

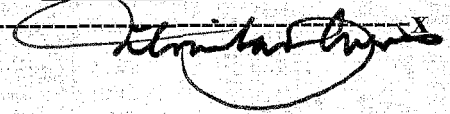
EN BANC

A.C. No. 10317 – MA. SARITA G. GUERRERO, Complainant, v. ATTY. MICHELLE V. GONZAGA and ATTY. REMUS G. GULMATICO, Respondents.

Promulgated:

July 29, 2025

X



CONCURRING OPINION

LEONEN, J.:

I concur with the *ponencia*.

In *Re: Order Dated January 7, 2020 of Judge Ignacio I. Alajar Suspending Atty. Ely F. Azarraga's Notarial Commission for one year*,¹ this Court had already foreseen the wisdom of amending the 2004 Rules on Notarial Practice in order to outline the proper mode and period of appeal of the aggrieved notary public from the imposition of administrative sanctions by the Executive Judge. As aptly pointed out by this Court in the case:

[P]erhaps, for purposes of clarification and guidance to any party meted with disciplinary sanctions pursuant to Sections 1(c) and (d), Rule XI of the 2004 Rules on Notarial Practice, it would be prudent to consider an amendment thereof to clarify the proper mode and period of appeal and to harmonize the same with the pertinent provisions of Rule 139-B of the Rules of Court.²

I agree with the *ponente* that this case is the correct occasion to reconcile the apparent conflict between provisions of the 2004 Rules on Notarial Practice and the new Code of Professional Responsibility and Accountability (CPRA).³ As aptly pointed out by Justice Alfredo Benjamin S. Caguioa, “this is simply in recognition of the well-settled principle in disciplinary cases that a breach of the 2004 Rules on Notarial Practice would also constitute a violation of the CPRA.”⁴

Article VIII, Section 5, Paragraph 5 of the 1987 Philippine Constitution grants this Court the plenary authority to “[p]romulgate rules concerning the protection and enforcement of constitutional rights, pleading, practice, and

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

² *Id.* at 391–392.

³ *Ponencia*, p. 12.

⁴ Reflections of Justice Alfredo Benjamin S. Caguioa, p. 2.



procedure in all courts, the admission to the practice of law, the integrated bar, and legal assistance to the under-privileged.”⁵ Additionally, Article VIII, Section 11 of the Constitution charges this Court with the “power to discipline judges of lower courts, or order their dismissal[.]”⁶ Likewise, Section 6 of the same Article “mandates that [this Court] shall have administrative supervision over all courts and the personnel thereof.”⁷

In *Judge Fider-Reyes v. Everglory Metal Trading Corporation*,⁸ this Court stated that “the administrative functions of this court include disciplinary and administrative matters involving justices, judges, and court personnel.”⁹ The court personnel over which this Court exercises disciplinary power over include notaries public.

As this Court also stated in *Re: Order Dated January 7, 2020 of Judge Ignacio I. Alajar*, notaries public may be liable for violating not only the 2004 Rules on Notarial Practice, but also the tenets of the CPRA, considering that:

[A]n erring lawyer who is found to be remiss in his functions as a notary public is considered to have violated his oath as a lawyer as well. He does not only fail to fulfill his solemn oath of upholding and obeying the law and its legal processes, but he also commits an act of falsehood and engages in an unlawful, dishonest, and deceitful conduct.¹⁰ (Citations omitted)

In view of the exclusive constitutional power of the Court to discipline lawyers who are also notaries public, I am of the view that the Executive Judge should only make Reports and Recommendations for disciplinary actions and for limitations on the right to have a notarial commission. Likewise, it is the CPRA which should be determinative of the process of appeal from the findings of the Executive Judge regarding the alleged violations of notaries public, since it is the later issuance compared to the 2004 Rules on Notarial Practice.

Hence, I agree with the *ponencia* that 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, Section 25 of the CPRA and its other provisions, where applicable.”¹¹ In short, the Executive Judge, instead of rendering a decision, acts as the primary investigator-in-charge, and

⁵ CONST., art. VIII, sec. 5(5).

⁶ CONST., art. VIII, sec. 11.

⁷ A.M. No. 18-01-05-SC, Establishment of the Judicial Integrity Board (JIB) and the Corruption and Investigation Office (CPIO), July 7, 2020, *citing* CONST., art. VIII, sec. 6.

⁸ 912 Phil. 755 (2021) [Per J. Carandang, Third Division].

⁹ *Id.*

¹⁰ *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].

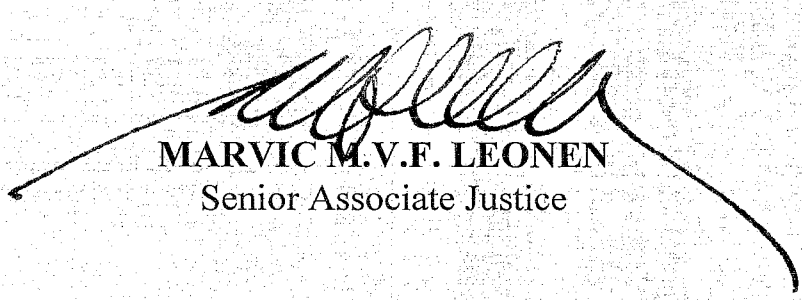
¹¹ *Ponencia*, p. 13.

shall “conduct the proceedings, including the preliminary conference and clarificatory hearings whenever necessary.”¹²

As the *ponencia* also states, Executive Judges shall also submit a Report and Recommendation to this Court, which “shall include the assessment of the Executive Judge on whether the acts complained of likewise constitute violations of the CPRA warranting additional sanctions.”¹³ They shall likewise retain the authority to “initiate administrative proceedings against notaries public *motu proprio* which shall likewise be resolved through the submission of a [R]eport and [R]ecommendation to this Court.”¹⁴

As observed in *Judge Fider-Reyes*, when this Court “acts on complaints against judges or any personnel under its supervision, it acts as personnel administrator, imposing discipline and not as a court judging justiciable controversies.”¹⁵ The object of a disciplinary proceeding, then, is to “deal with the fitness of the court’s officer to continue in that office, to preserve and protect the court and the public from the official ministrations of persons unfit or unworthy to hold such office.”¹⁶ In asserting its disciplinary power over lawyers who are likewise notaries public, the principal purpose of this Court is to “assure respect for orders of such court by attorneys who, as much as judges, are responsible for the orderly administration of justice.”¹⁷

ACCORDINGLY, I vote 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 November 18, 2015 Report and Recommendation, which its Board of Governors likewise adopted and approved in the July 1, 2022 Extended Resolution. I also vote to **DISMISS** the Complaint against Atty. Michelle V. Gonzaga and Atty. Remus G. Gulmatico for lack of merit.



MARVIC M.V.F. LEONEN
Senior Associate Justice

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Judge Fider-Reyes v. Everglory Metal Trading Corporation*, 912 Phil. 755 (2021) [Per J. Carandang, Third Division].

¹⁶ *Id.*

¹⁷ *Id.*