judice was discussed. At least I was seconded by Atty. Lopez... friends whatever misdeeds we have done, we are asking for forgiveness. The thing is we were able to give good lessons to our constituents especially the clarifications coming from Atty. Diputado... plugging... if you need legal advice you could go to Atty. Diputado... ok so it would be converted into cash... this is Boy Guingging together with Ted Ayeng and Salva Diputado... all of us are saying good morning and until next time.)<sup>12</sup>

### Respondent’s Defense

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<sup>10</sup> Id. at 271-272.

<sup>11</sup> Id. at 272.

<sup>12</sup> Id. at 272-273.

Atty. Diputado contended that this is just mere harassment and persecution reduced into paper after Atty. Cajés lost in the election case that Atty. Diputado handled. Atty. Diputado averred that the complaint had nothing to do with his duties as a lawyer.<sup>13</sup>

Atty. Cajés had no good motive in filing the complaint other than to get even with him after such defeat. Even prior to the filing of the complaint, Atty. Cajés already made a scathing privilege speech in Congress attacking with impunity his name, honor, and reputation. Respondent argued that Atty. Cajés did not come with clean hands. Atty. Cajés is a former priest who defied his vows under the Canon Law and later, circumvented the Civil Law after he married an already married woman and bore children during priesthood.<sup>14</sup>

Atty. Cajés allegedly married his present wife, Judith del Rosario Lao (Judith), after the Regional Trial Court of Bohol granted the petition to declare William Lao (Lao), Judith's first husband, as presumptively dead and despite knowledge of the latter's reappearance. Lao even executed an Affidavit of Reappearance but Atty. Cajés did not do anything to rectify such mistake.<sup>15</sup>

Atty. Diputado further contended that this case does not involve misuse of funds or even a lawyer-client relationship but merely focuses on the notarization of the Affidavits of Publication of his mother-in-law and Certificates of Candidacy (COC) of his father-in-law.<sup>16</sup>

Atty. Diputado admitted, albeit with much regret, that he notarized the documents executed by his parents-in-law and declared that he is remorseful for such negligence. Nonetheless, he committed himself to be more circumspect in his duties as a notary public in the future to avoid a similar transgression.<sup>17</sup>

Despite that, Atty. Diputado contended that what he committed was a minor lapse which did not amount to an actionable misconduct. Since neither damage, harm, and prejudice to the client and to the public resulted from such notarial acts nor the facts in the publication and contents of the COCs were put in question, his disbarment or suspension is therefore not warranted. Respondent pointed out that complainant was not even a party to the documents complained of, much less, interested in them or affected thereby.<sup>18</sup>

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<sup>13</sup> Id. at 273.

<sup>14</sup> Id.

<sup>15</sup> Id. at 274.

<sup>16</sup> Id.

<sup>17</sup> Id.

<sup>18</sup> Id.

As to the alleged comment on the pending libel case, respondent averred that complainant and his daughter are both public officials; thus, the discussion on the failure of Atty. Cajes' daughter to account for the millions involved in the graft case is a constitutionally protected speech and discourse and could not serve as basis for a disbarment suit against him.<sup>19</sup>

Finally, Atty. Diputado argued that he was neither advertising nor soliciting professional employment in his DYTR radio program. His radio program only provided free legal advice and opinion to the listening public. As to the questioned portion of the program, such comments were not his own but that of his co-anchor. Hence, he did not commit any improper and prohibited advertising or publication of professional services.<sup>20</sup>

### **Report and Recommendation of the Integrated Bar of the Philippines**

On July 1, 2014, the Commission, through Investigating Commissioner Ramsey M. Quijano, submitted a Report and Recommendation<sup>21</sup> finding Atty. Diputado to have violated the disqualification rule under Sec. 3 (c), Rule IV of the 2004 Rules on Notarial Practice.

Atty. Diputado's violation of the Notarial Rules caused damage not only to those directly affected by the notarized document but also undermined the integrity of the office of a notary public and degraded the function of notarization. He should, thus, be held liable for such negligence not only as a notary public but also as a lawyer.<sup>22</sup>

Moreover, the Commission found respondent to have likewise violated Rule 13.02 of the Code. It noted that despite the pendency of the libel case and the graft case from which the former case stemmed, Atty. Diputado, who is a lawyer of one of the accused, still tackled and discussed the merits and proceedings of said case and suggested to the public about the lack of credibility of complainant's daughter in filing the libel case.<sup>23</sup>

The Commission emphasized that respondent should have acted with prudence and desisted from making such public statements especially since the case is already pending before the courts of justice.<sup>24</sup>

Lastly, on the issue of prohibited and indirect solicitation of professional services, the Commission found the record bereft of evidence of violation on

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<sup>19</sup> Id. at 275.

<sup>20</sup> Id.

<sup>21</sup> Id. at 171-179.

<sup>22</sup> Id. at 276.

