



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

BENITO B. NATE,

Complainant,

A.M. No. RTJ-15-2406

[Formerly OCA IPI No. 11-3638-RTJ]

Present:

— versus —

JUDGE LELU P. CONTRERAS,
Branch 43, Regional Trial Court,
Virac, Catanduanes (then Clerk of
Court, RTC-Iriga City),

Respondent.

SERENO, *CJ*, Chairperson,
LEONARDO-DE CASTRO,
BERSAMIN,
PEREZ, and
PERLAS-BERNABE, *JJ*.

Promulgated:

FEB 18 2015

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DECISION

SERENO, *CJ*:

This administrative case concerns allegations that respondent Judge Lelu P. Contreras committed three counts of grave misconduct while she was still holding the position Clerk of Court VI of the Regional Trial Court in Iriga City, Camarines Sur (RTC-Iriga City). According to the complaint, respondent allegedly notarized an administrative complaint; certified a document (a labor complaint) as a true copy of the original; and appeared as counsel for her father in a hearing before the Integrated Bar of the Philippines (IBP). Clerks of court are indeed authorized to act as *ex officio* notaries public under the Administrative Code of 1987 in relation to the 2002 Revised Manual for Clerks of Court.¹ On the other hand, the Code of Conduct and Ethical Standards for Public Officials and Employees² prohibit public officials and employees from engaging in the private practice of their profession. The 2004 Code of Conduct for Court Personnel³ and the 2004

¹ See also Republic Act No. (R.A.) 5261 – *An Act Creating the City of Iriga*. Section 76 thereof provides: *Clerk and Employees of the City Court*. — There shall be a clerk of the city court who x x x shall have the power to administer oaths and shall perform the duties of a notary public *ex-officio*.

² R.A. 6713 (1989), Sec. 7(b)(2).

³ A.M. No. 03-06-13-SC (2004).

Rules on Notarial Practice⁴ were not yet in force when respondent committed the purported offenses.

THE CASE

Complainant Atty. Benito B. Nate calls the attention of this Court to the supposed grave misconduct of respondent Contreras while she was still clerk of court and *ex officio* provincial sheriff of RTC–Iriga City. According to him, there were three instances in which respondent abused her authority.

First, respondent Contreras allegedly notarized an administrative complaint that was prepared by her own father and filed with this Court sometime in June 2003.⁵ Complainant Nate stresses that respondent could not have legally notarized a document. He points out that Section 3, Rule 4 of the 2004 Rules of Notarial Practice disqualifies notaries from performing a notarial act if they are related to the principal within the fourth civil degree of consanguinity or affinity. Furthermore, he argues that respondent acted beyond her authority when she notarized in Iriga City a document that was signed in the Municipality of Buhi, which was outside that city. We note that complainant was the subject of the administrative complaint filed by respondent’s father.

Next, complainant Nate claims that respondent certified a document as a true copy of the original, and that her sister-in-law later on used the certified document in a labor case then pending with the National Labor Relations Commission in Naga City.⁶ He points out that respondent, as an *ex officio* notary public, was empowered to authenticate only those documents that were in her custody. Since the document – an amended labor complaint – was not a document pending before the RTC–Iriga City, respondent allegedly went beyond her authority when she authenticated it.

Finally, purportedly without this Court’s prior written authority, respondent Contreras appeared as her father’s counsel before the Commission on Bar Discipline of the IBP.⁷ Complainant Nate alleges that respondent herself admitted during the proceedings before the IBP that she had not yet obtained a written authority.

Respondent Contreras admits to all of these allegations. However, she maintains that her actions were allowed under the Manual for Clerks of Court. As regards the *first act*, she stresses that as *ex officio* notary public,

⁴ A.M. No. 02-8-13-SC (2004).

⁵ See Complaint of Benjamin E. Contreras, Annex A of Nate’s Complaint, *rollo*, pp. 5-7. See also *Contreras v. Nate*, A.C. No. 6089, 22 September 2010, *rollo* (A.C. No. 6089), p. 20. Respondent therein (now complainant in this case) Atty. Benito B. Nate was suspended from the practice of law for six months; and OCA Circular No. 02-2011 – *Suspension from the Practice of Law for Six (6) Months of Atty. Benito B. Nate*, 5 January 2011.

