

Republic of the Philippines
Supreme Court
Manila

EN BANC

MA. SARITA G. GUERRERO,
Complainant,

A.C. No. 10317

Present:

GESMUNDO, C.J.,
LEONEN,*
CAGUIOA,**
HERNANDO,
LAZARO-JAVIER,
INTING,
ZALAMEDA,
LOPEZ, M.,
GAERLAN,
ROSARIO,
LOPEZ, J.,
DIMAAMPAO,
MARQUEZ,
KHO, JR.,
SINGH,*** JJ.

- versus -

ATTY. MICHELLE V.
GONZAGA and ATTY.
REMUS G. GULMATICO,
Respondents.

Promulgated:

July 29, 2025

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[Signature]

DECISION

DIMAAMPAO, J.:

This Complaint¹ seeks the expulsion of respondents Atty. Michelle V. Gonzaga (Atty. Gonzaga) and Atty. Remus G. Gulmatico (Atty. Gulmatico)

* With concurring opinion.

** On official business, with concurring and dissenting opinion.

*** On leave, with concurring and dissenting opinion.

¹ Rollo, pp. 1-11.

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from the legal profession for some anomalies committed in their capacities as notaries public.²

The case against Atty. Gonzaga originated from a Letter-Complaint³ filed by complainant Ma. Sarita G. Guerrero (Guerrero) before the Office of the Executive Judge of the Regional Trial Court (RTC) of Bacolod City, Negros Occidental, averring that Atty. Gonzaga violated the Notarial Law and the 2004 Rules on Notarial Practice⁴ when she made it appear that a deed of absolute sale was executed by the signatories therein under oath before her on December 15, 2010⁵ when, in fact, it was executed without her presence on December 3, 2010.⁶ Worse, she made it appear that the said deed was docketed as “Doc. No. 54, Page No. 11, Book No. 1, Series of 2010,” when a different document is referred to in the notarial registry submitted to the clerk of court of the RTC of Bacolod City.⁷ Guerrero prayed that: (1) Atty. Gonzaga’s notarial commission be revoked; (2) all documents executed before her which failed to comply with existing notarial requirements be cancelled; and (3) the executive judge of the RTC recommend to the Court that Atty. Gonzaga be disbarred for her actions.⁸

For her part, Atty. Gonzaga countered that she duly notarized the subject deed of absolute sale in accordance with prevailing notarial rules, and that the parties personally appeared before her and presented competent evidence of their respective identities.⁹ As to the variance in the notarial registry, she insisted that this was not fraudulent or malicious, but a simple mistake due to oversight and human error of her secretary who assisted her in the annotation of the details in the acknowledgment portion of the deed of sale. Atty. Gonzaga then apologized and took full responsibility for the mistakes of her secretary and begged for leniency.¹⁰

Executive Judge Anita Guanzon Chua (Executive Judge Chua) of the RTC, Bacolod City held Atty. Gonzaga culpable for not ensuring that the correct notarial particulars were reflected in her notarial registry.¹¹ Additionally, the inconsistency in the acknowledgment that the deed of absolute sale consisted of four pages, when the submitted instrument consisted of seven pages, casts doubt on the accuracy and veracity of her entire notarial registry.¹² For these violations, her notarial commission was revoked and she

² *Id.* at 9–10.

³ *Id.* at 12–15.

⁴ A.M. No. 02-8-13-SC, August 1, 2004.

⁵ *Rollo*, p. 27.

⁶ *Id.* at 25.

⁷ *Id.* at 12–13; 32, Certificate issued by the Clerk of Court manifesting that under the notarial registry submitted by Atty. Gonzaga, “[D]oc. [N]o. 54, [P]age [N]o. 11, [B]ook [N]o. 1, [S]eries of 2010, is a ‘Verification and Certification of Non-Forum Shopping[.]’”

⁸ *Id.* at 15.

⁹ *Id.* at 33–34.

¹⁰ *Id.* at 35; 156.

¹¹ *Id.* at 33–39. The August 30, 2013 Resolution was penned by Executive Judge Anita Guanzon Chua of the Regional Trial Court, Bacolod City.

¹² *Id.* at 37–38.

