



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **01 March 2021** which reads as follows:*

“A.C. No. 12869 (Re: Resolution dated June 30, 2020 in Administrative Case No. 01-2020 issued by Executive Judge Victoriano B. Cabanos, Regional Trial Court, Caloocan City v. Atty. Ma. Cristina R. Mojica). –

Antecedents

The case stemmed from an administrative complaint¹ filed against respondent Atty. Ma. Cristina R. Mojica (Atty. Mojica) by Executive Judge Ma. Antonia Largoza-Cantero (Executive Judge Largoza-Cantero) of the Regional Trial Court (RTC), Malabon City for violation of the 2004 Rules on Notarial Practice.² The case was docketed as Administrative Case No. 01-2020 and lodged before the RTC-Branch 127, Caloocan City.

Executive Judge Largoza-Cantero averred that she purposely went to Fisher Mall, Malabon City to verify reports regarding the unauthorized conduct of notarial business there. She discovered that *M6 Printing & Notarial Services* office was operating in Fisher Mall, where a certain Atty. Mojica was notarizing documents, although per Register of Commissioned Notaries Public for Malabon City, no commissioned notary public was authorized to conduct notarial business in Fisher Mall. Atty. Mojica is a commissioned notary public in Caloocan City, but not in Malabon City.³

¹ Docketed as Administrative Case No. 01-2020, *rollo*, p. 7.

² A.M. No. 02-08-13-SC.

³ *Rollo*, p. 2.

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In support of the charge, she submitted the following evidence: (1) copy of the Register of Notaries Public for Malabon 2019-2020; (2) print-out of pictures showing the *M6 Printing & Notarial Services* office and process of notarization therein; and (3) copy of the notarized Affidavit of Consent and Support bearing Atty. Mojica's notarial seal, certificate and signature.⁴

On February 19, 2020, the trial court directed the RTC Clerk of Court to furnish Atty. Mojica a copy of the complaint and its annexes and ordered her to file her Answer/Complaint within ten (10) days from notice.⁵

In her answer, Atty. Mojica countered that she neither held office, nor authorized anybody to represent her and notarize documents in her stead, in Malabon. The signature appearing on the sample notarized affidavit was not hers. She was merely a victim of the fraudulent acts of her own assistant, John Go (Go), and a certain Brenda Sebastian (Sebastian), who manages *M6 Printing and Notarial Services*. Without her knowledge and permission, Go and Sebastian made duplicates of her notarial stamp and seal and used the same in Sebastian's illegal notarial services. She filed criminal cases against Go and Sebastian for Usurpation of Authority or Official Functions under Article 177 of the Revised Penal Code (RPC), Estafa under Articles 315 and 316, RPC, and Estafa through Falsification of Public Documents under Article 172, RPC.⁶

During the hearing on March 9, 2020, it was confirmed that Atty. Mojica was a commissioned notary public for and in Caloocan City from January 30, 2019 until December 31, 2020. She, however, submitted her notarial reports for the period February 2019 to July 2019 only on March 9, 2020, beyond the ten (10)-day period provided under the rules.

By Resolution⁷ dated June 30, 2020, the trial court found Atty. Mojica guilty of violations of Section 2(c), Rule VII and Section 1(b), (3), Rule XI of the 2004 Rules on Notarial Practice,⁸ and recommended that Atty. Mojica's Notarial Commission be suspended for a period of three (3) months for each violation, or a total of six (6) months, thus:

WHEREFORE, premises considered, the Court finds Atty. Ma. Cristina R. Mojica guilty of violation of: (1) Section 2(c), Rule VII and (2) Section 1(b), (3), Rule XI of the 2004 Rules on Notarial Practice. Accordingly, the Notarial Commission of Atty. Ma. Cristina R. Mojica is hereby **SUSPENDED** for [a] period of Three (3) Months for each violation or a total of Six (6) Months, effective immediately upon receipt hereof, with stern warning that a repetition of the same or similar conduct in the future shall be dealt with more severely.

⁴ *Id.* at 2.

⁵ *Id.* at 2-3.

⁶ *Id.* at 3.

⁷ Penned by Executive Judge Victoriano B. Cabanos, *id.* at 2-5.

⁸ A.M. No. 02-8-13-SC, July 6, 2004.

Atty. Ma. Cristina R. Mojica is further **DIRECTED** to comply with the following:

- (a) surrender her official notarial seal to the Court within five (5) days upon receipt hereof which shall be destroyed in public during office hours;
- (b) submit her updated notarial register, inclusive of the copies of notarized instruments, within five (5) days upon receipt hereof; and
- (c) immediately inform this Court of the status and/or outcome of her criminal complaint against John Go and Brenda Sebastian.

Pursuant to Section 3, Rule XI of the 2004 Rules on Notarial Practice, the Clerk of Court of this [S]tation is ordered to post copies of this Resolution in a conspicuous place in the offices of this Court and of the Clerk of Court.

Let this administrative case be included in the Semestral Report to the Supreme Court in compliance with Section 2, Rule XII of the 2004 Rules [on Notarial] Practice.