⁶ See Amended Complaint of Daisy R. Contreras, Annex B of Nate’s Complaint, *rollo*, pp. 8-9.

⁷ See Minutes and Transcript of the hearing before the IBP–Commission on Bar Discipline, Annexes C & D of Nate’s Complaint, *rollo*, pp. 10-12.

she was authorized to administer oaths and notarize documents so long as no private document was involved. She then argues that the administrative complaint against a lawyer, which was eventually filed with this Court, was not considered a private document. In fact, it was her ministerial duty as clerk of court to sign the *jurat* portion of the complaint regardless of her relationship with the principal. Furthermore, she explains that the municipality of Buhi was within the territorial jurisdiction of the RTC–Iriga City.

With respect to the *second act*, she explains that the Manual for Clerks of Court allowed her to authenticate copies of documents, especially since the RTC in Iriga City did not have human resource management officers. Furthermore, she stresses that the power of clerks of court to authenticate documents as true copies of the original is not limited to copies of documents that are in their custody. Rather, she argues that a clerk of court may certify the authenticity of the copies so long as they are shown to be faithful reproductions of the original after a presentation and comparison of the documents.

Regarding the *last act*, respondent Contreras points out that the intended first hearing before the IBP was suspended, precisely because she informed the hearing officer that she had not yet received authority to appear as counsel for her father. She clarifies that the proceedings pushed through only when she was able to present her written authority⁸ from this Court.

The Office of the Court Administrator (OCA) agrees with complainant as regards the first and the second acts. The OCA reiterates that as clerk of court and *ex officio* notary, respondent Contreras may notarize documents or administer oaths only when these are related to the exercise of her official functions. It then explains that there was no connection between her official functions and the administrative complaint of her father or the labor complaint of her sister-in-law. On the other hand, with regard to the third act, the OCA is of the view that respondent did not commit any irregularity, since she was authorized by this Court to represent her father in the administrative case he had filed.

THE ISSUES

Whether Contreras is administratively liable for the following acts:

1. Affixing her signature to the *jurat* portion of the administrative complaint prepared by her father
2. Authenticating documents as genuine copies of the original labor complaint

⁸ A.M. 04-2-117-RTC – *Re: Request of Atty. Lelu P. Contreras, Clerk of Court VI, Regional Trial Court, Iriga City, to appear as counsel for and in behalf of her father*, 5 April 2004, first attachment to Contreras’s Comment, *rollo*, p. 33.

3. Appearing as counsel before the IBP on behalf of her father

THE RULING

Clerks of court are authorized to act as *ex officio* notaries public under Sections 41⁹ and 42¹⁰ of the Administrative Code of 1987 in relation to Section D(1),¹¹ Chapter VI of the 2002 Revised Manual for Clerks of Court.

Historically, justices of the peace courts, judges of municipal courts, and clerks of courts – as public officers and by virtue of their respective offices – were authorized to perform any act within the competency of regular notaries public.¹² This meant that they had the power –

to administer **all oaths and affirmations** provided for by law, in all matters incident to his notarial office, and **in the execution of affidavits, depositions, and other documents requiring an oath**, and to receive the proof or acknowledgment of all writings relating to commerce or navigation x x x, **and such other writings as are commonly proved or acknowledged before notaries**; to act as a magistrate, in the writing of affidavits or depositions, and to **make declarations and certify the truth thereof under his seal of office, concerning all matters done by him by virtue of his office**.¹³ (Emphases supplied)

One of the main reasons why these public officers were allowed to perform *any* notarial act was that there were still rural areas in the country that did not have regular notaries public.¹⁴ While some areas had notaries, not all of them kept regular office hours.¹⁵ Thus, residents of these communities had to travel to the provincial capital or to larger towns where they could find lawyers who also practiced as notaries.¹⁶ Consequently, in

⁹ As amended by R.A. 9406 (2007), this section provides: “*Officers Authorized to Administer Oath.* — The following officers have general authority to administer oaths: x x x clerks of court; x x x.”

