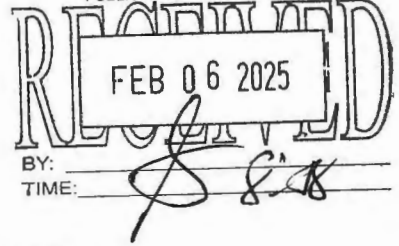




Republic of the Philippines
Supreme Court
Manila

EN BANC

SUPREME COURT OF THE PHILIPPINES
PUBLIC INFORMATION OFFICE



SPOUSES ANDRE AND MA.
FATIMA CHAMBON,
Complainants,

A.C. No. 11478

Present:

- versus -

ATTY. CHRISTOPHER S.
RUIZ,
Respondent.

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

Promulgated:

November 26, 2024

X-----X

RESOLUTION

CAGUIOA, J.:

Before the Court is a Petition for Judicial Clemency¹ (Petition) dated August 8, 2022 filed by Atty. Christopher S. Ruiz (respondent), praying that the order of his perpetual disqualification from being commissioned as a notary public be recalled.

* On official business.

** On official business.

¹ Titled "Petition for Clemency." *Rollo*, pp. 397-405.

THE CASE

In a Decision² dated September 5, 2017, respondent was found guilty of violating the 2004 Rules on Notarial Practice. He was suspended from the practice of law for one year and was held perpetually disqualified from being commissioned as a notary public, effective immediately.

The complaint against respondent stemmed from his act of notarizing a Notice of Loss/Affidavit of Loss and a Release of Mortgage in Cebu City without requiring competent evidence of identity of the executors, and without the consent or knowledge of the supposed executors of the Release of Mortgage. Entries in his Notarial Register referring to the said Notice of Loss/Affidavit of Loss were likewise not properly accomplished. In particular, the *jurat* in the Notice of Loss/Affidavit of Loss was incomplete, in that the competent proof of identity of the executor was left blank. The title/description of instrument, name and addresses of parties, competent evidence of identity, date and time of notarization, and type of notarial act were not filled up as well.³ Respondent did not also provide the reasons and circumstances for not completing these notarial acts, in violation of Rule VI, Section 2 of the 2004 Rules on Notarial Practice.⁴

As to the Release of Mortgage, the Court noted that respondent denied having notarized the same. He likewise explained that reference to the book number, document number, and page number of the purported Release of Mortgage pointed to a Special Power of Attorney in his Notarial Register. He admitted, however, that it was actually a Deed of Absolute Sale, and the inadvertence was, again, the fault of his office secretary.⁵

The Court gave short shrift to the explanation of respondent, holding that the Release of Mortgage bore similarities to his signature and seal, as provided in the Notice of Loss/Affidavit of Loss. As well, his admission that his secretary committed the inadvertence with the entries in his Notarial Register also constituted a violation under the Rules on Notarial Practice.⁶

Thus, as earlier stated, the Court suspended respondent from the practice of law for one year and perpetually disqualified him from being commissioned as a notary public, effective immediately. As regards the penalty of perpetual disqualification in particular, the Court deemed it proper to impose the same in light of respondent's negligence in notarizing an incomplete notarial document and in delegating to his secretary his duty of

² *Spouses Chambon v. Ruiz*, 817 Phil. 712 (2017) [Per J. Tijam, *En Banc*].

³ *Id.* at 719.

⁴ *Id.* at 720–721.

⁵ *Id.* at 721.

⁶ *Id.*

entering details in his Notarial Register. To the mind of the Court, such acts constituted dishonesty.⁷

Respondent's suspension from the practice of law and disqualification from being commissioned as a notary public commenced on October 9, 2017 upon his receipt of the Court's Decision. His one-year suspension from the practice of law, thus, expired on October 9, 2018.⁸

In a Resolution dated August 14, 2019, the suspension of respondent was lifted and he was allowed to resume his practice of law. However, his disqualification from being commissioned as a notary public remained effective.⁹

On August 11, 2022, respondent filed the Petition which was referred by the Court to the Office of the Bar Confidant (OBC) for evaluation, report, and recommendation. Respondent prays for the recall of the order against him to be perpetually disqualified from being commissioned as a notary public. Respondent claims that he has endured the consequences of his actions far more than what was prescribed by the Court. He also claims that he has adequately demonstrated complete remorse for his momentary lapse of judgment by doing numerous social/civic works and being recognized by universities and communities. He has attached copies of certifications from courts, organizations, and agencies, as well as photos of his alleged volunteer works.¹⁰