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was prohibited from being commissioned as a notary public for six months. She was likewise sternly warned that a repetition of the same act would be dealt with more severely.¹³

Dissatisfied, Guerrero moved for reconsideration¹⁴ insisting that Atty. Gonzaga should be permanently disqualified as a notary public and disbarred for her actions. Likewise, criminal cases for falsification and/or perjury should be filed against her, her secretary, and the parties to the subject deed of absolute sale. In a subsequent order, Executive Judge Chua denied Atty. Guerrero's motion and held that the jurisdiction of executive judges to supervise and monitor notaries public is not all-encompassing. Disciplinary complaints against lawyers should be lodged with the Court or the Integrated Bar of the Philippines (IBP) while criminal complaints should be filed before the Office of the City Prosecutor.¹⁵

On the other hand, the case against Atty. Gulmatico took off from a Petition/Complaint¹⁶ filed by Guerrero before the Office of the Executive Judge, avouching that Atty. Gulmatico was involved in the spurious execution of a secretary's certificate, in violation of the Notarial Law and the 2004 Rules on Notarial Practice—done at the behest of a certain Ramon C. Lacson, Jr. (Lacson) as part of a nefarious plot to deprive Guerrero of her legitimate interests over certain properties.¹⁷ While the secretary's certificate appears to have been docketed as "Doc. No. 310, Page No. 62, Book No. XXXV, Series of 2010,"¹⁸ the said notarial particulars pertain to a different document altogether as per the notarial registry submitted to the Clerk of Court of the RTC of Bacolod City.¹⁹ Guerrero sought the conduct of a full investigation against Atty. Gulmatico for other potential violations in relation to instruments he may have notarized in favor of Lacson and prayed: (1) that his notarial commission be revoked permanently; and (2) that the results of the investigation against him be forwarded to the Court, with a recommendation that he be disbarred for his actions.²⁰

Atty. Gulmatico declaimed knowledge of any property disputes involving Guerrero and denied being a "puppet" of Lacson.²¹ The subject secretary's certificate was not spurious as Lacson, who he personally knew, appeared before him on December 15, 2010 and subscribed and swore to the

¹³ *Id.* at 39.

¹⁴ *See id.* at 237. The Motion for Reconsideration to the August 30, 2013 Resolution is not attached in the *rollo*, but is referenced in the October 9, 2013 Order of Executive Judge Anita Guanzon Chua of the RTC, Bacolod City, Negros Occidental.

¹⁵ *Id.* at 237–238.

¹⁶ *Id.* at 40–44.

¹⁷ *Id.* at 41–42.

¹⁸ *Id.* at 46–49.

¹⁹ *Id.* at 42; 50, Certificate issued by the Clerk of Court manifesting that under the notarial registry submitted by Atty. Gulmatico, "[D]oc. [N]o. 310, [P]age [N]o. 62, [B]ook [N]o. XXXV, [S]eries of 2010, is a 'GENERAL POWER OF ATTORNEY[.]'"

²⁰ *Id.* at 43.

²¹ *Id.* at 104–105.

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execution of the document.²² On the error in the notarial particulars of the said secretary's certificate, he admitted that it was an honest mistake following an accidental double recording in the notarial registry by his secretaries.²³

Similar to the case of Atty. Gonzaga, Executive Judge Chua found Atty. Gulmatico liable for wholly entrusting the recording of entries to his notarial registry to his secretaries, in contravention of established rules and jurisprudence.²⁴ By allowing two sets of documents to have the same set of notarial particulars, Atty. Gulmatico violated the provisions of the 2004 Rules on Notarial Practice. He was also made liable for submitting a notarial registry wherein documents were not recorded in chronological order.²⁵ As a result, his notarial commission was revoked and he was prohibited from being commissioned as a notary public for six months, with a stern warning that a repetition of the same act would be dealt with more severely.²⁶

Guerrero moved for the reconsideration of the foregoing Resolution, maintaining that Atty. Gulmatico's actions warrant the permanent revocation of his notarial commission.²⁷ Moreover, Lacson should also be sanctioned for knowingly soliciting, coercing, and influencing him to commit misconduct in his capacity as a notary public.²⁸ To Guerrero's dismay, Executive Judge Chua denied her Motion.²⁹ As Lacson was never impleaded in her Petition/ Complaint, sanctions could not be imposed on him. So, too, nothing on record supported her claims that Lacson violated Rule XII, Section 1(c)³⁰ of the 2004 Rules on Notarial Practice. Executive Judge Chua reminded Guerrero that she may file an appeal with the Court or file a case against Lacson before the Prosecutor's Office.³¹

Unsatisfied by the denial of her two cases against Atty. Gonzaga and Atty. Gulmatico, Guerrero instituted the present Complaint.³² She argues that the sanctions imposed were "not in consonance with the limited findings of the Honorable Executive Judge, being restricted merely to the temporary revocation of the subject notaries' notarial commission for a mere six (6) months [sic] period allegedly due to lack of jurisdiction[.]"³³ For these reasons, she is constrained to raise "the same action before [the] Honorable

²² *Id.* at 106.