¹⁰ As amended by R.A. 9406 (2007), this section provides: “*Duty to Administer Oaths.* — Officers authorized to administer oaths, with the exception of notaries public, municipal judges and clerks of court, are not obliged to administer oaths or execute certificates save in matters of official business or in relation to their functions as such; x x x.”

¹¹ The Manual provides as follows: “D. GENERAL FUNCTIONS AND DUTIES OF CLERKS OF COURT AND OTHER COURT PERSONNEL. 1. CLERKS OF COURT. 1.1. Office of the Clerk of Court of a Multiple Sala Court. 1.1.1 Clerk of Court. x x x x. 1.1.1.7. acts as *ex-officio* notary public.”

¹² See R.A. 296 (The Judiciary Act of 1948), Sec. 76, as originally enacted. It provides: “A justice of the peace shall have power anywhere within his territorial jurisdiction to solemnize marriages, authenticate merchant's books, administer oaths and take depositions and acknowledgment, and, **in his capacity as *ex-officio* notary public**, may **perform any act within the competency of a notary public**.”; *Lapena v. Marcos*, 200 Phil. 69 (1982); and Act. No. 2711 – *Revised Administrative Code of 1917*, Chap. 11, Title IV – The Notarial Law, Secs. 235, 242 & 243 (hereinafter The Notarial Law). According to Sec. 242: “Officers acting as notaries public *ex officio*. — Except as otherwise specially provided, the following officials, and none other, shall be **deemed to be notaries public *ex officio***, and as such they are **authorized to perform**, within the limits of their territorial jurisdiction as herein below defined, **all the duties appertaining to the office of notary public** x x x”; *Borre v. Moya*, 188 Phil. 362 (1980).

¹³ The Notarial Law, Sec. 241.

¹⁴ See *Lapena v. Marcos*, supra note 12; A.M. No. 89-11-1303 MTC –*Re: Request for Clarification on the Power of Municipal Trial Court Judges and Municipal Circuit Trial Court Judges to Act as Notaries Public Ex Officio*, 19 December 1989; The Notarial Law, Sec. 233.

¹⁵ See *Lapena v. Marcos*, supra note 12; The Notarial Law, Sec. 233.

¹⁶ See *Lapena v. Marcos*, supra note 12.

the interest of public service and in order for the people to have a more convenient and less expensive option, these public officers were appointed *ex officio* notaries public with the authority to perform any act within the competency of regular notaries public.¹⁷ As such, their services and the notarial fees they charged were for the account of the government.¹⁸

As more lawyers and regular notaries public populated far-flung areas, the need for *ex officio* notaries public diminished as did their power. Thus, ever since this clarification was made by the Court in the 1980 case *Borre v. Moya*,¹⁹ the power of *ex officio* notaries public have been limited to notarial acts connected to the exercise of their official functions and duties.²⁰ This means that since the promulgation of that ruling, they have no longer had the authority to notarize documents that do not bear any relation to the performance of their official functions, such as contracts and other acts of conveyance,²¹ affidavits,²² certificates of candidacy,²³ special powers of attorney,²⁴ pleadings,²⁵ sworn applications for business permits,²⁶ or other similar instruments. To repeat, the notarization of documents that have no relation to the performance of their official functions is now considered to be beyond the scope of their authority as notaries public *ex officio*.²⁷ Any one of them who does so would be committing an unauthorized notarial act,²⁸ which amounts to engaging in the unauthorized practice of law²⁹ and abuse of authority.³⁰

Consequently, the empowerment of *ex officio* notaries public to perform acts within the competency of regular notaries public – such as acknowledgments, oaths and affirmations, *jurats*, signature witnessing, copy certifications, and other acts authorized under the 2004 Rules on Notarial Practice³¹ – is now more of an exception rather than a general rule. They may perform notarial acts on such documents that bear no relation to their

¹⁷ Id.

¹⁸ Id. See The Notarial Law of 1917, Sec. 252.

¹⁹ *Borre v. Moya*, supra note 12. See A.M. No. 89-11-1303 MTC – *Re: Request for Clarification on the Power to Act as Notaries Public Ex Officio*, supra note 14; and S.C. Circular No. 1-90 – *Power of the Municipal Trial Court Judges and Municipal Circuit Trial Court Judges to Act as Notaries Public Ex Officio*, 26 February 1990.