SO RESOLVED.⁹

**The Office of the Bar Confidant’s (OBC)
Report and Recommendation**

In its Report¹⁰ dated August 6, 2020, the OBC recommended that the administrative case be noted and approved, and the penalty imposed per Resolution dated June 30, 2020, affirmed, recommending Atty. Mojica’s suspension from the practice of law for a period of six (6) months, viz.:

WHEREFORE, in light of the foregoing, it is respectfully recommended that the instant administrative case be **NOTED** and **APPROVED**. We further recommend that the penalty imposed upon Atty. Mojica under Resolution dated June 30, 2020 be **AFFIRMED**. In addition to the penalty already imposed upon Atty. Mojica, she shall likewise be **SUSPENDED** from the practice of law for six (6) months, effective immediately upon receipt of notice thereof. Atty. Mojica must be **REQUIRED to COMMENT** and explain why no further sanction should be imposed upon her.¹¹

By Resolution dated September 22, 2020, the Court noted the trial court’s Resolution dated June 30, 2020.

⁹ *Id.* at 5.
¹⁰ *Id.* at 7-8.
¹¹ *Id.* at 8.

Ruling

The Court adopts the OBC's factual findings but modifies the recommended penalty.

Notarization is not an empty, meaningless, or routinary act. It is impressed with substantial public interest, and only those who are qualified or authorized may be commissioned. A notarized document is by law entitled to full faith and credit on its face. For this reason, notaries public must observe the highest degree of care in performing their duties in order to preserve the public's confidence in the integrity of the notarial system.¹²

Here, Atty. Mojica failed to live up to her duties as notary public when she failed to safekeep her notarial paraphernalia and timely submit her notarial reports to the Executive Judge.

Atty. Mojica was negligent in performing her duty to secure and safeguard her notarial paraphernalia

Section 2, Rule VII of the 2004 Rules on Notarial Practice mandates that a commissioned notary public shall have her own notarial seal. The said seal shall only be possessed by the notary public and the latter must ensure that the same is accessible only to her or the person duly authorized by her, thus:

Section 2. *Official Seal.* – (a) Every person commissioned as notary public shall have a **seal of office**, to be procured at his own expense, which **shall not be possessed or owned by any other person**. It shall be of metal, circular in shape, two inches in diameter, and shall have the name of the city or province and the word “Philippines” and his own name on the margin and the roll of attorney's number on the face thereof, with the words “notary public” across the center. A mark, image or impression of such seal shall be made directly on the paper or parchment on which the writing appears.

x x x x

(c) When not in use, the official seal shall be kept safe and secure and shall be accessible only to the notary public or the person duly authorized by him. (Emphases supplied)

Here, Atty. Mojica denied having conducted or authorized anyone to conduct in her stead, notarial service in Malabon. She claimed that her signature on the Affidavit of Consent and Support as notary public was

¹² See *Lopez v. Mata*, A.C. No. 9334, July 28, 2020.

forged and that her assistant, Go, without her knowledge, schemed with Sebastian to duplicate and use her notarial stamp and seal in Sebastian's notarial services.

Assuming this to be true, Atty. Mojica cannot evade administrative liability arising from the fact that the aforesaid affidavit bore her notarial seal. Surely, she cannot conveniently pass the buck to her assistant by simply claiming that she never authorized Go and Sebastian to use her notarial seal and stamp.

As a notary public, Atty. Mojica is duty-bound to secure and safeguard her notarial seal so that no unauthorized persons can have access thereto. Atty. Mojica had been remiss in her notarial duties. There was no proof that she properly secured and kept her notarial seal in a safe place inaccessible to other persons to ensure that no one can use it without her authority. Even if Go was indeed her assistant, she should not have allowed him to have free access to her notarial paraphernalia to avert its possible misuse or tampering thereof. Indubitably, Atty. Mojica's negligence in failing to safeguard her notarial seal and stamp paved the way for Go to unlawfully duplicate and use the same in Sebastian's illegal notarial services.

In *Angeles, Jr. v. Bagay*,¹³ respondent's secretary used his notarial seal and register in notarizing documents while he was abroad. He left his office open to the public while leaving his secretary in charge. For his negligence in leaving his notarial seal and register within the reach of his secretary, the Court held respondent responsible for the acts committed by his secretary. He was held liable not only as a notary public but also as a lawyer because his failure to solemnly perform his duty as a notary public not only damaged those directly affected by the notarized documents, but also undermined the integrity of a notary public, degraded the function of notarization, and even allowed an unauthorized person to practice law. The Court, thus, revoked his notarial commission, disqualified him from being commissioned as notary public for a period of two (2) years, and suspended him from the practice of law for three (3) months.

In the more recent case of *Ang v. Belaro, Jr.*,¹⁴ the Court imposed the following penalties upon the respondent for his failure to safeguard his notarial seal: suspension from the practice of law for a period of six (6) months; disqualification from reappointment as a notary public for a period of two (2) years; and revocation of his notarial commission.

In *In Re: OMB-C-C-13-0104 v. Maranan*,¹⁵ the Court imposed the same penalties upon a respondent notary public for committing a similar violation of the notarial law.