²³ *Id.* at 105–106.

²⁴ *Id.* at 56–60. The November 16, 2023 Resolution was penned by Executive Judge Anita Guanzon Chua of the RTC, Bacolod City, Negros Occidental.

²⁵ *Id.* at 58.

²⁶ *Id.* at 60.

²⁷ *Id.* at 119–125.

²⁸ *Id.* at 124.

²⁹ *Id.* at 126–127.

³⁰ SECTION 1. *Punishable Acts.* – The Executive Judge shall cause the prosecution of any person who:

...
(c) knowingly solicits, coerces, or in any way influences a notary public to commit official misconduct.

³¹ *Rollo*, p. 127.

³² *Id.* at 1–11.

³³ *Id.* at 5.

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Supreme Court for the proper disposition of the [disbarment and criminal]³⁴ charges not acted upon in consonance with the seriousness of the offense committed[.]”³⁵

Atty. Gulmatico reiterates the same explanation he proffered before Executive Judge Chua and argues that the Resolution finding him liable had already become final and executory. Necessarily, the refile of the same action grounded on the same facts is highly improper, especially since Guerrero never appealed the rulings of the executive judge. Citing case law promulgated during the effectivity of the Notarial Law, Atty. Gulmatico also argues that the “Supreme Court has no supervisory jurisdiction over notaries public[.]”³⁶

Atty. Gonzaga, for her part, echoes the same explanation given to the executive judge.³⁷ In addition, the Complaint against her is already barred by *res judicata* as the Resolution of the executive judge finding her liable was a judgment on the merits and she had already fully served the penalty imposed.³⁸ Since Guerrero failed to appeal the same, the said Resolution had already attained finality.³⁹ Conversely, Guerrero is guilty of forum shopping in filing the same suit, which merely seeks a harsher punishment.⁴⁰ Atty. Gonzaga prays that she be declared guilty of direct contempt.⁴¹

In her Reply⁴² to the separate comments filed by Atty. Gulmatico and Atty. Gonzaga, Guerrero avows that her earlier actions filed before the Office of the Executive Judge is differently situated from her present action such that the former sought sanctions grounded on the violation of notarial rules while the latter sought the disbarment of Atty. Gonzaga and Atty. Gulmatico grounded on their proclivity to do falsehoods as part of their complicity with the machinations of Lacson and his allies.⁴³ On her failure to appeal the orders of the executive judge, Guerrero argues that she was precluded from doing so for various reasons.⁴⁴

The Court then referred the case to the IBP for investigation, report, and recommendation.⁴⁵

Proceedings before the IBP then ensued.

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Id.* at 80–81.

³⁷ *Id.* at 154–163.

³⁸ *Id.* at 148–151.

³⁹ *Id.* at 149–150.

⁴⁰ *Id.* at 152–153.

⁴¹ *Id.* at 163.

⁴² *Id.* at 214–236.

⁴³ *Id.* at 215–217.

⁴⁴ *Id.* at 220.

⁴⁵ *Id.* at 365–366. The September 15, 2014 Resolution was signed by Division Clerk of Court Wilfredo V. Lapitan.

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The Report and Recommendation of the IBP

In his Report and Recommendation,⁴⁶ Investigating Commissioner Gilbert L. Macatangay (Commissioner Macatangay) recommended that no additional sanctions be imposed on Atty. Gonzaga and Atty. Gulmatico as they had already served the six months suspension of their notarial commission.⁴⁷ Commissioner Macatangay held that they were accorded due process and penalized accordingly by the executive judge. They acknowledged their faults, accepted the penalty, learned their lessons, and solicited compassion not to be meted with additional penalties.⁴⁸

In due course, the IBP Board of Governors (IBP Board) issued its Resolution⁴⁹ approving and adopting the Report and Recommendation of Commissioner Macatangay, with modification in that both Atty. Gonzaga and Atty. Gulmatico were meted an additional penalty of six months suspension from the practice of law.

