



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

MACARIO V. MINA,
Complainant,

A.C. No. 7941

Present:

-versus-

GESMUNDO, C.J., Chairperson,
HERNANDO,
ZALAMEDA,
ROSARIO, and
MARQUEZ, JJ.

**ATTYS. ARNULFO H. MANIGOS,
FLORENCIO V. ANCHUVAS,
and ROBERTO B. ARCA,**
Respondents.

Promulgated:

JUL 23 2025

noted

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RESOLUTION

GESMUNDO, C.J.:

This is an Administrative Complaint¹ filed by Macario V. Mina (Mina) against Attorneys Arnulfo H. Manigos (Atty. Manigos), Florencio V. Anchuvás (Atty. Anchuvás), and Roberto B. Arca (Atty. Arca), praying for their disbarment on the ground that they committed falsehood and have intentionally misled the Court.

Antecedents

Mina alleged that on May 16, 2006, Atty. Manigos notarized an instrument captioned as "Verification/Certification"² without requiring one of the authors thereof, a certain Ernesto Velasco (Velasco), to personally appear before him. Mina claimed that Velasco could not have appeared before Atty. Manigos on May 16, 2006 because the former travelled to the United States

¹ *Rollo*, pp. 2-5.

² *Id.* at 7.

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(US) on May 12, 2006. In support of his allegation, Mina submitted a copy of the notarized instrument showing that Velasco subscribed the same before Atty. Manigos on May 16, 2006, as well as a certification from the Bureau of Immigration (BI) attesting that Velasco travelled to the US on May 12, 2006.³

As regards Atty. Arca and Atty. Anchugas, Mina averred that they conspired in the notarization of a special power of attorney (SPA)⁴ executed by Velasco and his wife, Lourdes. Mina claimed that Atty. Arca, with the supposed conformity of Atty. Anchugas, notarized the SPA on May 16, 2006 without requiring Velasco to personally appear before him. In support of his allegation, Mina presented a copy of the notarized SPA and the same certification from the BI attesting that Velasco flew to the US on May 12, 2006.⁵

Respondents' Defenses

Atty. Manigos

In his verified Comment⁶ and Position Paper,⁷ Atty. Manigos admitted that he notarized the verification/certification in the absence of Velasco.⁸ He likewise admitted having knowledge of Velasco's travel to the US on May 12, 2006.⁹ In his defense, however, Atty. Manigos argued that he should not be penalized for merely helping his longtime clients—spouses Velasco—to timely file their answer. Atty. Manigos claimed that the spouses Velasco could not have filed their answer on time had he not immediately notarized the accompanying verification/certification, or if he waited for Velasco's return.¹⁰

Furthermore, Atty. Manigos claimed that he notarized the verification/certification only after he was assured by Lourdes, and after he was convinced by his personal examination of the document, that Velasco had in fact executed and signed the same.¹¹ Atty. Manigos thereafter concluded that since the fraud or misrepresentation sought to be prevented by the requirement of personal appearance has been foreclosed by Lourdes's assurance and his personal examination of the instrument, coupled by the fact that no damage was caused to Mina, then he should not be administratively sanctioned.¹²

³ *Id.* at 6.

⁴ *Id.* at 5.

⁵ *Id.* at 2-3, and 5-6.

⁶ *Id.* at 52-55.

⁷ *Id.* at 246-251.

⁸ *Id.* at 53.

⁹ *Id.*

¹⁰ *Id.* at 248-249.

¹¹ *Id.* at 53-54.

¹² *Id.* at 54.

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Atty. Arca

In his verified Comment,¹³ Atty. Arca vehemently denied having notarized the SPA. To support his claim, he submitted a copy of his petition for appointment as notary public for the years 2006 to 2007. Attached to said petition are three samples of his official signatures. He emphasized that a meticulous comparison of his official signatures and his alleged signature on the SPA shows that the latter was forged. Atty. Arca likewise denied having met the spouses Velasco and his co-respondents and insisted that he does not know any of them.

