



Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated February 1, 2023 which reads as follows:*

“A.C. No. 13200 [Formerly CBD Case No. 17-5233] (*Patrice F. Limpoco v. Atty. Ernesto F. Bonifacio*). — This is an Affidavit-Complaint<sup>1</sup> for Disbarment filed by Patrice F. Limpoco (complainant) against Atty. Ernesto F. Bonifacio (respondent) for violation of the 2004 Rules of Notarial Practice.<sup>2</sup>

**Antecedents**

Sometime in 1998, complainant’s mother, Elena F. Limpoco (Elena), sought the legal services of respondent to draft and notarize the Extra-Judicial Settlement of the estate of complainant’s father, Pedro Dela Cruz Limpoco. The said document was notarized by respondent and was entered in his notarial register as Doc. No. 243; Page No. 50; Book No. 45; Series of 1998. The document was likewise published in the 25 February,<sup>3</sup> 02 March<sup>4</sup> and 09 March 1998<sup>5</sup> editions of the Balita Tabloid.

It appears that Elena never obtained a copy of the notarized document, thus, after almost 20 years, complainant requested a copy from the respondent. Complainant received a slew of excuses from the respondent, which compelled her to try to secure one from the Regional Trial Court (RTC) of Pasig City. However, a copy of the notarized document was not submitted to the court. Nonetheless, complainant obtained a certified machine copy of the significant page on respondent’s notarial register from the RTC and she noticed that the fields for document numbers 241, 243, and 245 of the

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<sup>1</sup> *Rollo*, pp. 1-4.

<sup>2</sup> A.M. No. 02-08-13-SC signed on 06 July 2004.

<sup>3</sup> *Id.* at 5-6.

<sup>4</sup> *Id.* at 7-8.

<sup>5</sup> *Id.* at 9-10.

respondents' notarial register are left blank.<sup>6</sup> Impelled by these revelations, complainant sought the disbarment of respondent and the cancellation of his notarial commission.

Respondent in his Answer,<sup>7</sup> admitted having prepared and notarized the Extrajudicial Settlement of the Estate of Pedro Dela Cruz Limpoco. However, he recalled that Elena agreed to pay a fixed amount but was only able to make a small downpayment. She promised to pay the balance later. Respondent notarized the document and had it published to accommodate the request and have it presented with the Bureau of Internal Revenue for the computation of taxes and government expenses. But when Elena came back with the computation, she told respondent that the expenses were too high and she cannot afford them. She also told respondent that she is no longer pushing through with her plans and both agreed to scrap the document respondent notarized and published, thus, explaining the blank fields in respondent's notarial register.<sup>8</sup>

### **Recommendation of the IBP Commissioner**

In his Report and Recommendation<sup>9</sup> dated 07 January 2019, the Investigating Commissioner recommended the revocation of respondent's notarial commission, and disqualification from being commissioned for a period of one year, with a warning that a repetition of the same negligent act will be dealt with more severity.<sup>10</sup>

### **Recommendation of the IBP Board of Governors**

On 07 September 2019, the IBP Board of Governors resolved to approve and adopt with modification the Report and Recommendation of the Investigating Commissioner.<sup>11</sup> The IBP Board of Governors disqualified the respondent from being commissioned for two years, instead of the original one year period imposed by the Investigating Commissioner.

Respondent moved for reconsideration,<sup>12</sup> but the same was denied by the Board in its Resolution<sup>13</sup> dated 09 January 2021.

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<sup>6</sup> Id. at 12.

<sup>7</sup> Id. at 21-27

<sup>8</sup> Id.

<sup>9</sup> Unpaginated.

<sup>10</sup> Unpaginated.

<sup>11</sup> Unpaginated.

<sup>12</sup> Unpaginated.

<sup>13</sup> Unpaginated.



### **Ruling of the Court**

After a judicious review of the records of the case, We find that the IBP correctly held respondent liable for violating the 2004 Rules on Notarial Practice.

In the present case, respondent himself admits that he omitted recording the Deed of Extrajudicial Settlement of the Estate of the late Pedro Dela Cruz Limpoco in his notarial register, a clear dereliction of his duty under Section 2 (a), Rule VI of the 2004 Rules on Notarial Practice, which reads:

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 proceedings;
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
9. the address where the notarization was performed if not the notary's regular place of work or business; and
10. any other circumstance the notary public may deem of significance or relevance.