Atty. Gonzaga and Atty. Gulmatico moved for reconsideration,⁵⁰ which the IBP Board granted.⁵¹ In its Extended Resolution,⁵² the IBP Board declared that the same factual narrations and evidence were raised and presented before both the executive judge and the IBP to penalize the same incident. However, the Resolutions of the executive judge holding them administratively liable had already attained finality; thus, the principle of immutability of judgments bars the present action.⁵³

Issue

At its core, the Court must determine whether respondents hereon should be held administratively liable for the acts complained of.

The Court's Ruling

The Court resolves to adopt the findings and recommendation of the IBP and dismisses the Complaint for lack of merit. Nevertheless, the Court takes this occasion to address several arguments and misconceptions of the parties to guide the Bench and the Bar.

⁴⁶ *Id.* at 579–581.

⁴⁷ *Id.* at 581.

⁴⁸ *Id.*

⁴⁹ *Id.* at 641. The June 17, 2017 Notice of Resolution was signed by National Secretary Patricia-Ann T. Prodigalidad.

⁵⁰ *Id.* at 582–594 and 614–628.

⁵¹ *Id.* at 635–636. The January 26, 2020 Notice of Resolution was signed by National Secretary Roland B. Inting.

⁵² *Id.* at 637–640. The July 1, 2022 Extended Resolution was signed by CBD Task Force Commissioner Diana S. Fajardo-Lampa, by authority of the IBP Board of Governors.

⁵³ *Id.* at 639.

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First, it bears stressing that the Court undoubtedly has jurisdiction to supervise and correct errant notaries public as the power of supervision over all personnel of the Judiciary is vested unto the Court by no less than the Constitution itself.⁵⁴ This also flows from the basic principle that transgressions of notaries public render the individuals equally liable in their capacities as members of the legal profession.⁵⁵ While the Notarial Law found under Title IV, Chapter 11 of the Administrative Code⁵⁶ of 1917 does indeed grant supervisory authority over notaries public to the judges of the Courts of First Instance,⁵⁷ these provisions have long been superseded by the 2004 Rules of Notarial Practice.⁵⁸ Thus, the assertion of respondent Atty. Gulmatico that the Supreme Court is without authority to entertain the instant Complaint has no leg to stand on.

Second, Executive Judge Chua did not err in limiting her pronouncement and penalties to the violations of notarial rules committed by respondents. This is clear from the wording of Rule XI of the 2004 Rules on Notarial Practice, viz.:

RULE XI

Revocation of Commission and Disciplinary Sanctions

SECTION 1. *Revocation and Administrative Sanctions.* - (a) The Executive Judge shall revoke a notarial commission for any ground on which an application for a commission may be denied.

(b) In addition, the Executive Judge may revoke the commission of, or impose appropriate administrative sanctions upon, any notary public who:

- (1) fails to keep a notarial register;
- (2) fails to make the proper entry or entries in his notarial register concerning his notarial acts;
- (3) fails to send the copy of the entries to the Executive Judge within the first ten (10) days of the month following;
- (4) fails to affix to acknowledgments the date of expiration of his commission;
- (5) fails to submit his notarial register, when filled, to the Executive Judge;
- (6) fails to make his report, within a reasonable time, to the Executive Judge concerning the performance of his duties, as may be required by the judge;

⁵⁴ CONST., art. VIII, sec. 6, reads: "The Supreme Court shall have administrative supervision over all courts and the personnel thereof."

⁵⁵ See *Re: Order dated January 7, 2020 of Judge Ignacio I. Alajar suspending Atty. Ely F. Azarraga's Notarial Commission for One (1) Year*, 895 Phil. 386 (2021) [Per J. Delos Santos, Third Division].

⁵⁶ Act No. 2711 (1917), AN ACT AMENDING THE ADMINISTRATIVE CODE.

⁵⁷ ADMINISTRATIVE CODE, sec. 248 states:

SECTION 248. *Supervision of judges of first instance over notaries public.* — The judge of the Court of First Instance in each judicial district shall at all times exercise supervision over the notaries public within his district and shall keep himself informed of the manner in which they perform their duties by personal inspection wherever possible, or from reports which he may require from them, or from any other available source.

⁵⁸ *Mabini v. Atty. Kintanar*, 825 Phil. 1, 7 (2018) [Per J. Del Castillo, First Division].

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- (7) fails to require the presence of a principal at the time of the notarial act;
- (8) fails to identify a principal on the basis of personal knowledge or competent evidence;
- (9) executes a false or incomplete certificate under Section 5, Rule IV;
- (10) knowingly performs or fails to perform any other act prohibited or mandated by these Rules; and
- (11) commits any other dereliction or act which in the judgment of the Executive Judge constitutes good cause for revocation of commission or imposition of administrative sanction.