²⁰ *Gabon v. Merka*, A.M. No. P-11-3000, 29 November 2011, 661 SCRA 505; *Leyrit v. Solas*, A.M. No. P-08-2567, 30 October 2009, 604 SCRA 668; *Fuentes v. Buno*, 582 Phil. 20 (2008); *Cruz v. Centron*, 484 Phil. 671 (2004); *Quiñones v. Lopez*, 449 Phil. 1 (2003); *Astorga v. Solas*, 413 Phil. 558 (2001); *Ellert v. Galapon*, 391 Phil. 456 (2000); *Tabao v. Asis*, 322 Phil. 630 (1996); *Rudas v. Acedo*, 317 Phil. 283 (1995); *Penera v. Dalocanog*, 191 Phil. 511 (1981); *Borre v. Moya*, supra note 12.

²¹ *Fuentes v. Buno*, supra; *Batic v. Galapon*, 503 Phil. 5 (2005); *Cruz v. Centron*, supra; *Quiñones v. Lopez*, supra; *Ellert v. Galapon*, supra; *Penera v. Dalocanog*, supra; A.M. No. 89-11-1303 MTC – *Re: Request for Clarification on the Power to Act as Notaries Public Ex Officio*, supra note 14.

²² *Gabon v. Merka*, supra note 20; *Leyrit v. Solas*, supra note 20; *Tabao v. Asis*, supra note 20.

²³ *Quiñones v. Lopez*, supra note 20.

²⁴ *Tabao v. Asis*, supra note 20 (cited in *Astorga v. Solas*, supra note 20); *Rudas v. Acedo*, supra note 20.

²⁵ *Ellert v. Galapon*, supra note 20.

²⁶ *Leyrit v. Solas*, supra note 20.

²⁷ *Ellert v. Galapon*, supra note 20; *Penera v. Dalocanog*, supra note 20.

²⁸ *Batic v. Galapon*, supra note 21; *Quiñones v. Lopez*, supra note 20; *Villareal v. Diongzon*, 399 Phil. 22 (2000); *Ellert v. Galapon*, supra note 20; *Balayon v. Ocampo*, A.M. No. MTJ-91-619, 29 January 1993, 218 SCRA 13.

²⁹ *Batic v. Galapon*, supra note 21; *Villareal v. Diongzon*, supra; *Ellert v. Galapon*, supra note 20.

³⁰ *Gabon v. Merka*, supra note 20; *Cruz v. Centron*, supra note 20; *Astorga v. Solas*, supra note 20.

³¹ A.M. No. 02-8-13-SC, 6 July 2004.

official functions and duties only if (1) a certification is included in the notarized documents attesting to the lack of any other lawyer or notary public in the municipality or circuit; and (2) all notarial fees charged will be for the account of the government and turned over to the municipal treasurer.³²

To delve deeper into the question of what constitutes an action “connected to the exercise of their official functions and duties” as *ex officio* notaries public, clerks of court in particular may refer to the 2002 Revised Manual for Clerks of Court. Under the manual,³³ they have general administrative supervision over court personnel. As officers of the court, they serve as custodians of court funds and revenues, records, properties, and premises. Thus, they generally act as its treasurer, accountant, guard, and physical plant manager. In other words, they take charge of the administrative aspects of the court’s business and chronicle its will and directions, aside from performing their more obvious function of attending court sessions. Further, they keep the records and the seal, issue processes, enter judgments and orders, and give – upon request – certified copies of the court’s records.

According to the manual, below are the general functions and duties of a Clerk of Court VI in a multiple-sala court:

D. GENERAL FUNCTIONS AND DUTIES OF CLERKS OF COURT AND OTHER COURT PERSONNEL

1. CLERKS OF COURT

1.1. Office of the Clerk of Court of a Multiple Sala Court

1.1.1. Clerk of Court

- 1.1.1.1. is the administrative officer of the Court under the supervision of the Executive Judge;
- 1.1.1.2. has control and supervision over his personnel, all properties and supplies in his office;
- 1.1.1.3. acts on applications for leave of absence and signs daily time records of his staff, as well as the security and janitorial service personnel;
- 1.1.1.4. determines docket fees;

³² A.M. No. 89-11-1303 MTC – *Re: Request for Clarification on the Power to Act as Notaries Public Ex Officio*, supra note 14; S.C. Circular No. 1-90, supra note 19 (citing *Lapena v. Marcos*, supra note 12); see *Fuentes v. Buno*, supra note 20; *Gravela v. Villanueva*, 444 Phil. 109 (2003); *Astorga v. Solas*, supra note 20; *Abadilla v. Tabiliran*, 319 Phil. 572 (1995).

