



Republic of the Philippines  
 Supreme Court  
 Manila

SUPREME COURT OF THE PHILIPPINES  
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THIRD DIVISION

JUDGE ADELBERT S. A.C. No. 12552  
 SANTILLAN,

*Complainant,*

Present:

- versus -

CAGUIOA, J., *Chairperson,*  
 INTING,  
 GAERLAN,  
 DIMAAMPAO,\* and  
 SINGH, JJ.

ATTY. NEPTHALI P.  
 SOLILAPSI,

*Respondent.*

Promulgated:  
 December 5, 2022

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DECISION

INTING, J.:

Before the Court is the Report and Recommendation<sup>1</sup> dated January 6, 2020 of Executive Judge Adelbert S. Santillan (Judge Santillan) of the Regional Trial Court, Polomolok, South Cotabato recommending that respondent Atty. Nepthali P. Solilapsi (Atty. Solilapsi) be disqualified from being commissioned as a notary public for a period of two years for notarizing more than 300 legal documents with an *expired* notarial commission in violation of Administrative Matter No. 02-8-13-SC,<sup>2</sup> or the 2004 Rules on Notarial Practice (the Notarial Rules).<sup>3</sup>

\* On official leave.

<sup>1</sup> *Rollo*, pp. 11-13.

<sup>2</sup> Promulgated on July 6, 2004.

<sup>3</sup> *Rollo*, pp. 12-13.

*M*

*The Antecedents*

Sometime in March 2019, a certain Princess Ivory Cabaguas Villanueva requested the office of Judge Santillan to issue a Certificate of Notarial Act indicating that Atty. Solilapsi recently notarized a Certificate of End of Contract and an Affidavit of Employment.<sup>4</sup>

Because of the request, Judge Santillan discovered that Atty. Solilapsi notarized the documents in March 2019 despite the expiration of his notarial commission in December 2018.<sup>5</sup>

On March 18, 2019, Judge Santillan issued Memorandum No. 8, Series of 2019 directing Atty. Solilapsi to explain and show cause why no disciplinary action should be meted out against him.<sup>6</sup>

In his Letter-Explanation,<sup>7</sup> Atty. Solilapsi stated that the subject documents were notarized by his law office, but he only discovered their existence when his attention was called regarding the matter.<sup>8</sup> Further, he averred that the documents were notarized in his absence and without his knowledge and permission.<sup>9</sup>

Through a Letter<sup>10</sup> dated March 27, 2019, Judge Santillan reported the incident to the Office of the Court Administrator and recommended the filing of an administrative complaint against Atty. Solilapsi for violation of the Notarial Rules.<sup>11</sup>

On June 3, 2019, the Office of the Bar Confidant (OBC) acknowledged the administrative complaint and recommended that it be referred to Judge Santillan for investigation and adjudication.<sup>12</sup>

In the Resolution<sup>13</sup> dated July 24, 2019, the Court adopted the

<sup>4</sup> See Report and Recommendation, *id.* at 11.

<sup>5</sup> *Id.*

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

<sup>7</sup> *Id.* at 3.

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> *Id.* at 2.

<sup>11</sup> *Id.*

<sup>12</sup> See Report for Raffle, *id.* at 4.

<sup>13</sup> *Id.* at 5.

OBC's recommendation, deemed the Letter dated March 27, 2019 as an official report, docketed it as a regular administrative case, and referred the case to Judge Santillan for investigation.<sup>14</sup>

During his investigation, Judge Santillan discovered that the Certificate of End of Contract and the Affidavit of Employment were the 208<sup>th</sup> and 331<sup>st</sup> documents, respectively, that Atty. Solilapsi notarized after the lapse of his notarial commission in December 2018.<sup>15</sup> He found that Atty. Solilapsi had notarized more than 300 documents with an expired notarial commission.<sup>16</sup> As such, Judge Santillan did not give credence to the excuse of Atty. Solilapsi that the subject documents were notarized in his absence and without his knowledge and permission.<sup>17</sup>