(c) Upon verified complaint by an interested, affected or aggrieved person, the notary public shall be required to file a verified answer to the complaint. If the answer of the notary public is not satisfactory, the Executive Judge shall conduct a summary hearing. If the allegations of the complaint are not proven, the complaint shall be dismissed. If the charges are duly established, the Executive Judge shall impose the appropriate administrative sanctions. In either case, the aggrieved party may appeal the decision to the Supreme Court for review. Pending the appeal, an order imposing disciplinary sanctions shall be immediately executory, unless otherwise ordered by the Supreme Court.

(d) The Executive Judge may *motu proprio* initiate administrative proceedings against a notary public, subject to the procedures prescribed in paragraph (c) above and impose the appropriate administrative sanctions on the grounds mentioned in the preceding paragraphs (a) and (b).

SECTION 2. *Supervision and Monitoring of Notaries Public.* - The Executive Judge shall at all times exercise supervision over notaries public and shall closely monitor their activities.

A circumspect reading of the above-quoted provisions yields the inevitable conclusion that the delegated authority to executive judges with respect to supervision over notaries public is limited to ensuring compliance with the 2004 Rules on Notarial Practice. Although the Rules allow the executive judge to impose “appropriate administrative sanctions,” this most certainly cannot include the power to disbar respondents as this power is reserved to this Court and is exercised only for the most imperative of reasons.⁵⁹

Third, complainant erred in instituting the instant Complaint instead of appealing the dispositions of Executive Judge Chua. Complainant argues that she had no recourse but to refile the same action before the Court as she was not aware of the limited jurisdiction of the executive judge among other procedural concerns, thusly—

Contrary to the misplaced contention of respondents that complainant should have appealed the Order of the Executive Judge instead of filing a similar complaint before the Honorable Supreme Court, the

⁵⁹ See *Tan v. Atty. Pangan*, 934 Phil. 913 (2023) [Per J. Leonen, *En Banc*].

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limitation of the actions lying within the jurisdiction of the Office of the Executive Judge to mere disciplinary actions against erring notaries, discovered only upon complainant's receipt of the abovementioned Order, in addition to the fact that both actions were not docketed and assigned their respective case nos., precluded complainant from raising both judgments rendered by said office on Appeal before the Honorable Supreme Court.⁶⁰

The contention cannot stand judicial muster.

It is expressly stated under the 2004 Rules on Notarial Practice that "[i]f the charges are duly established, the executive judge shall impose the appropriate administrative sanctions. In either case, the aggrieved party *may appeal the decision to the Supreme Court for review.*"⁶¹ Moreover, Executive Judge Chua herself reminded complainant that she "always has the recourse to appeal the resolution of this office to the Supreme Court."⁶² Consequently, she cannot feign ignorance and insist that this was her only option. In the same vein, she cannot claim that lack of administrative case numbers precluded her from appealing as such picayune matters cannot excuse a violation of express procedural requirements.

By the same token, complainant cannot claim that her prayer for disbarment necessitated a re-filing of the same action. The Court, "upon taking cognizance of [an] administrative case, can revoke, shorten, or extend the suspension, or impose additional disciplinary sanctions as the facts may warrant."⁶³ Had she appealed the rulings of the Executive Judge, the Court could have imposed additional sanctions, if supported by the facts of the case, given that, as adumbrated above, errant notaries public may also be held liable as members of the legal profession. Instead, what complainant did was to erroneously refile the action against respondents grounded on the same violations of the 2004 Rules on Notarial Practice. This cannot be countenanced.

This Court has held, time and again, that the right to appeal is merely statutory and any person seeking to appeal must comply with the rules for its perfection.⁶⁴ The failure to do so in the manner and period set by the law renders the ruling sought to be reconsidered *final and executory*, which precludes this Court from acquiring jurisdiction to review the same.⁶⁵

On this score, the Court recognizes that there appears to be an ambiguity in the 2004 Rules on Notarial Practice as to the manner and period within which to appeal a decision of an executive judge. Notably, the Court

⁶⁰ Rollo, p. 220.

⁶¹ 2004 Rules on Notarial Practice, Rule XI, sec. 1(c). (Emphasis supplied)

⁶² Rollo, p. 127.