¹³ 749 Phil. 114, 122 (2014).

¹⁴ See A.C. No. 12408, December 11, 2019.

¹⁵ See A.C. No. 12877, December 7, 2020.

By failing to safeguard and keep her notarial seal and stamp from unauthorized persons, Atty. Mojica violated Section 2, Rule VII of the 2004 Rules on Notarial Practice. In line with current jurisprudence, Atty. Mojica is suspended from the practice of law for a period of six (6) months and disqualified from being commissioned as a notary public for two (2) years. Her current notarial commission, if any, is revoked.

Atty. Mojica failed to submit her notarial reports to the Executive Judge within the prescribed period

The 2004 Rules on Notarial Practice mandates the submission of a copy of the entries in the notarial register to the Executive Judge within the first ten (10) days of the following month. Failure to comply with this requirement is a ground for revocation of the notary public's notarial commission under Section 1(b), (3), Rule XI of the same Rule, viz.:

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:

x x x x

(3) fails to send the copy of the entries to the Executive Judge within the first ten (10) days of the month following;

x x x x

Atty. Mojica failed to comply with the above requirement. She was a commissioned Notary Public for and in Caloocan City from January 30, 2019 until December 31, 2020. But she submitted her notarial reports for the months of February to July 2019 only during the hearing of Administrative Case No. 01-2020 on March 9, 2020,¹⁶ way beyond the ten (10)-day period provided under the Rules. No plausible explanation for such inordinate delay was offered.

In *Protacio v. Mendoza*,¹⁷ the Court suspended respondent's notarial commission for one (1) year for his failure to send to the Clerk of Court of the proper trial court the entries in his notarial registry. This served as basis for the Court's subsequent ruling in *Soriano v. Basco*.¹⁸

¹⁶ *Rollo*, pp. 4-5.

¹⁷ 443 Phil. 12, 22-23 (2003).

¹⁸ 507 Phil. 410 (2005).

In *Lopez v. Mata*,¹⁹ Atty. Abellana was found administratively liable for his failure to submit his notarial report for the year 2004. After taking judicial notice that in A.C. No. 3452, Atty. Abellana was already suspended from the practice of law for six (6) months and sternly warned for resorting to falsification to mislead his client into believing that he had been performing his duties as counsel, the Court suspended him from the practice of law for six (6) months, revoked his notarial commission and barred him from being commissioned as notary public for one (1) year.

Here, Atty. Mojica's failure to submit her notarial reports for the months of February to July 2019 within the prescribed ten (10)-day period clearly violated Section 1(b), (3), Rule XI of the 2004 Rules on Notarial Practice. There being no showing that Atty. Mojica had been previously charged and held administratively liable like in *Lopez*, the Court deems it sufficient to revoke her notarial commission and prohibit her from being commissioned as notary public for one (1) year.

ACCORDINGLY, ATTY. MA. CRISTINA R. MOJICA is found **GUILTY** of:

- a) Violation of Section 2(c), Rule VII of the 2004 Rules on Notarial Practice. She is **SUSPENDED** from the practice of law for a period of six (6) months and **PROHIBITED** from being commissioned as notary public for two (2) years. Her current notarial commission, if any, is **REVOKED**; and
- b) Violation of Section 1(b), (3), Rule XI of the 2004 Rules on Notarial Practice. She is **PROHIBITED** from being commissioned as notary public for one (1) year and her current notarial commission, **REVOKED**.

Altogether, **Atty. Ma. Cristina R. Mojica** shall serve **SUSPENSION** from the practice of law for six (6) months effective upon receipt of this Resolution and **PROHIBITION** from being **COMMISSIONED** as notary public for three (3) years. Her current commission as a notary public, if any, is **REVOKED**.

This Resolution takes effect immediately. Let copy of this Resolution be furnished the Office of the Bar Confidant, the Integrated Bar of the Philippines, and the Office of the Court Administrator for circulation to all the courts.

¹⁹ Supra note 11.

Atty. Ma. Cristina R. Mojica is **DIRECTED** to inform the Office of the Bar Confidant of the exact date of receipt of this Resolution for the purpose of reckoning the period of her suspension from the practice of law, revocation of notarial commission, and disqualification from being commissioned as notary public. After completing her suspension, respondent is required to submit to the Office of the Bar Confidant the Certifications from the Office of the Executive Judge of the court where she principally practices her profession and from the Integrated Bar of the Philippines Local Chapter of her affiliation, affirming that she has ceased and desisted from the practice of law during her suspension.

Within two (2) weeks from submission of these certifications by **Atty. Ma. Cristina R. Mojica**, the Office of the Bar Confidant shall submit the same to the Court.

SO ORDERED.”

By authority of the Court:

TERESITA AQUINO TUAZON
Division Clerk of Court

By:



MA. CONSOLACION GAMINDE-CRUZADA
Deputy Division Clerk of Court
11 MAY 2021 *2/10/21*

HON. VICTORIANO B. CABANOS (reg)
Complainant - Executive Judge
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1400 Caloocan City

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