In its Report and Recommendation¹¹ dated January 24, 2023, the OBC recommended to deny respondent's Petition and to maintain the order against him from being perpetually disqualified from being commissioned as a notary public.¹²

The OBC noted the admission of respondent that he let his guard down and committed the offense because of his desire to "establish rapport with more senior lawyers [and to accommodate] a fellow lawyer."¹³ It also noted that respondent stated in his Petition that he acted as consultant on legal matters at the Regional Training School of the National Police Training Institute from May 2014 until December 2018. This was despite the fact that his suspension only expired on October 9, 2018 and the Court's order lifting the same was only issued on August 14, 2019. Acting as a consultant on legal matters, according to the OBC, constituted practice of law. When respondent acted as consultant on legal matters, therefore, he violated the order of the Court, which was a contemptible act.¹⁴

⁷ *Id.* at 721–723.

⁸ *Rollo*, p. 480, OBC Report and Recommendation.

⁹ *Id.*

¹⁰ *Id.* at 398–474, including Annexes.

¹¹ *Id.* at 480–481.

¹² *Id.* at 480–482, OBC Report and Recommendation.

¹³ *Id.* at 401, Petition.

¹⁴ *Id.* at 480–482, OBC Report and Recommendation.

public requires the same benevolence from the Court as the reinstatement of a lawyer as a member of the Bar.

Furthermore, the well-settled rule is that in the realm of legal ethics, a breach of the Notarial Rules would also constitute a violation of the Code of Professional Responsibility and Accountability (CPRA), considering that erring lawyers who are found to be remiss in their functions as notaries public are also considered to have violated their oath as lawyers. They do not only fail to fulfill the solemn oath of upholding and obeying the law and its legal processes, but also commit an act of falsehood and engage in an unlawful, dishonest, and deceitful conduct.²⁰ Clearly, therefore, inasmuch as the Court can wield its disciplinary authority over notaries public in the exercise of their functions, the Court can likewise grant clemency thereafter.

Here, almost five years after the Court handed down its Decision to discipline respondent, he filed this instant Petition. As admitted by respondent, it had been only four years and 10 months from when he had started serving the penalty of perpetual disqualification up until the time he filed his Petition. Considering that this period is close to the five-year rule in the clemency guidelines, which were released through *Nuñez* only a year before this Petition, the Court chooses to relax the said rule. The Court finds that the period of four years and 10 months constitutes sufficient time for respondent to reflect on his actions and reform himself.

Respondent expresses in his Petition that the Court's Decision against him continues to weigh "heavily on his shoulders from the moment he discovered his blunder and until now."²¹ He further claims that he had "dutifully complied with the [Decision ordering his suspension from the practice of law] and additionally suffered the deprivations and untold hardships attendant thereto for another year on account of his deference to the wisdom of the [Court] and out of an abundance of compunction."²² He also reaffirms his "concern and consideration to his fellowmen and the children in his community."²³

The Court gives credence to respondent's declarations of remorse and reformation. Respondent conveys to the Court his humility. His words demonstrate to the Court that he is aware of the magnitude of his infractions and has come to terms with Our previous decision against him.

While an acknowledgment of the wrongful actions and subsequent showing of sincere repentance and correction are essential in petitions for judicial clemency, it can also be easily anticipated that pleas for judicial

²⁰ See *Sanchez v. Inton*, 866 Phil. 1, 12 (2019) [Per J. Perlas-Bernabe, *En Banc*].

²¹ *Rollo*, pp. 398–399, Petition.

²² *Id.* at 400–401.

²³ *Id.* at 404.



clemency are largely self-serving.²⁴ Hence, in such cases, the Court has considered several factors which, to an extent, provide objective criteria in granting or denying clemency.²⁵ One of these strongest factors include “certifications or testimonials of the officer(s) or chapter(s) of the Integrated Bar of the Philippines (IBP), judges or judges’ associations[,] and prominent members of the community with proven integrity and probity.”²⁶ Here, apart from his own statements of remorse and reformation, respondent has appended copies of certifications from his IBP chapter, socio-civic organizations, his church, and training schools and centers, which attest to his deep involvement in community service. He also recounts the charitable activities he conducted during the pandemic and the onslaught of Typhoon Odette in 2021. As well, he provided copies of certifications from the trial courts to prove that he desisted from appearing as counsel during the period of his suspension and that no criminal case has been filed against him.²⁷ He has also attached numerous photos of his alleged volunteer works.