In his Report and Recommendation<sup>18</sup> dated January 6, 2020, Judge Santillan recommended that Atty. Solilapsi be disqualified from being commissioned as notary public from January 2020 to December 2021 for notarizing more than 300 legal documents with an expired notarial commission.<sup>19</sup>

In the Resolution<sup>20</sup> dated September 21, 2020, the Court resolved to treat the Report and Recommendation of Judge Santillan as an administrative complaint and to require Atty. Solilapsi to comment thereon within 10 days from notice.<sup>21</sup> There being no comment filed to date, the Court dispenses with the filing thereof and now proceeds to decide the case on its merits.

### *The Issue*

Whether Atty. Solilapsi should be held administratively liable for having notarized more than 300 legal documents despite the expiration of his notarial commission.

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<sup>14</sup> Id.

<sup>15</sup> See Report and Recommendation, id. at 12.

<sup>16</sup> Id.

<sup>17</sup> Id. at 13.

<sup>18</sup> Id. at 11-13.

<sup>19</sup> See Report and Recommendation, id. at 13.

<sup>20</sup> Id. at 18.

<sup>21</sup> Id.

*The Court's Ruling*

The Court agrees with the findings of Judge Santillan but *modifies* the penalty to be imposed against Atty. Solilapsi in view of applicable jurisprudence.

It has oft-repeatedly been enunciated that “notarization is not an empty, meaningless, [and] routinary act. It is invested with substantive public interest, such that only those who are qualified or authorized may act as notaries public.”<sup>22</sup> To protect that interest, anyone who is not qualified or authorized to act must be precluded from exercising such authority upon the public, the courts, and the administrative offices in general.<sup>23</sup> Thus, without the requisite notarial commission, a lawyer is proscribed from performing any of the notarial acts allowed under the Notarial Rules.<sup>24</sup>

Here, it is undisputed that Atty. Solilapsi had notarized more than 300 legal documents with an *expired* notarial commission. That his office staff notarized the subject documents in his absence and without his knowledge and permission is *not* an acceptable excuse that would absolve him of any administrative liability in the case. After all, it is his bounden duty as a notary public to ensure that only those who are qualified or authorized may act as such.<sup>25</sup> Thus, he cannot relieve himself of this responsibility by feigning ignorance of the acts of his office staff and passing the buck to them.

Besides, the Court finds incredible the allegation of Atty. Solilapsi that he had no knowledge of the notarial acts done by his office staff. To accept his explanation that he was unaware of the notarization of over 300 legal documents, performed in his name and in his law office, is unthinkable as it is contrary to natural human experience.

In the case of *Nunga v. Atty. Viray*,<sup>26</sup> the Court ruled that a member of the Bar who notarizes a document at a time when he or she had no authorization or commission to do so may be subjected to a disciplinary action for having violated the Notarial Rules as well as the

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<sup>22</sup> *Zoreta v. Atty. Simpliciano*, 485 Phil. 395, 403 (2004).

<sup>23</sup> *Id.*

<sup>24</sup> See *Spouses Frias v. Atty. Abao*, A.C. No. 12467, April 10, 2019.

<sup>25</sup> See *Cabanos v. Atty. Mojica*, A.C. No. 12869 (Notice), March 1, 2021.

<sup>26</sup> 366 Phil. 155 (1999).

Lawyer's Oath and the Code of Professional Responsibility (CPR).<sup>27</sup>

Similarly, by performing notarial acts with an expired notarial commission, Atty. Solilapsi violated Section 11,<sup>28</sup> Rule III of the Notarial Rules, the Lawyer's Oath, and Rule 1.01, Canon 1 and Canon 7 of the CPR, which provides:

Canon 1 — A lawyer shall uphold the constitution, obey the laws of the land and promote respect for law and legal processes.

Rule 1.01 — A lawyer shall not engage in unlawful, dishonest, immoral or deceitful conduct.

Canon 7 — A lawyer shall at all times uphold the integrity and dignity of the legal profession and support the activities of the integrated bar.