³³ Vol. I, pp. 4-5.

- 1.1.1.5. assists in the raffle of cases to the branches and judicial notices/summons to accredited publishers;
- 1.1.1.6. issues clearances in appropriate cases;
- 1.1.1.7. acts as *ex-officio* notary public;
- 1.1.1.8. acts as *ex-officio* sheriff;
- 1.1.1.9. represents the Court in administrative dealings with the local government units and other agencies; and
- 1.1.1.10. performs and discharges such duties as may be assigned by the Executive Judge.

Proceeding now to the first act complained about, we agree with the OCA findings that respondent's act of affixing her signature to the *jurat* portion of the administrative complaint prepared by her father had no direct relation to her work as the then clerk of court of RTC–Iriga City. Under Rule 139-B of the Rules of Court, the proceedings involving the disbarment and discipline of attorneys shall be conducted before the IBP.³⁴ This means that clerks of court are not among the touchpoints in the regular procedure pertaining to complaints against an attorney. Neither may a pleading in a case involving lawyers be filed with the RTC.

Respondent defends her actions by arguing that she was guided by the test of whether or not the instrument she notarized was considered a private document. While we agree with her that *ex officio* notaries public are not authorized to perform a notarial act in relation to private documents, the applicable test is not based merely on the nature of the transaction as private, but also on the relationship between the document and the official functions and duties of the *ex officio* notary public.³⁵ For clerks of court, a failsafe guideline for determining the coverage of their authority as *ex officio* notaries public is to refer to the functions and duties of their position as outlined in the 2002 Revised Manual for Clerks of Court.

We apply the same legal reasoning to the second act of respondent being complained about; that is, her certification of a copy of her sister-in-law's labor complaint. Respondent herself admits that the document was

³⁴ RULES OF COURT, Rule 139-B, Sec. 1 (as amended) provides: *How Instituted*. — Proceedings for the disbarment, suspension, or discipline of attorneys may be taken by the Supreme Court *motu proprio*, or by the Integrated Bar of the Philippines (IBP) upon the verified complaint of any person. The complaint shall state clearly and concisely the facts complained of and shall be supported by affidavits of persons having personal knowledge of the facts therein alleged and/or by such documents as may substantiate said facts. x x x x. Six (6) copies of the verified complaint shall be filed with the Secretary of the IBP or the Secretary of any of its chapters who shall forthwith transmit the same to the IBP Board of Governors for assignment to an investigator.

³⁵ *Gabon v. Merka*, supra note 20; *Leyrit v. Solas*, supra note 20; *Quiñones v. Lopez*, supra note 20 (citing *Borre v. Moya*, supra note 12); *Astorga v. Solas*, supra note 20; *Penara v. Dalocanog*, supra note 20.

filed before the National Labor Relations Commission in Naga City, not the RTC–Iriga City. Thus, in the regular course of her duties, she would not have come across, encountered, or been in custody of the document. While we agree with her that clerks of court are allowed to perform the notarial act of copy certification, this act must still be connected to the exercise of their official functions and duties – meaning to say, it must be done in connection with public documents and records that are, by virtue of their position, in their custody.

With regard to the third act, we reiterate that the primary employment of court personnel must be their full-time position in the judiciary,³⁶ which is the chief concern requiring their dutiful attention. Nevertheless, we recognize that the Code of Conduct and Ethical Standards for Public Officials and Employees does allow for limited exceptions. Section 7(b)³⁷ thereof in relation to Rule X, Section 1(c)³⁸ of its implementing rules, provides that public officials and employees are prohibited from engaging in the private practice of their profession unless authorized by the Constitution, law, or regulation; and under the condition that their practice will not conflict or tend to conflict with their official functions.