The acts of respondent in devoting and rechanneling his time and energy to something worthwhile are indeed laudable and are also encouraging, showing that his potential for public service has not waned. Verily, in *Re: 2003 Bar Examinations, Atty. Danilo De Guzman*,²⁸ the Court ruled on the Petition for Judicial Clemency and Compassion of a disbarred lawyer in this wise:

Petitioner has sufficiently demonstrated the remorse expected of him considering the gravity of his transgressions. **Even more to his favor, petitioner has redirected focus since his disbarment towards public service, particularly with the People’s Law Enforcement Board. The attestations submitted by his peers in the community and other esteemed members of the legal profession, such as retired Court of Appeals Associate Justice Oscar Herrera, Judge Hilario Laqui, Professor Edwin Sandoval and Atty. Lorenzo Ata, and the ecclesiastical community such as Rev. Fr. Paul Balagtas testify to his positive impact on society at large since the unfortunate events of 2003.**

Petitioner’s subsequent track record in public service affords the Court some hope that if he were to reacquire membership in the Philippine bar, his achievements as a lawyer would redound to the general good and more than mitigate the stain on his record. Compassion to the petitioner is warranted.²⁹ (Emphasis supplied)

²⁴ *In Re: Anonymous Letter dated August 12, 2010, Complaining Against Judge Ofelia T. Pinto, Regional Trial Court, Branch 60, Angeles City, Pampanga*, A.M. No. RTJ-11-2289 (Formerly OCA IPI No. 11-3656-RTJ), March 08, 2023 [Per J. Caguioa, *En Banc*], available at <https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/68746>, citing *Re: Allegations Made Under Oath at the Senate Blue Ribbon Committee Hearing Held on September 26, 2013 Against Associate Justice Gregory S. Ong, Sandiganbayan*, 894 Phil. 99, 107 [Per J. Leonen, *En Banc*].

²⁵ *Id.*

²⁶ *Re: Letter of Judge Augustus C. Diaz, Metropolitan Trial Court of Quezon City, Branch 37, Appealing for Judicial Clemency*, *supra* note 18, at 5.

²⁷ *Rollo*, pp. 409–410, Annexes B and C to the Petition.

²⁸ 604 Phil. 284 (2009) [Per J. Ynares-Santiago, *En Banc*].

²⁹ *Id.* at 293.

As regards respondent's age, respondent states that he is 56 years old and "has so much more to prove in the legal profession or even in the service of his community and the greater public" if the Court grants him clemency.³⁰ Notably, the new guidelines under *Nuñez* no longer provide the following guidelines under *Re: Diaz*:

3. The age of the person asking for clemency must show that he [or she] still has productive years ahead of him [or her] that can be put to good use by giving him [or her] a chance to redeem himself.

4. There must be a showing of promise (such as intellectual aptitude, learning or legal acumen or contribution to legal scholarship and the development of the legal system or administrative and other relevant skills), as well as potential for public service[.]³¹

This notwithstanding, the Court notes that Canon VI, Section 48 of the CPRA³² provides that the above allegations may also be made in support of a petition for judicial clemency. Hence, the Court finds that a showing of productive years ahead of respondents that can be put to good use by giving them a chance to redeem themselves, as well as a showing of promise and potential for public service, remains persuasive to the Court.

Thus, here, the Court cannot simply discount the positive certifications of the church and organizational leaders attesting to the reliability of respondent in rendering service to their organizations and to the community at large. These go to show that respondent remains capable and willing to render public service.

However, again, the OBC recommended to deny respondent's Petition on the conclusion that he was careless in his notarial practice and disregarded the rules and order of the Court. Essentially, the OBC dwelled

³⁰ *Rollo*, p. 404, Petition.

³¹ *Re: Letter of Judge Augustus C. Diaz, Metropolitan Trial Court of Quezon City, Branch 37, Appealing for Judicial Clemency*, *supra* note 18, at 404.

