



Republic of the Philippines  
**Supreme Court**  
Manila

*EN BANC*

**JUDGE JUANITA T. GUERRERO, A.C. No. 10928**

*Complainant, Present:*

PERALTA, *CJ*,  
PERLAS-BERNABE,  
LEONEN,  
CAGUIOA,  
GESMUNDO,  
HERNANDO,  
CARANDANG,  
LAZARO-JAVIER,  
INTING,  
ZALAMEDA,  
LOPEZ,  
DELOS SANTOS,  
GAERLAN, and  
ROSARIO, *JJ.*

- versus -

**ATTY. MA. ELEANOR LA-ARNI  
A. GIRON,**

*Respondent.*

Promulgated: *Jana-14-20*  
December 9, 2020

X ----- X

**DECISION**

**ZALAMEDA, J.:**

This administrative case stemmed from a letter-report<sup>1</sup> dated 24 September 2015, submitted by Executive Judge Juanita T. Guerrero of the Regional Trial Court of Muntinlupa City before the Office of the Bar

<sup>1</sup> *Rollo*, p. 1.

Confidant (OBC). The Executive Judge endorsed to the OBC, for appropriate action, the execution of notarial acts by respondent Atty. Ma. Eleanor La-Arni A. Giron despite expiration of her commission as notary public.

### **Antecedents**

In the letter-report, Executive Judge Guerrero alleged that the Office of the Clerk of Court of Muntinlupa City conducted an inventory of its notarial records. Upon verification, respondent was found to have submitted notarial reports beyond the expired term of her notarial commission. Further, the dates appearing on the notarial stamps of the documents notarized by respondent, which should indicate the expiry date of her term, were erased or tampered with to make it appear that she still had a valid commission.<sup>2</sup>

By Resolution<sup>3</sup> dated 20 January 2016, the Court required respondent to comment on the letter-report and referred this administrative case to Executive Judge Guerrero for further investigation, report, and recommendation.

In her comment, respondent asserted she believed in good faith that her notarial commission was valid and had yet to expire on 31 December 2015 when she notarized the said documents. As respondent received the notarial commission on 27 September 2013, she was under the impression that her two (2)-year commission was for the years 2014 and 2015. Respondent apologized for her error in notarizing documents beyond the actual expiration of her commission on 31 December 2014. She had no intention of exercising her privileges as a notary public beyond the validity of her commission. Moreover, respondent averred it was the first and only time she applied for a notarial commission. She merely notarized a few documents exclusively for clients or members of her law firm. Respondent further submitted that her continued filing of a notarial report conclusively established her good faith.<sup>4</sup>

### **Findings and Recommendation of the Executive Judge**

In her Report/Recommendation dated 27 September 2017, Executive Judge Guerrero noted that respondent's appointment and commission as notary public was for a specified term beginning on 27 September 2013 and

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<sup>2</sup> *Id.*

<sup>3</sup> *Rollo*, Resolution dated 20 January 2016.

<sup>4</sup> *Rollo*, Comment dated 04 September 2017.



ending on 31 December 2014. While respondent claimed good faith, she was given a copy of her appointment which expressly provided that her commission as notary public for Muntinlupa City would end on 31 December 2014. Also, the fact that the dates on the stamped portions of the notarized documents were erased or altered to make it appear that her term ends in 2015 belied her claim of good faith.<sup>5</sup>

Contrary to respondent's claim that the documents involved were few and limited, the Executive Judge found that respondent notarized a total of twenty-eight (28) documents after the expiration of her term. Despite respondent's profuse apologies, she remains liable for violating the 2004 Rules on Notarial Practice for performing notarial acts beyond the validity of her commission. Thus, the Executive Judge recommended respondent's disqualification from being commissioned as notary public for a period of two (2) years, with a warning that repetition of a similar violation will be dealt with severely.<sup>6</sup>

### **Ruling of the Court**

The Court agrees with the findings of the Executive Judge, except as to the recommended penalty.

Time and again, the Court has emphasized that notarization of documents is not an empty, meaningless routinary act but one invested with substantive public interest. The notarization by a notary public converts a private document into a public document, making it admissible in evidence without further proof of its authenticity. A notarized document is, by law, entitled to full faith and credit upon its face. It is for this reason that a notary public must observe with utmost care the basic requirements in the performance of his duties; otherwise, the public's confidence in the integrity of a notarized document would be undermined.<sup>7</sup>

Without a commission, a lawyer is unauthorized to perform any of the notarial acts. A lawyer who acts as a notary public without the necessary notarial commission is remiss in his professional duties and responsibilities.<sup>8</sup>

In the present case, respondent admittedly performed the notarial acts without a valid notarial commission. In her defense, respondent insists she acted in good faith since she believed her commission would actually expire on 31 December 2015. However, her claim of good faith is belied by the

<sup>5</sup> *Rollo*, Report/Recommendation dated 27 September 2017.

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

<sup>7</sup> *Spouses Elmer and Mila Soriano v. Atty. Gervacio B. Ortiz, Jr.*, A.C. No. 10540, 28 November 2019 [Per CJ Peralta].