Thus, pursuant to the Court’s administrative supervision over all court personnel,³⁹ we have on a number of occasions, but on a case-by-case basis,⁴⁰ granted⁴¹ requests of court personnel to appear as counsel on behalf

³⁶ This principle was restated in the Code of Conduct for Court Personnel, Canon III, Sec. 5.

³⁷ The provision reads: “In addition to acts and omissions of public officials and employees now prescribed in the Constitution and existing laws, the following shall constitute prohibited acts and transactions of any public official and employee and are hereby declared to be unlawful: x x x (b) Outside employment and other activities related thereto. – Public officials and employees during their incumbency shall not: x x x (2) Engage in the private practice of their profession unless authorized by the Constitution or law, provided, that such practice will not conflict or tend to conflict with their official functions; x x x.”

³⁸ According to the provision: “In addition to the grounds for administrative disciplinary action prescribed under existing laws, the acts and omissions of any official or employee, whether or not he holds office or employment in a casual, temporary, hold-over, permanent or regular capacity, declared unlawful or prohibited by the Code, shall constitute grounds for administrative disciplinary action, and without prejudice to criminal and civil liabilities provided herein, such as: x x x (c) Engaging in the private practice of his profession unless authorized by the Constitution, law or regulation, provided that such practice will not conflict or tend to conflict with his official functions x x x.”

³⁹ CONSTITUTION, Art. VIII, Sec. 6.

⁴⁰ In A.M. No. 12-9-212-RTC – *Re: Request of Atty. Rechie N. Ramos-Malabanan, Clerk of Court V, RTC, Branch 16, Manila, for Authority to Appear as Counsel in Two Cases*, 16 October 2012 (unreported), the Court granted the request to appear as counsel in the civil case, while denying the request insofar as the criminal case is concerned. In A.M. No. 12-10-21-SC – *Re: Request of Atty. Aureo Cyrus C. Lim, Court Attorney III, CMO, OCA, for Authority to Appear as Counsel in INV.-121-07856*, 23 October 2012 (unreported), the Court granted the request to appear as counsel during the preliminary investigation stage, but withheld authority in the event that the case proceeds to trial. In the following cases, the Supreme Court denied the respective requests of various court personnel to appear as counsel on behalf of an immediate family member: A.M. No. 14-7-212-RTC – *Re: Request of Atty. Ruby Remedios V. Abelgos-Espera, Clerk of Court VI, Office of the Clerk of Court, Regional Trial Court, San Jose, Antique, to Appear as Counsel in Criminal Case No. 2013-12-8423*, 5 August 2014 (unreported); A.M. No. 10-2-18-MCTC – *Re: Request of Judge Edwin B. Buffe, MCTC-San Agustin, Romblon, for Permission to Appear as Counsel in Criminal Case Nos. 4255 and 4256*, 2 March 2010 (unreported); A.M. 09-5-229-RTC – *Re: Request of Clerk of Court VI Raymundo A. Ramirez, RTC, Iligan, Isabela, to Appear as Counsel for his Sister and Brother-in-Law in Criminal Case No. 7535*, 30 June 2009 (unreported); A.M. No. 02-5-06-SB – *Re: Request of Atty. Jacinto M. de la Cruz, Jr. to Appear as Collaborating Counsel for his Brother Jack M. de la Cruz in Criminal Case No. T-2689 (People v. Jack M. de la Cruz)*, 28 May 2002 (unreported).

⁴¹ See CONSTITUTION, Art. 8, Sec. 6; and *Rules Implementing the Code of Conduct and Ethical Standards for Public Officials and Employees*, Rule X, Sec. 1(c). See e.g., A.M. No. 09-5-96-MTCC – *Re: Request of*

of their immediate family members. This grant is premised on the strict condition that their representation will not conflict or tend to conflict with their official functions. Furthermore, they must not use official time in preparing for the case and must file a leave of absence every time they are required to attend to the case.

Respondent has satisfactorily proved that she was granted authority by this Court to “represent her father in Administrative Case No. 6089 provided that she files the corresponding leaves of absence on the scheduled dates of hearing of the case and that she will not use official time in preparing for the case.”⁴² We thus agree with the OCA recommendation that she did not commit any irregularity when she represented her father before the IBP.