Respondent argues that his omission to make the appropriate entry in his notarial register was deliberate pending payment in full of his legal fees. He also insists that complainant's mother no longer pursued settlement of her husband's estate, which justifies the non-inclusion of the deed in his notarial register. This excuse is untenable. Notarial acts cannot be bargained for or be subject to personal arrangements. Every notarial act must have a corresponding record in the notarial register. Once the document is notarized, a notary public must faithfully record the same in the notarial register.<sup>14</sup>

The act of notarization is impressed with public interest. As such, a notary public must observe the highest degree of care in complying with the basic requirements in the performance of his or her duties in order to preserve

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<sup>14</sup> *Rollo*, pp. 22-25.

the confidence of the public in the integrity of the notarial system.<sup>15</sup>

In *Atty. Bartolome v. Atty. Basilio*,<sup>16</sup> We ruled that the failure of the notary public to record the document in his or her notarial register is tantamount to falsely making it appear that the document was notarized, when in fact, it was not. This is no different from what transpired in this case. Complainant's mother made arrangements with the respondent to notarize, or at the very least, make it appear that the Deed of Extrajudicial Settlement was notarized just so the document may be used to trigger an assessment from the BIR of the various fees, taxes and costs surrounding the estate of Pedro. Worst, respondent performed the notarial act knowing that the document would be published in a newspaper of general circulation.<sup>17</sup>

Furthermore, respondent transgressed Section 2(h), Rule VI of the 2004 Rules on Notarial Practice which requires notaries public to submit duplicate original copies of instruments acknowledged before them with the clerk of court of the RTC. A Deed of Extrajudicial Settlement of Estate is one example of an instrument acknowledged before a notary.

Clearly, these infractions merit administrative sanctions. Thus, the IBP correctly revoked respondent's notarial commission, and disqualified him from being commissioned for a period of two years. However, respondent's actuations do not simply reflect on his character as a notary public, but also as a lawyer. His actuations transgress both the Notarial Rules and the Code of Professional Responsibility. Canon 1 of the said Code mandates the obedience of every lawyer to laws and legal processes.<sup>18</sup> In *Agagon v. Bustamante*,<sup>19</sup> the Court ruled:

Canon 1 of the Code of Professional Responsibility requires every lawyer to uphold the Constitution, obey the laws of the land and promote respect of the law and legal processes. Moreover, the Notarial Law and the 2004 Rules on Notarial Practice require a duly commissioned notary public to make the proper entries in his Notarial Register and to refrain from committing any dereliction or act which constitutes good cause for the revocation of commission or imposition of administrative sanction. Unfortunately, respondent failed in both respects. (citation omitted)<sup>20</sup>

In *Roabuenafe v. Lirazan*<sup>21</sup> the Court emphasized that the penalties involved when a notary public failed to discharge his or her duties are always

<sup>15</sup> *Atty. Bartolome v. Atty. Basilio*, 771 Phil. 1, 5 (2015), citing *Gokioco v. Mateo*, 484 Phil. 626, 632 (2004).

<sup>16</sup> *Id.* at 9.

<sup>17</sup> *Rollo*, p. 24

<sup>18</sup> See *Gonzales v. Bañares*, 834 Phil. 154, 161-162 (2018).

<sup>19</sup> 565 Phil. 581 (2007).

<sup>20</sup> *Id.* at 587, citing A.M. No. 02-8-13-SC.

<sup>21</sup> A.C. No. 9361, 20 March 2019.

three-pronged: (1) revocation of notarial commission; (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.<sup>22</sup>

Here, respondent both omitted the recording of the deed of extrajudicial settlement in his notarial register and the submission of its duplicate original with the clerk of court.

In *Sps. Chambon v. Ruiz*<sup>23</sup> the respondent in the said case was found doubly negligent in the performance of his duties as notary public by failing to make proper entries in his notarial book and by delegating such duty to his secretary. The lawyer was sanctioned with one year suspension from the practice of law, perpetual disqualification from being a notary public and immediate revocation of his notarial commission.<sup>24</sup>

On the other hand, in the *Roabuenafe case*<sup>25</sup> the respondent was similarly negligent but the Court only imposed the penalties of one year suspension from the practice of law; disqualification from reappointment as notary public for a period of two years; and immediate revocation of notarial commission.<sup>26</sup>

In line with both pronouncements, the imposition of the penalty of one year suspension from the practice of law is befitting for respondent's utter disregard of the integrity and dignity due the legal profession. However, We do not see the need to perpetually disqualify the respondent from being a notary public, which is too harsh. Just like in the *Roabuenafe case*, We believe that the disqualification from being a notary should only extend to two years, plus the immediate revocation of his notarial commission, if presently commissioned.

**WHEREFORE**, premises considered, **Atty. Ernesto F. Bonifacio** is found **GUILTY** of violating Canon 1 of the Code of Professional Responsibility and Section 2 Rule VI of the 2004 Rules on Notarial Practice. He is hereby **SUSPENDED** from the practice of law for one year; his notarial commission is **REVOKED** if presently commissioned; and he is **DISQUALIFIED** from reappointment as notary public for a period of two years. Atty. Bonifacio is **STERNLY WARNED** that a repetition of the same or similar conduct in the future shall be dealt with more severity. He is

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<sup>22</sup> Id.

<sup>23</sup> 817 Phil. 712 (2017).

<sup>24</sup> See Id. at 722.

<sup>25</sup> Supra note 16


<sup>26</sup> Supra.

**DIRECTED** to report the date of his receipt of this Resolution to enable this Court to determine when his suspension shall take effect.

Let a copy of this Resolution be attached to the personal records of **Atty. Ernesto F. Bonifacio** in the Office of the Bar Confidant, the courts, and the Integrated Bar of the Philippines.

**SO ORDERED.”**

**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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