³² SECTION 48. *Petition for judicial clemency*. — The verified petition for judicial clemency shall allege the following:

- (a) that the verified petition was filed after five (5) years from the receipt of the order, decision, or resolution of disbarment;
- (b) that the disbarred lawyer has fully complied with the terms and conditions of all prior disciplinary orders, including orders for restitution;
- (c) that he or she recognizes the wrongfulness and seriousness of the misconduct for which he or she was disbarred by showing positive acts evidencing reformation;
- (d) that he or she has reconciled, or attempted in good faith to reconcile, with the wronged private offended party in the disbarment case, or if the same is not possible, an explanation as to why such attempt at reconciliation could not be made. Where there is no private offended party, the plea for clemency must contain a public apology; and
- (e) notwithstanding the conduct for which the disbarred lawyer was disciplined, he or she has the requisite good moral character and competence.

Any of the following allegations may also be made in support of the petition:

- (a) that he or she still has productive years that can be put to good use if given a chance; or
- (b) there is a showing of promise (such as intellectual aptitude, learning or legal acumen or contribution to legal scholarship and the development of the legal system or administrative and other relevant skills), as well as potential for public service.

on the infractions of respondent in this administrative case which merited his penalties, namely: his notarization of an incomplete document, his failure to ensure correct entries in the notarial register, and his shifting of blame to his secretary. This is erroneous. It is important to remember in these proceedings that the Court is being implored upon to be merciful. The main concern is whether the respondent may be given the chance to redeem himself in view of his contrition. In other words, the perspective of the Court should be more forward-looking and less on whether respondent has the propensity to err. It is in this spirit of compassion that the Court should foremost operate, without of course, losing sight of the need to preserve the public's confidence in the courts as well.

Correspondingly, it is also erroneous for the OBC to conclude that respondent's efforts to show remorse are not enough to erase the doubt cast upon his fitness to become a notary public. This conclusion effectively closes the door permanently for respondent to ever obtain clemency from the Court. The Court cannot remain fixated on respondent's past infraction for which he is precisely asking for clemency. Otherwise, this will run counter to, if not altogether defeat, the spirit of a plea for judicial clemency.

In any case, the Court also notes that the CPRA now classifies violations of notarial rules, except reportorial requirements, as serious offenses when attended by bad faith. Concomitantly, the CPRA punishes such offenses with revocation of notarial commission and disqualification as notary public for not less than two years. In the fairly recent case of *Calixto v. Baleros*,³³ the Court found therein respondent guilty of violating the 2004 Rules on Notarial Practice for notarizing a Special Power of Attorney without the presence of the affiants. Following the CPRA, the Court classified the offense as serious and imposed against therein respondent, among others, the penalty of perpetual disqualification from being commissioned as a notary public *after* appreciating her previous administrative case as an aggravating circumstance. Hence, in this regard, if We were to revisit the case against herein respondent using the governing rules at this time, the extreme penalty of perpetual disqualification from being commissioned as a notary public would appear to be too harsh under the circumstances, considering that there was no finding of either bad faith or the gravity of herein respondent's supposed dishonesty.

The OBC observes, however, that respondent admitted that he acted as consultant on legal matters at the Regional Training School of the National Police Training Institute from May 2014 until December 2018. This period was clearly within the one-year suspension meted against him, which commenced on October 9, 2017 and expired on October 9, 2018. Indeed, under Canon VI, Section 52(a) of the CPRA, providing legal consultation or advice is considered practice of law. The Court has also held in the past that

³³ A.C. Nos. 13911 & 13912, October 3, 2023 [Per J. J. Lopez, *En Banc*], available at <https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/69336>.

when it orders a lawyer suspended from the practice of law, the lawyer must desist from performing all functions requiring the application of legal knowledge within the period of suspension.³⁴

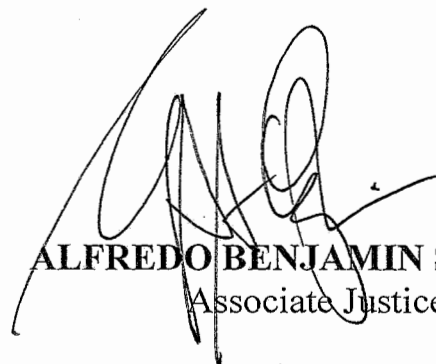
However, the Court notes that the above error may be a mere inadvertence on the part of respondent and is not demonstrative of his disobedience to the lawful order of the Court. There is no showing that it was in any way committed willfully or flagrantly. As such, the Court deems it proper not to take this error against respondent and deprive him of the clemency he seeks in this Petition, but to simply remind him to be more circumspect in his acts and to obey and respect court processes.