<sup>23</sup> Id. at 278.

<sup>24</sup> Id.



the part of Atty. Diputado himself. The Commission noted that the statements were made by another person.<sup>25</sup>

Thus, the Commission recommended that:

[Based on the foregoing,] it is respectfully recommended that the notarial commission of respondent be revoked, respondent be disqualified from being commissioned as a notary public for a period of two years and suspended from the practice of law for a period of one (1) year.<sup>26</sup>

In a Resolution<sup>27</sup> dated December 13, 2014, the IBP Board approved with modification the report and recommendation of the Commission. The Resolution partly reads:

RESOLVED to ADOPT and APPROVE, as it is hereby ADOPTED and APPROVED, **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 to be fully supported by evidence on record and applicable laws, and for violation of Rule IV, Section 3 (c) of the 2004 Rules on Notarial Practice and violation of Canon 1 and Rule 13.02 of the Code of Professional Responsibility, Atty. Salvador D. Diputado's notarial commission if presently commissioned is **immediately REVOKED**. Further, he is **DISQUALIFIED from being commissioned as notary public for two (2) years** with stern Warning that repetition of similar conduct shall be dealt with more severely. The suspension for two years<sup>28</sup> from the practice of law is hereby deleted.<sup>29</sup>

Atty. Diputado filed a Motion for Reconsideration, but it was denied by the Board in a Resolution<sup>30</sup> dated July 2, 2022.

### Issues

1. Whether respondent violated the 2004 Rules on Notarial Practice for notarizing documents executed by his own parents-in-law.
2. Whether Atty. Diputado violated Rule 13.02 of the Code for making public statements in the media regarding a pending case.
3. Whether Atty. Diputado allowed his co-anchor, Guingging, to advertise his legal services, thereby violating Canon 27 of Canons of Professional Ethics for resorting to indirect advertisements for professional employment.

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<sup>25</sup> Id. at 279.

<sup>26</sup> Id.

<sup>27</sup> Id. at 267-268.

<sup>28</sup> Should read as one (1) year.

<sup>29</sup> *Rollo*, p. 267.

<sup>30</sup> Id. at 264-266.

**Our Ruling**

We adopt the findings but modify the recommendation of the IBP.

**Violation of Notarial Rules**

Atty. Diputado violated the disqualification rule under Sec. 3 (c), Rule IV of the 2004 Rules on Notarial Practice<sup>31</sup> which provides:

Rule IV

POWERS AND LIMITATIONS OF NOTARIES PUBLIC

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

x x x x

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

In *Dela Cruz-Sillano v. Atty. Pangan*,<sup>32</sup> the Court emphasized that:

Notarization is not an empty, meaningless, routinary act. On the contrary, it is invested with substantial public interest; such that only those who are qualified or authorized may act as notaries public. Notarization of a private document converts the document into a public one, making it admissible in court without further proof of its authenticity. A notarial document is by law entitled to full faith and credit upon its face and, for this reason, notaries public must observe with the utmost care the basic requirements in the performance of their duties. Otherwise, the confidence of the public in the integrity of this form of conveyance would be undermined.

As a lawyer commissioned to be a notary public, respondent is mandated to discharge his sacred duties which are dictated by public policy and, as such, impressed with public interest. Faithful observance and utmost respect of the legal solemnity of an oath in an acknowledgment or jurat is sacrosanct.<sup>33</sup>

As ruled in *Agbulos v. Viray*,<sup>34</sup> a “[r]espondent’s failure to perform his or her duty as a notary public resulted x x x in undermining the integrity of a notary public and in degrading the function of notarization.” He or she should, thus, be held liable for such negligence not only as a notary public but also as a lawyer.

<sup>31</sup> A.M. No. 02-8-13-SC, promulgated on July 6, 2004.  
<sup>32</sup> 592 Phil. 219 (2008).  
<sup>33</sup> Id. at 227-228.  
<sup>34</sup> 704 Phil. 1, 8-9 (2013).

Here, while Atty. Diputado concedes having notarized the Affidavits of Publication and Certificates of Candidacy signed by his parents-in-law,<sup>35</sup> he argues that it was just a minor lapse which does not amount to an actionable misconduct since it was done in good faith, and nobody was prejudiced or harmed. The fact that nobody was prejudiced or harmed by such act is not an acceptable excuse. Respondent can still be held liable for such breach of notarial duties. What is of paramount consideration is the preservation of the integrity of the notarial process over private interest.

In *Rayos v. Rayos*,<sup>36</sup> the Court ruled that disciplinary proceedings involve no private interest and afford no redress for private grievance.

### **Violation of Rule 13.02 of the Code of Professional Responsibility**

Atty. Diputado violated Canon 13, Rule 13.02 of the Code for making public statements and comments in the media regarding a pending case.

Rule 13.02 of the Code provides:

Rule 13.02.- A lawyer shall not make public statements in the media regarding a pending case tending to arouse public opinion for or against a party.