The Court has, in the past, sanctioned judges⁴³ and clerks of court⁴⁴ for notarizing – as *ex officio* notaries public – documents that were later found to be unconnected with the exercise of their official functions and duties. In *Astorga v. Salas*,⁴⁵ the Court fined a clerk of court in the amount of ₱5,000 for notarizing several documents and administering oaths involving matters unrelated to her official duties. In *Cruz v. Centron*,⁴⁶ we imposed a fine on the clerk of court who notarized one document – a deed of sale – but the fine was in the lower amount of ₱2,000, since the act was her first offense. All of them were given a stern warning that a repetition of the same or a similar offense would be dealt with by the Court more severely. Considering, however, that the documents notarized by respondent Contreras do not involve a private or commercial undertaking, and that this is the first time that she has been charged, we agree with the recommendation of the OCA that the penalty of reprimand, instead of a fine, is more appropriate under the circumstances.

WHEREFORE, respondent Judge Lelu P. Contreras is found **LIABLE** for the unauthorized notarization of documents unrelated to her office duties while she was serving as Clerk of Court VI of the Regional Trial Court in Iriga City. She is hereby **REPRIMANDED**, with a **WARNING** that a repetition of the same or a similar act in the future will be dealt with more severely.

cont..

Judge Alandrex M. Betoya, MTCC, Branch 1, Pagadian City to Appear as Counsel for His Mother in Criminal Case No. 0903, 9 June 2009 (unreported); A.M. No. 09-4-182-RTC – *Re: Request of Atty. Virginia Coloma-Rafael for Authority to Appear as Counsel in an Administrative Case*, 2 June 2009 (unreported); A.M. No. 05-2-14-SC – *Re: Request of Atty. Bernadette Anne A. Villa, Court Attorney VI, Office of the Chief Justice, to Appear as Counsel of her Mother*, 25 February 2005 (unreported); A.M. No. 03-11-05-SC – *Re: Request of Atty. Gualberto J. Oyzon, Court Attorney I, CTA, to Appear as Counsel for and in behalf of his Brother*, 25 November 2003 (unreported); A.M. No. 03-11-24-SC – *Re: Request of Atty. Marife Lynn O. Pascua, Sandiganbayan, to Appear as Collaborating Counsel in Civil Case No. 03-0517-CFM*, 25 November 2003 (unreported).

⁴² See A.M. No. 04-2-117-RTC – *Re: Request of Atty. Lelu P. Contreras*, supra note 8.

⁴³ *Ellert v. Galapon*, supra note 20; *Tabao v. Asis* supra note 20.

⁴⁴ *Leyrit v. Solas*, supra note 20; *Astorga v. Solas*, supra note 20; *Rudas v. Acedo*, supra note 20.

⁴⁵ *Astorga v. Solas*, supra note 20.

⁴⁶ *Cruz v. Centron*, supra note 20.

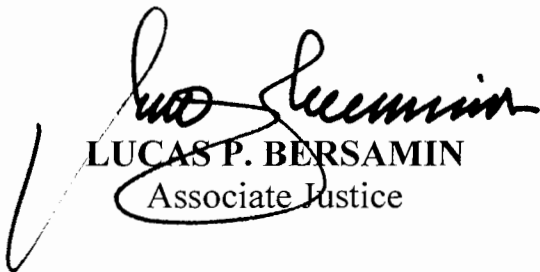
SO ORDERED.



MARIA LOURDES P. A. SERENO
Chief Justice, Chairperson

WE CONCUR:

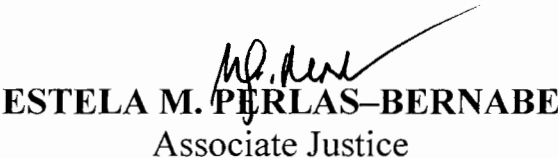
Teresita Leonardo de Castro
TERESITA J. LEONARDO-DE CASTRO
Associate Justice



LUCAS P. BERSAMIN
Associate Justice



JOSE PORTUGAL PEREZ
Associate Justice



ESTELA M. PERLAS-BERNABE
Associate Justice