



Republic of the Philippines
Supreme Court
Cagayan de Oro City

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **March 6, 2023** which reads as follows:*

“**A.C. No. 6767 (Elizabeth Recio vs. Atty. Joselito I. Fandiño)**.¹—This resolves respondent Atty. Joselito I. Fandiño’s Motion to Lift Order of Prohibition/Disqualification (From Being Commissioned as a Notary Public)² dated 1 September 2021, praying that he be allowed to apply and be commissioned as a notary public, considering that he has already served his two-year disqualification, and has complied with the requirements.

Respondent’s disqualification from being commissioned as a notary public stemmed from the Decision³ dated 5 October 2016, wherein the Court found respondent guilty of negligence in performing his duties as a notary public and of breach of the 2004 Rules on Notarial Practice. The *fallo* of the Decision reads:

WHEREFORE, the recommendation of the Integrated Bar of the Philippines is **ADOPTED** with **MODIFICATION**. Respondent Atty. Joselito I. Fandiño is **GUILTY** of negligence in performing his duties as a notary public and of breach of the 2004 Rules on Notarial Practice. Accordingly, he is **SUSPENDED** from the practice of law for six (6) months; his incumbent commission if any is **REVOKED**; and he is **PROHIBITED** from being commissioned as a notary public for two (2) years, effective immediately. He is **WARNED** that a repetition of the same or similar acts in the future shall be dealt with more severely.

Let all the courts, through the Office of the Court Administrator, as well as the IBP and the Office of the Bar Confidant, be notified of this Decision and be it entered into respondent’s personal record.

¹ Spelled as “Fodiño” or “Fandino” in some parts of the *rollo*.

² *Rollo*, pp. 460-467.

³ *Id.* at 366-374. Penned by Associate Justice Francis H. Jardeleza, and concurred in by Associate Justices Presbitero J. Velasco, Jr., Diosdado M. Peralta, Jose Portugal Perez, and Bienvenido L. Reyes.

The respondent is **DIRECTED** to report the date of his receipt of this Decision to enable us to determine when his suspension shall take effect.

SO ORDERED.⁴

In his Manifestation (Report as to Date of Receipt of Decision)⁵ dated 31 June 2019, respondent stated that he personally received a copy of the 5 October 2016 Decision from the Office of the Bar Confidant (OBC) on 31 January 2019; that he neither applied nor acted as a notary public since 2010; and that he has not practiced law since receipt of the 14 May 2011 Resolution No. XIX-2011-182⁶ of the Integrated Bar of the Philippines (IBP), which recommended his suspension.

On 28 February 2020, respondent filed a Motion to Lift Order of Suspension (From Practice of Law),⁷ stating that he has fully served his suspension from 31 January 2019 until 31 July 2019.

In a Resolution⁸ dated 24 August 2020, the Court, upon report and recommendation of the OBC, lifted the order of suspension meted against respondent and allowed him to resume his practice of law, as well as informed respondent that his disqualification from being commissioned as a Notary Public shall continue until 31 January 2021. Upon full service of his disqualification, respondent was directed to file a similar motion to lift and submit the necessary certifications from the same courts and IBP Chapter, all of which affirming that he has not been commissioned as a notary public from 31 January 2019 to 31 January 2021.

On 1 September 2021, respondent filed the instant Motion to Lift Order of Prohibition/Disqualification (From Being Commissioned as a Notary Public), of even date, for having served the two-year disqualification and complied with the requirements, as shown by the attached certifications issued by the Regional Trial Courts and the Municipal Trial Courts in Cities of Naga City, and the IBP Camarines Sur Chapter, which attested that respondent has not been commissioned as a notary public from 31 January 2019 up to 31 January 2021.

In its Report and Recommendation⁹ dated 12 May 2022, the OBC stated that per verification of the records and documents submitted, respondent has fully complied with the order of disqualification, and the certifications he submitted were found to be sufficient. Thus, the OBC

⁴ Id. at 373.

⁵ Id. at 401-403.

⁶ Id. at 269-270.

⁷ Id. at 407-416.

⁸ Id. at 454-456.

⁹ Id. at 458-459.

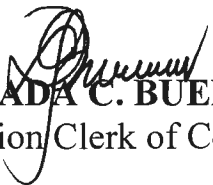
recommended that respondent’s motion be approved, and that he be allowed to apply for and be commissioned as a notary public.

Finding that respondent has fully complied with the requirements for lifting the order of disqualification, the Court adopts the OBC’s recommendation.

WHEREFORE, the Court resolves to **GRANT** the Motion to Lift Order of Prohibition/Disqualification (From Being Commissioned as a Notary Public) dated 1 September 2021 filed by respondent Atty. Joselito I. Fandiño, and **LIFTS** the order of prohibition and disqualification meted against respondent in the Decision dated 5 October 2016. Respondent is **ALLOWED** to **APPLY** and be **COMMISSIONED** as a Notary Public.

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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MAR 29 2023

Ms. Elizabeth Recio
Complainant
2/F, Oriental Assurance Corp. Building
No. 27 San Miguel Avenue, Ortigas Center
1605 Pasig City

Atty. Joselito I. Fandiño
Respondent
4E Aquino Apartments
Gov. Panotes Avenue, Daet
4600 Camarines Norte

Integrated Bar of the Philippines
15 Doña Julia Vargas Avenue
Ortigas Center, 1605 Pasig City

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