We deem it proper to review the concept of the *sub judice* rule for which Atty. Diputado is being charged in this case.

*Sub judice* is a Latin term which refers to matters under or before a judge or court; or matters under judicial consideration.<sup>37</sup> The *sub judice* rule restricts comments and disclosures pertaining to the judicial proceedings to avoid prejudging the issue, influencing the court, or obstructing the administration of justice.<sup>38</sup> The specific rationale for the *sub judice* rule is that courts, in the decision of issues of facts and law should be immune from every extraneous influence; that facts should be decided upon evidence produced in court; and that the determination of such facts should be uninfluenced by bias, prejudice or sympathies.<sup>39</sup>

Here, Atty. Diputado made statements and comments regarding the pending libel case filed by Cajés-Yap against Guingging, a co-anchor of Atty. Diputado in their DYTR radio program and De Erio, a client of Atty.

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<sup>35</sup> *Rollo*, p. 275.

<sup>36</sup> 349 Phil. 7, 15 (1998).

<sup>37</sup> *Re: Show Cause Order in the Decision dated May 11, 2018 in G.R. No. 237428*, 836 Phil. 166, 177 (2018), citing Black's Law Dictionary.

<sup>38</sup> *P/Supt. Marantan v. Atty. Diokno*, 726 Phil. 642, 648 (2014).

<sup>39</sup> *Re: Show Cause Order in the Decision dated May 11, 2018 in G.R. No. 237428*, supra at 180.



Diputado.<sup>40</sup> Respondent insists that his discussion on the failure of Atty. Cajes' daughter to account for the millions involved in the graft case is a constitutionally protected speech and discourse given that both parties are public officials. However, the Court also ruled in *Re: Show Cause Order in the Decision dated May 11, 2018 in G.R. No. 237428*,<sup>41</sup> that the *sub judice* rule is not geared towards protecting the judiciary from such prejudicial comments outside of courts by the exercise of its inherent contempt power. Rather, in this administrative matter, the Court is discharging its constitutionally-mandated duty to discipline members of the Bar and judicial officers.<sup>42</sup>

Hence, what is relevant is the propriety of respondent's conduct, regardless of the personalities subject of his public statements and comments regarding a pending case.

**Violation of Canon 27 of  
Canons of Professional  
Ethics for resorting to  
indirect advertisements for  
professional employment**

Atty. Diputado did not violate Canon 27 of the Canons of Professional Ethics.

If ever there was any advertisement of legal services, the same was made only by Atty. Diputado's co-anchor, Guingging.<sup>43</sup> There is a lack of evidence to prove that Atty. Diputado himself resorted to indirect advertisements for professional employment.<sup>44</sup> Indeed, it would be unfair to penalize respondent for the spontaneous and voluntary statement made by another person,<sup>45</sup> without any showing of any prodding, solicitation, or participation on his part.

Following the ruling in *Isenhardt v. Atty. Real*,<sup>46</sup> the following penalties of revocation of notarial commission, if one is existing, disqualification from being commissioned as notary public for a period of two years, and suspension from the practice of law for one year, are appropriate under the circumstances.

**WHEREFORE**, the Court finds respondent Atty. Salvador D. Diputado **GUILTY** of violation of Rule IV, Section 3 (c) of the 2004 Rules

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<sup>40</sup> *Rollo*, pp. 271-272.

<sup>41</sup> *Re: Show Cause Order in the Decision dated May 11, 2018 in G.R. No. 237428*, A.M. No. 180601-SC, supra at 180-181.

<sup>42</sup> *Id.*

<sup>43</sup> *Rollo*, p. 279.

<sup>44</sup> *Id.*

<sup>45</sup> *Id.*


<sup>46</sup> 682 Phil. 19, 26 (2012).

on Notarial Practice and violation of Canon 1 and Rule 13.02 of the Code of Professional Responsibility. Atty. Salvador D. Diputado's notarial commission, if one is existing, is **REVOKED**. Further, he is **DISQUALIFIED from being commissioned as a notary public for two years** with a stern **WARNING** that repetition of similar conduct shall be dealt with more severely. Finally, he is **SUSPENDED** from the practice of law for one year.

Atty. Salvador D. Diputado is **DIRECTED** to file a Manifestation before this Court upon receipt of this Resolution that his suspension has already started. Let copies of this Resolution be furnished to: (a) the Office of the Bar Confidant to be appended to respondent's personal record as an attorney-at law; (b) the Integrated Bar of the Philippines for its information and guidance; and (c) the Office of the Court Administrator for dissemination to all courts throughout the country for their information and guidance.

**SO ORDERED."** *Rosario, J., on official leave.*

**By authority of the Court:**

  
**LIBRADA C. BUENA**  
Division Clerk of Court

by:

**MARIA TERESA B. SIBULO**  
Deputy Division Clerk of Court

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**FEB 02 2023**

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