To be sure, the Court should not lose sight of the real objective of a disciplinary case, which is restorative justice and not retribution. The goal is not so much to punish the respondent as to protect the dispensation of justice by sheltering the judiciary and the public from the misconduct or inefficiency of officers of the court.³⁵ In other words, extreme penalties, such as perpetual disqualification from being commissioned as a notary public in this case, are imposed not to punish but to correct offenders. While the Court is ever mindful of its duty to discipline its erring officers, it also knows how to show compassion when the penalty imposed has already served its purpose.³⁶

ACCORDINGLY, the Petition for Judicial Clemency of Atty. Christopher S. Ruiz is **GRANTED**. The perpetual disqualification from being commissioned as a notary public imposed against him is **LIFTED**.

Atty. Christopher S. Ruiz is further **WARNED** to be more circumspect in his acts and to obey and respect court processes.

SO ORDERED.



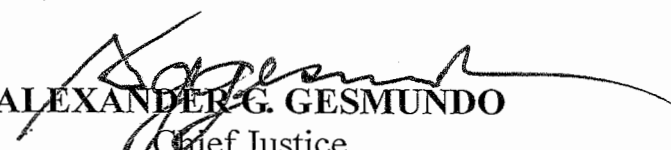
ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

³⁴ *Lingan v. Calubaquib*, 737 Phil. 191, 193 (2014) [Per J. Leonen, Third Division].

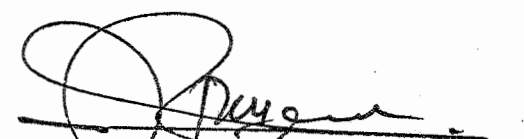
³⁵ *See Valencia v. Antiniw*, 579 Phil. 1, 12 (2008) [Per J. Leonardo-De Castro, *En Banc*].


³⁶ *See Re: 2003 Bar Examinations, Atty. Danilo De Guzman*, *supra* note 28.


WE CONCUR:

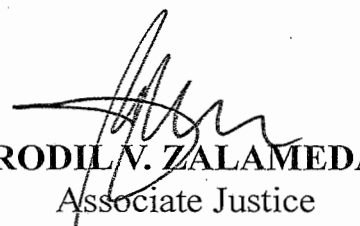

ALEXANDER G. GESMUNDO
Chief Justice

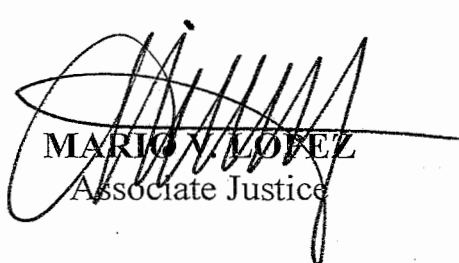

MARVIC M.V.F. LEONEN
Associate Justice

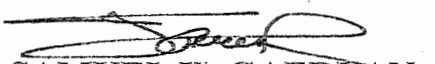

RAMON PAUL L. HERNANDO
Associate Justice


AMY C. LAZARO-JAVIER
Associate Justice


HENRI JEAN PAUL B. INTING
Associate Justice



RODIL V. ZALAMEDA
Associate Justice

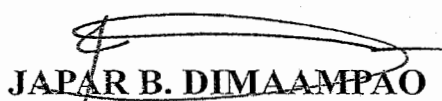

MARIO V. LOPEZ
Associate Justice

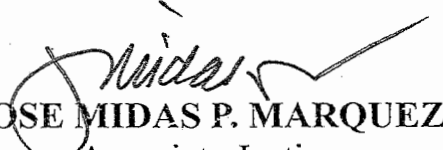

SAMUEL H. GAERLAN
Associate Justice

(On official business)

RICARDO R. ROSARIO
Associate Justice


JHOSEP Y. LOPEZ
Associate Justice


JAPAR B. DIMAAMPAO
Associate Justice


JOSE MIDAS P. MARQUEZ
Associate Justice


ANTONIO T. KHO, JR.
Associate Justice

(On official business)

MARIA FILOMENA D. SINGH
Associate Justice