<sup>8</sup> *Japitana v. Parado*, A.C. No. 10859, 26 January 2016 [Per Curiam].

tampered dates on the stamps appearing in the notarized documents. On the stamped portions below her signature, it should indicate that her notarial commission was valid until 31 December 2014 only. To make it appear that she still had a valid commission, the "4" in 2014 was altered by a "5," superimposed or handwritten over the original number.

With each act of tampering, respondent was constantly reminded that her commission was set to expire on 31 December 2014. If respondent truly acted in good faith, she could have easily checked the term of her commission since she was furnished a copy of her appointment. Ultimately, the multiple acts of changing dates from 2014 to 2015 exhibited bad faith and established respondent's intention to continue notarizing documents even with an expired notarial commission.

By performing notarial acts without the necessary commission from the court, respondent violated not only her oath to obey the laws, particularly the Rules on Notarial Practice, but also Canons 1 and 7 of the Code of Professional Responsibility, which proscribe all lawyers from engaging in unlawful, dishonest, immoral or deceitful conduct and direct them to uphold the integrity and dignity of the legal profession, at all times.<sup>9</sup>

The Court, in *Nunga v. Atty. Viray*,<sup>10</sup> appropriately held that where the notarization of a document is done by a member of the Philippine Bar at a time when he has no authorization or commission to do so, the offender may be subjected to disciplinary action. For one, performing a notarial act without such commission is a violation of the lawyer's oath to obey the laws, more specifically, the Notarial Law. Then, too, by making it appear that he is duly commissioned when he is not, he is, for all legal intents and purposes, indulging in deliberate falsehood, which the lawyer's oath similarly proscribes. These violations fall squarely within the prohibition of Rule 1.01 of Canon 1 of the Code of Professional Responsibility, which provides: "A lawyer shall not engage in unlawful, dishonest, immoral or deceitful conduct."<sup>11</sup>

In a long line of cases, the Court imposed serious disciplinary sanctions upon lawyers for notarizing documents with expired commissions. In *Zoreta v. Atty. Simpliciano*,<sup>12</sup> the respondent was, likewise, suspended from the practice of law for a period of two (2) years and was permanently barred from being commissioned as a notary public for notarizing several documents after the expiration of his commission. In the case of *Judge Laquindanum v. Atty. Quintana*,<sup>13</sup> the Court suspended a lawyer for six (6) months and was disqualified from being commissioned as notary public for

<sup>9</sup> *Spouses Frias v. Abao*, A.C. No. 12467, 10 April 2019 [Per J. Peralta].

<sup>10</sup> A.C. No. 4758, 30 April 1999 [Per CJ Davide, Jr.].

<sup>11</sup> See also *supra* at note 9.

<sup>12</sup> A.C. No. 6492, 18 November 2004 [Per J. Chico-Nazario].

<sup>13</sup> A.C. No. 7036, 29 June 2009 [Per CJ Puno].



a period of two (2) years because he notarized documents outside the area of his commission and with an expired commission. In *Japitana v. Atty. Parado*,<sup>14</sup> following the Court's pronouncements in *Re: Violation of Rules on Notarial Practice*,<sup>15</sup> the lawyer was suspended for two (2) years from the practice of law and forever barred from becoming a notary public when he notarized documents with no existing notarial commission. Finally, in the recent case of *Spouses Frias v. Atty. Abao*,<sup>16</sup> a lawyer who performed the notarial act without the required commission was also suspended from the practice of law for two (2) years and permanently barred from being commissioned as notary public.<sup>17</sup>

Considering respondent's act of notarizing documents without requisite authority, coupled with the tampering of the stamped dates to make it appear she still had a valid commission, the Court finds the recommended penalty insufficient. Instead, respondent must be permanently barred from being commissioned as notary public and suspended from the practice of law for a period of two (2) years.

**WHEREFORE**, respondent Atty. Ma. Eleanor La-Arni A. Giron is found **GUILTY** of malpractice as a notary public, and of violating the lawyer's oath as well as Rule 1.01, Canon 1 of the Code of Professional Responsibility. Accordingly, she is **SUSPENDED** from the practice of law for two (2) years and **BARRED PERMANENTLY** from being commissioned as Notary Public, with warning that a repetition of similar acts shall be dealt with more severely.

This Decision shall take effect immediately upon receipt of Atty. Ma. Eleanor La-Arni A. Giron. She shall inform this Court and the Office of the Bar Confidant in writing of the date she received a copy of this Decision. Copies of this Decision shall be furnished the Office of the Bar Confidant, to be appended to respondent's personal record, and the Integrated Bar of the Philippines. The Office of the Court Administrator is directed to circulate copies of this Decision to all courts concerned.

