

## FIRST DIVISION

**[ A.M. No. RTJ-95-1330, January 30, 1996 ]**

**AZUCENA CINCO TABAO AND JESUSA CINCO ACOSTA,  
COMPLAINANTS, VS. JUDGE ENRIQUE C. ASIS, REGIONAL TRIAL  
COURT, BR. 10, ABUYOG, LEYTE, RESPONDENT.**

### R E S O L U T I O N

**BELLOSILLO, J.:**

This is a complaint filed by the sisters Azucena Cinco Tabao and Jesusa Cinco Acosta against Judge Enrique C. Asis charging him with (a) gross irregularity in the performance of his duties as MTCC Judge of Tacloban City, Br. 1; (b) violation of Supreme Court circulars and regulations; and (c) abuse of authority and conduct unbecoming of a judge.<sup>[1]</sup>

Complainants charge that while acting as MTCC Judge of Tacloban City respondent notarized a Special Power of Attorney purportedly executed in behalf of their aunt Mariquita M. Cinco-Jocson, now deceased. The Special Power of Attorney enabled another aunt, Cirila Cinco-Caintic, sister of Mariquita M. Cinco-Jocson, to sell Lot 19-D situated in Quezon City and registered in her name under Transfer Certificate of Title No. 21184 for P1,000,000.00 who at the time of the sale was confined at St. Paul's Hospital, Tacloban City.

In his comment, respondent Judge admitted that he notarized the Special Power of Attorney but only "as a gesture of christian charity and brotherly love for people in need"<sup>[2]</sup> considering that the proceeds of the sale would be used to defray the medical expenses of Mariquita M. Cinco-Jocson. Respondent further alleged that he did not receive payment therefor.

However, an examination of the Special Power of Attorney<sup>[3]</sup> and the Affidavit of Consciousness<sup>[4]</sup> executed respectively by Mariquita M. Cinco and Dr. Belen Chiquillo Diamante, Internist-Cardiologist, negates respondent's professed "christian charity and brotherly love for people in need" since those documents were already notarized on 3 June 1992 by Notary Public Flaviano V. Caintic while respondent notarized them on 23 July 1992. Clearly, therefore, there was no need for respondent to further notarize the documents. What for, it may be asked. Respondent Judge should know, if he does not, that a notarized document executed by a party alone -and not by two (2) or more parties executing the document in different places - does not need to be notarized twice. But why these two (2) documents were notarized by respondent judge after they were notarized by Notary Public Flaviano V. Caintic one (1) month and twenty (20) days after they were first notarized by Caintic puzzles us no end, and only respondent can explain this satisfactorily but which he did not. We can only surmise his reasons, but none of which, unfortunately, we can justify. Why he had to do it taxes credulity and defies logic and reason. Consequently, Deputy Court Administrator Bernardo P. Abesamis recommends that respondent Judge Enrique C.