The Court, in a number of cases, has subjected lawyers to disciplinary action for notarizing documents with expired notarial commissions. Specifically, the Court has imposed the penalties of suspension from the practice of law ranging from two to three years as well as permanent disqualification from being commissioned as a notary public upon erring lawyers depending on the gravity of their transgressions.<sup>29</sup>

Let it be known that the Court will not hesitate to mete out a heavier penalty to lawyers who casually violate the Notarial Rules and disregard their sworn duties and responsibilities as members of the Bar.

Given Atty. Solilapsi's notarization of more than 300 legal documents with an expired notarial commission, the Court finds it proper to impose against him the penalties of suspension from the practice of law for a period of two (2) years and permanent disqualification from being commissioned as a notary public, in

<sup>27</sup> Id. at 161.

<sup>28</sup> Section 11, Rule III of the Notarial Rules provides:

SECTION 11. Jurisdiction and Term. — A person commissioned as notary public may perform notarial acts in any place within the territorial jurisdiction of the commissioning court for a period of two (2) years commencing the first day of January of the year in which the commissioning is made, unless earlier revoked or the notary public has resigned under these Rules and the Rules of Court.

<sup>29</sup> See *Nunga v. Atty. Viray*, supra note 26; *Zoreta v. Atty. Simpliciano*, supra note 22; *Sps. Gacuya v. Atty. Solbita*, 782 Phil. 253 (2016); and *Japitana v. Atty. Parado*, 779 Phil. 182 (2016).

accordance with prevailing jurisprudence.<sup>30</sup>

**WHEREFORE**, the Court finds respondent Atty. Nepthali P. Solilapsi **GUILTY** of violating the Lawyer's Oath, Rule 1.01, Canon 1 and Canon 7 of the Code of Professional Responsibility, and Section 11, Rule III of the 2004 Rules on Notarial Practice. Accordingly, the Court hereby **SUSPENDS** him from the practice of law for two (2) years, **REVOKES** his incumbent commission as a notary public, if any, and **PERMANENTLY DISQUALIFIES** him from being commissioned as notary public, with a **STERN WARNING** that a repetition of the same or similar conduct in the future shall be dealt with more severely.

The suspension in the practice of law shall take effect immediately upon receipt of this Decision by respondent. He is **DIRECTED** to immediately file a Manifestation to the Court that his suspension has started, copy furnished all courts and quasi-judicial bodies where he has entered his appearance as counsel.

Let copies of this Decision be furnished to the Office of the Bar Confidant to be appended to respondent's personal record as an attorney; the Integrated Bar of the Philippines for its information and guidance; and the Office of the Court Administrator for circulation to all courts in the country.

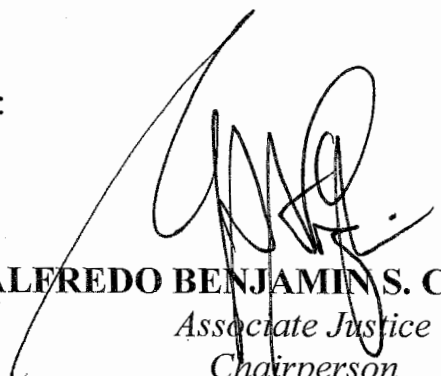
**SO ORDERED.**

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

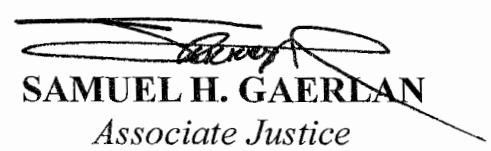
<sup>30</sup> *Spouses Frias v. Atty. Abao*, supra note 24.



WE CONCUR:



**ALFREDO BENJAMIN S. CAGUIOA**  
*Associate Justice*  
*Chairperson*



**SAMUEL H. GAERLAN**  
*Associate Justice*

On official leave  
**JAPAR B. DIMAAMPAO**  
*Associate Justice*



**MARIA FILOMENA D. SINGH**  
*Associate Justice*