⁶³ *Re: Order dated January 7, 2020 of Judge Ignacio I. Alajar suspending Atty. Ely F. Azarraga's Notarial Commission for One (1) Year*, 895 Phil. 386, 392 (2021) [Per J. Delos Santos, Third Division].

⁶⁴ *See Oliveros v. Court of Appeals*, 885 Phil. 649, 659 (2020) [Per J. Inting, Second Division].

⁶⁵ *Id.*



made a similar observation in *Re: Order dated January 7, 2020 of Judge Ignacio I. Alajar suspending Atty. Ely F. Azarraga's Notarial Commission for One (1) Year*.⁶⁶

All the same, this ambiguity cannot operate to validate the course taken by complainant. She makes it clear that the Complaint was not an appeal as it is “the same action before [the] Honorable Supreme Court for the proper disposition of the [disbarment and criminal]⁶⁷ charges not acted upon in consonance with the seriousness of the offense committed[.]”⁶⁸

Having lost her right to appeal the dispositions of the executive judge through express abandonment, she cannot now relitigate the same cause of action against respondents. As above-mentioned, her failure to appeal rendered the said rulings final and executory, thus, immutable. While there are recognized exceptions to the rule on immutability of judgment, such as: “(1) correction of any clerical errors; (2) the so-called *nunc pro tunc* entries which cause no prejudice to any party; (3) void judgments; and (4) whenever circumstances transpire after the finality of the decision rendering its execution unjust and inequitable[.]”⁶⁹ none were alleged and proved in this instance.

Complainant's action is likewise barred by *res judicata*. *Res judicata* as a bar by prior judgment applies when the following requisites concur:

- a. it must be a final judgment or order;
- b. the court rendering the same must have jurisdiction over the subject matter and over parties;
- c. there must be between the two cases identity of parties, identity of subject matter and identity of causes of action; and
- d. it must be a judgment or order on the merits.⁷⁰

There can be no serious debate as to the existence of the first, second, and fourth requisite. complainant does not contest that the rulings of the executive judge are final orders on the merits and that it had jurisdiction over the charges against respondents for violations of the 2004 Rules on Notarial Practice. There is likewise no dispute that there is identity of parties and subject matter as both cases seek administrative sanctions against the same respondents. However, complainant maintains that the present Complaint is based on a different cause of action to the Complaints filed before the executive judge; specifically, that respondents, through their pleadings,

⁶⁶ 895 Phil. 386 (2021) [Per J. Delos Santos, Third Division].

⁶⁷ *Rollo*, p. 5.

⁶⁸ *Id.*

⁶⁹ *Uematsu v. Balinon*, 866 Phil. 553, 562 (2019) [Per J. Inting, Second Division].

⁷⁰ *Golez v. Abais*, 868 Phil. 186, 203–204 (2020) [Per J. Caguioa, First Division]. (Citation omitted)

demonstrated a proclivity for falsehood and that they acted as “puppets” of Lacson and his cohorts in their scheme to defraud her from her just share in some contested realties, which warrant not only their disbarment but also their prosecution for criminal charges.⁷¹

A cause of action is a delict or wrongful act or omission committed by the defendant in violation of the rights of the plaintiff.⁷² There is identity of causes of action when two actions are grounded on the same wrongful act.⁷³ “A party cannot, by varying the form of the action or by adopting a different method of presenting his case, escape the operation of the doctrine of *res judicata*.”⁷⁴

Here, although complainant attempts to frame the culpability of respondents on their participation in a grand scheme of fraud, the specific wrongful acts committed still relate to their violations of the 2004 Rules on Notarial Practice, which were already considered and penalized in the dispositions of Executive Judge Chua. Certainly, the supposed variance on the basis for their administrative liability in both instances is more apparent than real, especially since they are rooted in the same factual circumstances. Hence, *res judicata* bars the present action.

Corollary thereto, it is settled that forum shopping exists when a final judgment in one case amounts to *res judicata* in another.⁷⁵ Rule 7, Section 5 of the Rules of Court states that deliberate forum shopping is a “ground for summary dismissal with prejudice and shall constitute direct contempt, as well as a cause for administrative sanctions.”