**SO ORDERED.**

  
**RODIL V. ZALAMEDA**  
Associate Justice

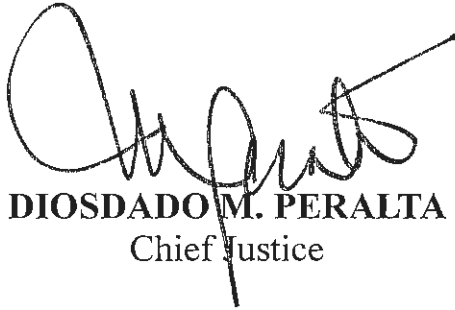
<sup>14</sup> *Supra* at note 8.

<sup>15</sup> A.M. No. 09-6-1-SC, 21 January 2015 [Per J. Mendoza].

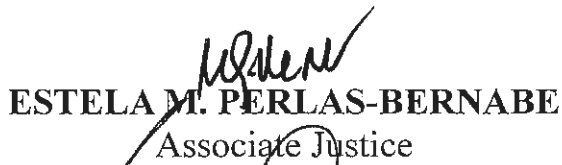
<sup>16</sup> *Supra* at note 9.

<sup>17</sup> *Id.*

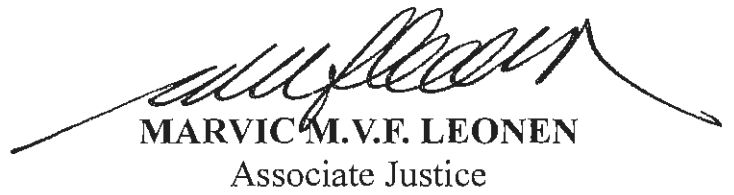
**WE CONCUR:**



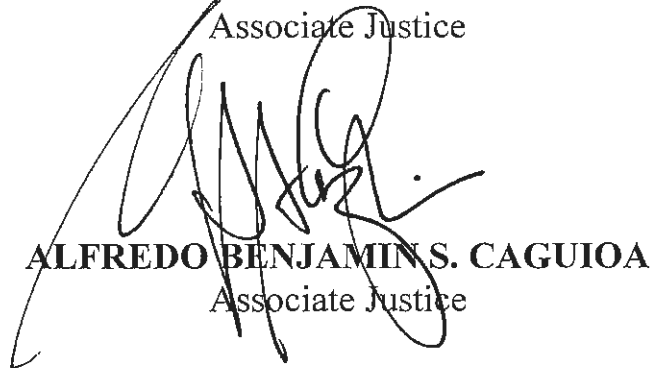
**DIOSDADO M. PERALTA**  
Chief Justice



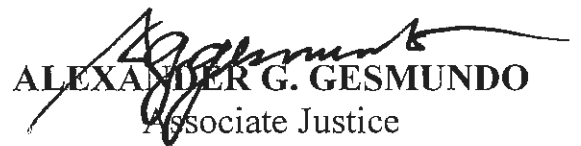
**ESTELA M. PERLAS-BERNABE**  
Associate Justice




**MARVIC M.V.F. LEONEN**  
Associate Justice



**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice



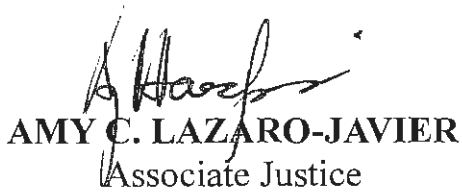
**ALEXANDER G. GESMUNDO**  
Associate Justice



**RAMON PAUL L. HERNANDO**  
Associate Justice



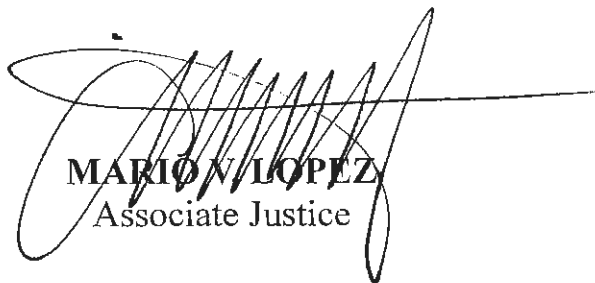
**ROSMARI D. CARANDANG**  
Associate Justice



**AMY C. LAZARO-JAVIER**  
Associate Justice



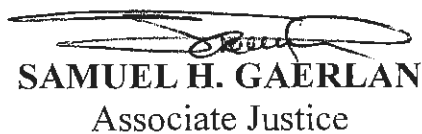
**HENRI JEAN PAUL B. INTING**  
Associate Justice



**MARIO N. LOPEZ**  
Associate Justice



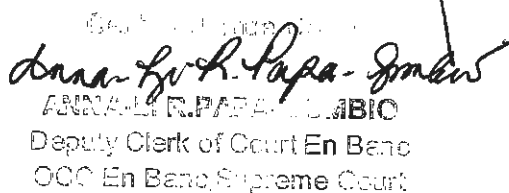
**EDGARDO L. DELOS SANTOS**  
Associate Justice



**SAMUEL H. GAERLAN**  
Associate Justice



**RICARDO R. ROSARIO**  
Associate Justice



**ANNALEE R. PAPA-LUMBICO**  
Deputy Clerk of Court En Banc  
OCC En Banc, Supreme Court