



Supreme Court of the Philippines Philippine Judicial Academy



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Judge: Gross Ignorance of the Law

Section 1 (a) of Rule 116 of the Revised Rules of Court provides, to wit:

Section 1. Arraignment and plea, how made. – (a) The accused must be arraigned before the court where the complaint or information was filed or assigned for trial. The arraignment shall be made **in open court** by the judge or clerk by furnishing the accused with a copy of the complaint or information, reading the same in the language or dialect known to him, and asking him whether he pleads guilty or not guilty. The prosecution may call at the trial witnesses other than those named in the complaint or information.

Respondent judge arraigned an accused inside his chamber, not in open court as required by the Rules.

The Supreme Court in a long line of cases impressed upon judges that they owe it to the public and the legal profession to know the very law that they are supposed to apply in a given controversy. They are called upon to exhibit more than just a cursory acquaintance with statutes and procedural rules; to be conversant with the basic law; and to maintain the desired professional competence, when a judge displays an utter lack of familiarity with the rules, he erodes the confidence of the public in the courts.

For gross ignorance of the law, respondent judge was fined p40,000.00 and sternly warned. **(A.M. No. RTC-14-2399, November 19, 2014)**

Violation of rules on Notarial Practice

Section 11, rule III of the 2004 Rules on notarial Practice provides that:

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.

Under said rule, only persons commissioned as notary public may perform notarial acts within the territorial jurisdiction of the court which granted the commission.

Notarization as stressed by the Court is not an empty, meaningless and routine act. It is vested with substantive public interest that only those qualified and authorized may act as notaries public. Notarization converts a private document into a public document making it admissible in evidence without further proof of authenticity. A notarial document is by law entitled to full faith and credit upon its face and for this reason, notaries public must observe with utmost care the basic requirements in the performance of their duties.

Respondent performed notarial acts without the necessary commission in violation of the rule. Hence, he was barred permanently from being commissioned as notary public and suspended from the practice of law for 2 years. **(A.M. No. 09-6-1-SC, January 21, 2015)**

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