Nevertheless, the Court rules and so holds that complainant did not willfully and deliberately commit forum shopping as contemplated by the Rules of Court. Her actions were borne out of ignorance on the matter coupled with a zeal to bring to justice the people she felt had taken part in a conspiracy to defraud her. To be clear, this Court is not adjudging the truth or falsity of these claims. complainant has other forms of recourse available to her to fully ventilate her allegations, which include the institution of civil and criminal suits. Still, the present administrative case is not one of them. “Complaints against members of the Bar are pursued to preserve the integrity of the legal profession, *not for private vendetta*.”⁷⁶

Even if the Court finds for respondents, they are sternly reminded that notaries public must observe “the highest degree of compliance with the basic

⁷¹ *Rollo*, pp. 9–10.

⁷² *Villaroman v. Estate of Arciaga*, 905 Phil. 622, 637 (2021) [Per J. Hernando, Third Division]. (Citation omitted)

⁷³ *Id.* at 638, citing *Riviera Golf Club, Inc. v. CCA Holdings, B.V.*, 760 Phil. 655 (2015) [Per J. Brion, Second Division].

⁷⁴ *Id.*

⁷⁵ *Atty. Go v. Atty. Teruel*, 889 Phil. 1, 8 (2020) [Per J. Hernando, Third Division].

⁷⁶ *Lim, Jr. v. Atty. Villarosa*, 524 Phil. 37, 52 (2006) [Per J. Corona, Second Division]. (Emphasis supplied)

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requirements of notarial practice in order to preserve public confidence in the integrity of the notarial system.”⁷⁷ Notarization is not an empty act and is vested with substantive public interest; their failure to strictly adhere with the rules undermines the dependability of notarized documents.⁷⁸ Thus, any further transgression and noncompliance with the basic requirements of the notarial rules will be dealt with more severely.

Lastly, the Court takes this occasion to reconcile the apparent conflict between the provisions of the 2004 Rules on Notarial Practice and the Code of Professional Responsibility and Accountability (CPRA) when it comes to resolving complaints against notaries public filed before executive judges. This particular issue, as highlighted by the facts of the present case, was subject of much debate among the Members of the Court. In particular, the complainant’s failure to timely appeal the executive judge’s ruling effectively deprived this Court of the opportunity to exercise its supervisory authority to determine if respondents’ actions warranted the imposition of additional sanctions. This operated to work in respondents’ favor despite their inaction. It is likewise incongruent with the revised processes introduced by the CPRA for disciplinary proceedings.

Thus, in recognition of the function of CPRA as the definitive Code of Conduct for lawyers, and in the exercise of its constitutional power to promulgate the rules concerning the procedure in all courts and to regulate the practice of law, the Court hereby declares that from the promulgation of this Decision, the mechanism under Rule XI, Section 1 of the 2004 Rules on Notarial Practice shall be deemed superseded by the provisions of Canon VI of the CPRA.

While executive judges retain supervisory authority over notaries public within their jurisdiction, any complaints filed against them shall be investigated in the same manner and within the same periods outlined in Canon VI of the CPRA and its other provisions, where applicable:

1. The Executive Judge shall have 15 days from receipt of any complaint to either dismiss the same for lack of prima facie showing or to issue summons to direct the respondent notary public to file their answer in accordance with Canon VI, Sections 11 and 13.
2. The Executive Judge shall then conduct the proceedings, including the preliminary conference and clarificatory hearings whenever necessary, in the same manner and within the same periods under Canon VI, Sections 21 and 22.

⁷⁷ *Orenia III v. Atty. Gonzales*, 887 Phil. 520, 528 (2020) [Per J. Inting, Second Division].

⁷⁸ *Id.* at 528.

3. The Executive Judge shall issue and submit to this Court a report and recommendation within a non-extendible period of 60 calendar days from receipt of the last position paper or lapse of the period given as provided in Canon VI, Section 25, but in no case shall it exceed the 180-day period under Canon VI, Section 8 from receipt of the complaint. This report and recommendation shall include the assessment of the Executive Judge on whether the acts complained of likewise constitute violations of the CPRA warranting additional sanctions.
4. The Executive Judge may exercise all powers necessary and incidental to effect their jurisdiction but only within the parameters of the applicable provisions under Canon VI.
5. The Executive Judge shall likewise retain authority to initiate administrative proceedings against notaries public *motu proprio* which shall likewise be resolved through the submission of a report and recommendation to this Court.

