

FIRST DIVISION

[A.C. No. 9514, April 10, 2013]

BERNARD N. JANDOQUILE, COMPLAINANT, VS. ATTY. QUIRINO P. REVILLA, JR., RESPONDENT.

R E S O L U T I O N

VILLARAMA, JR., J.:

Before us is a complaint^[1] for disbarment filed by complainant Bernard N. Jandoquile against respondent Atty. Quirino P. Revilla, Jr.

The facts of the case are not disputed.

Atty. Revilla, Jr. notarized a complaint-affidavit^[2] signed by Heneraline L. Brosas, Herizalyn Brosas Pedrosa and Elmer L. Alvarado. Heneraline Brosas is a sister of Heizel Wynda Brosas Revilla, Atty. Revilla, Jr.'s wife. Jandoquile complains that Atty. Revilla, Jr. is disqualified to perform the notarial act^[3] per Section 3(c), Rule IV of the 2004 Rules on Notarial Practice which reads as follows:

SEC. 3. *Disqualifications.* – A notary public is disqualified from performing a notarial act if he:

x x x x

(c) is a spouse, common-law partner, ancestor, descendant, or relative by affinity or consanguinity of the principal^[4] within the fourth civil degree.

Jandoquile also complains that Atty. Revilla, Jr. did not require the three affiants in the complaint-affidavit to show their valid identification cards.

In his comment^[5] to the disbarment complaint, Atty. Revilla, Jr. did not deny but admitted Jandoquile's material allegations. The issue, according to Atty. Revilla, Jr., is whether the single act of notarizing the complaint-affidavit of relatives within the fourth civil degree of affinity and, at the same time, not requiring them to present valid identification cards is a ground for disbarment. Atty. Revilla, Jr. submits that his act is not a ground for disbarment. He also says that he acts as counsel of the three affiants; thus, he should be considered more as counsel than as a notary public when he notarized their complaint-affidavit. He did not require the affiants to present valid identification cards since he knows them personally. Heneraline Brosas and Herizalyn Brosas Pedrosa are sisters-in-law while Elmer Alvarado is the live-in houseboy of the Brosas family.

Since the facts are not contested, the Court deems it more prudent to resolve the

case instead of referring it to the Integrated Bar of the Philippines for investigation.

Indeed, Atty. Revilla, Jr. violated the disqualification rule under Section 3(c), Rule IV of the 2004 Rules on Notarial Practice. We agree with him, however, that his violation is not a sufficient ground for disbarment.

Atty. Revilla, Jr.'s violation of the aforesaid disqualification rule is beyond dispute. Atty. Revilla, Jr. readily admitted that he notarized the complaint-affidavit signed by his relatives within the fourth civil degree of affinity. Section 3(c), Rule IV of the 2004 Rules on Notarial Practice clearly disqualifies him from notarizing the complaint-affidavit, from performing the notarial act, since two of the affiants or principals are his relatives within the fourth civil degree of affinity. Given the clear provision of the disqualification rule, it behooved upon Atty. Revilla, Jr. to act with prudence and refuse notarizing the document. We cannot agree with his proposition that we consider him to have acted more as counsel of the affiants, not as notary public, when he notarized the complaint-affidavit. The notarial certificate^[6] at the bottom of the complaint-affidavit shows his signature as a notary public, with a notarial commission valid until December 31, 2012. He cannot therefore claim that he signed it as counsel of the three affiants.

On the second charge, we agree with Atty. Revilla, Jr. that he cannot be held liable. If the notary public knows the affiants personally, he need not require them to show their valid identification cards. This rule is supported by the definition of a "jurat" under Section 6, Rule II of the 2004 Rules on Notarial Practice. A "jurat" refers to an act in which an individual on a single occasion: (a) appears in person before the notary public and presents an instrument or document; (b) is personally known to the notary public or identified by the notary public through competent evidence of identity; (c) signs the instrument or document in the presence of the notary; and (d) takes an oath or affirmation before the notary public as to such instrument or document. In this case, Heneraline Brosas is a sister of Atty. Revilla, Jr.'s wife; Herizalyn Brosas Pedrosa is his wife's sister-in-law; and Elmer Alvarado is the live-in houseboy of the Brosas family. Atty. Revilla, Jr. knows the three affiants personally. Thus, he was justified in no longer requiring them to show valid identification cards. But Atty. Revilla, Jr. is not without fault for failing to indicate such fact in the "jurat" of the complaint-affidavit. No statement was included therein that he knows the three affiants personally.^[7] Let it be impressed that Atty. Revilla, Jr. was clearly disqualified to notarize the complaint-affidavit of his relatives within the fourth civil degree of affinity. While he has a valid defense as to the second charge, it does not exempt him from liability for violating the disqualification rule.

As we said, Atty. Revilla, Jr.'s violation of the disqualification rule under Section 3(c), Rule IV of the 2004 Rules on Notarial Practice is not a sufficient ground to disbar him. To our mind, Atty. Revilla, Jr. did not commit any deceit, malpractice, gross misconduct or gross immoral conduct, or any other serious ground for disbarment under Section 27,^[8] Rule 138 of the Rules of Court. We recall the case of *Maria v. Cortez*^[9] where we reprimanded Cortez and disqualified him from being commissioned as notary public for six months. We were convinced that said punishment, which is less severe than disbarment, would already suffice as sanction for Cortez's violation. In *Cortez*, we noted the prohibition in Section 2(b), Rule IV of the 2004 Rules on Notarial Practice that a person shall not perform a notarial act if the person involved as signatory to the instrument or document (1) is not in the