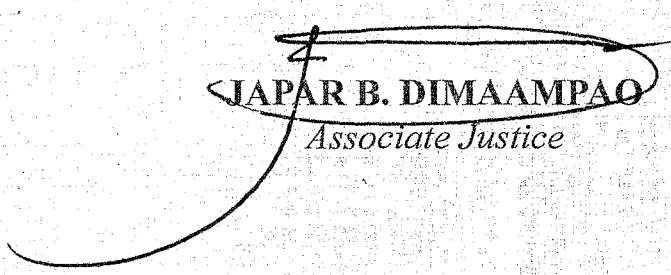
These procedures shall apply until such time as the 2004 Rules on Notarial Practice are expressly amended or superseded.

ACCORDINGLY, the Court resolves to **ADOPT and APPROVE** the findings of fact, conclusions of law, and recommendation of the Investigating Commissioner of the Integrated Bar of the Philippines in the attached Report and Recommendation dated November 18, 2015, which its Board of Governors likewise adopted and approved in the Extended Resolution dated July 1, 2022. Perforce, the Complaint against Atty. Michelle V. Gonzaga and Atty. Remus G. Gulmatico is **DISMISSED** for lack of merit.

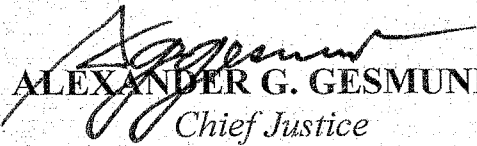
The case is considered **CLOSED** and **TERMINATED**.

Let copies of this Decision be furnished to the Office of the Court Administrator for dissemination to all executive judges in the country for their guidance and information.

SO ORDERED.


JAPAR B. DIMAAMPAO
Associate Justice

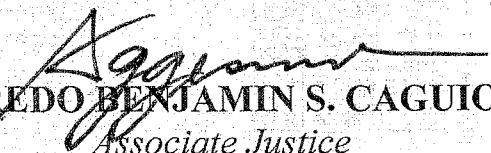
WE CONCUR:

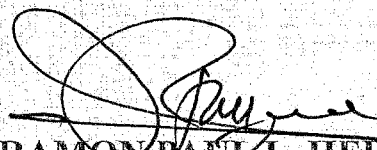

ALEXANDER G. GESMUNDO
Chief Justice

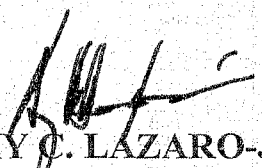
On official business, with
concurring and dissenting opinion

*separate concurring
opinion*

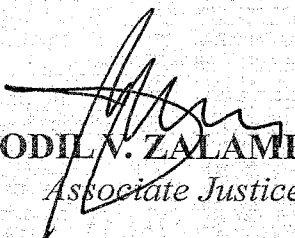

MARVIC M.V.F. LEONEN
Associate Justice


ALFREDO BENJAMIN S. CAGUIOA
Associate Justice


RAMON PAUL L. HERNANDO
Associate Justice


AMY C. LAZARO-JAVIER
Associate Justice

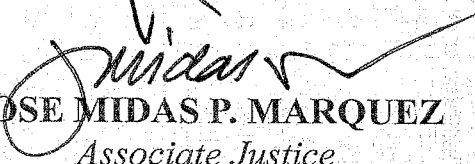

HENRI JEAN PAUL B. INTING
Associate Justice


RODIL V. ZALAMEDA
Associate Justice

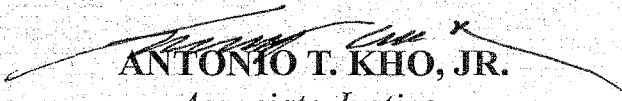

SAMUEL H. GAERLAN
Associate Justice

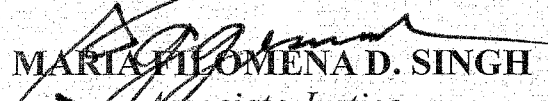

RICARDO R. ROSARIO
Associate Justice

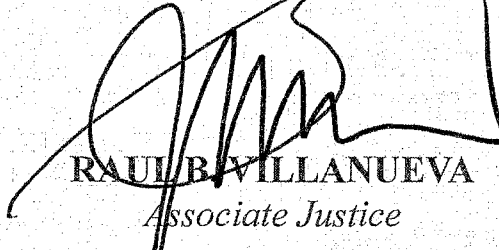

JHOSEP Y. LOPEZ
Associate Justice


JOSE MIDAS P. MARQUEZ
Associate Justice

On leave, with
concurring and dissenting opinion


ANTONIO T. KHO, JR.
Associate Justice


MARIA FILOMENA D. SINGH
Associate Justice


RAUL B. VILLANUEVA
Associate Justice