Atty. Arca also challenged the admissibility of the SPA on the ground that the same is a mere photocopy. He argued that unless the original or certified true copy of the SPA is presented, or the loss or non-availability thereof is justified, the same should not be admitted in evidence. In this connection, Atty. Arca argued that the SPA does not even officially exist in the records of the Notarial Section of the City of Manila as it is not among the notarized documents submitted by him to that office. In support of this latter claim, Atty. Arca submitted a Certification dated September 28, 2016 issued by the Notarial Section of the Regional Trial Court of Manila (RTC Manila) which states as follows:

THIS IS TO CERTIFY that as per Master List of Notaries Public on file in this Office, Atty. ROBERTO B. ARCA was appointed as such for and in the City of Manila for the period from February 21, 2006 ending December 31, 2007.

This certifies further that Atty. Roberto B. Arca submitted his notarial report for the year 2006 consisting of Book Nos. 1 to X and XIII only. This Office could not issue a certified true copy of the document denominated as "Special Power of Attorney", executed by Juan V. Mina and Ernesto Velasco in favor of Attys. Arnulfo H. Manigos and Florencio V. Echuvas, alleged to have been [acknowledged] before Atty. Roberto B. Arca on May 16, 2006 with Doc. No. 93, Page No. 20, Book No. XII, Series of 2006, inasmuch as Book No. XII for the year 2006 was not submitted to this Office.¹⁴

Atty. Anchuvás

Atty. Anchuvás did not file his comment to the Complaint and was thereafter ordered to show cause why he should not be disciplinarily dealt with or held in contempt for his failure to file the required comment.¹⁵ Atty. Anchuvás failed to submit his explanation and comment within the period

¹³ *Id.* at 119-124.

¹⁴ *Id.* at 131.

¹⁵ *Id.* at 164.

stated in the show cause order. As such, the Court imposed upon Atty. Anchugas a fine of PHP 5,000.00.¹⁶

In his belatedly filed explanation to the Court's show cause order with motion for reconsideration¹⁷ of the Court's imposition of a fine, Atty. Anchugas claimed that he had not yet received a copy of the Complaint and that he will file his comment upon receipt thereof. This notwithstanding, Atty. Anchugas alleged that he appeared only once in a case involving Mina and, since then, no longer had knowledge of the developments of the case. He also claimed that the complaint against him has no factual and legal basis and was meant only to harass.¹⁸

Report and Recommendation of the IBP Board of Governors

Investigating Commissioner Atty. Christian E. Chan found Attys. Manigos and Arca liable for violation of Rule 4, Section 2 of the 2004 Rules on Notarial Practice (Notarial Rules), but absolved Atty. Anchugas of the charge.¹⁹

In explaining his conclusion, the investigating commissioner said that Atty. Manigos already admitted having notarized the verification/certification in the absence of Velasco, and that his excuse of merely accommodating his clients is not enough to absolve him from any liability. As regards Atty. Arca, the investigating commissioner explained that he failed to convincingly show that his signature on the SPA was forged. Moreover, the investigating commissioner noted that the certification by the Notarial Section of the RTC Manila does not prove that the SPA was fake. Accordingly, said certification even proved that Atty. Arca did not submit his Notarial Book Nos. XI and XII. Finally, with respect to Atty. Anchugas, the investigating commissioner simply explained that the charge against him lacked factual and legal basis.²⁰

Ultimately, the investigating commissioner recommended the revocation of Attys. Manigos's and Arca's notarial commission, if any; their suspension from the practice of law for one year; and their disqualification from being commissioned as notary publics for two years. On the other hand, the investigating commissioner recommended the dismissal of the charge against Atty. Anchugas for lack of factual and legal basis.²¹

¹⁶ *Id.* at 182.

¹⁷ *Id.* at 172-174.

¹⁸ *Id.* at 173.

¹⁹ *Id.* at 329-335.

²⁰ *Id.* at 332-334.

²¹ *Id.* at 335.

In its Extended Resolution²² dated July 2, 2022, the Integrated Bar of the Philippines Board of Governors (IBP Board) affirmed the dismissal of the charge against Atty. Anchuvras, but recommended that he be fined PHP 20,000.00 for his consistent failure to obey its directives.²³ The IBP Board likewise affirmed the recommendation of the investigating commissioner concerning Atty. Manigos, but tempered the recommended penalty of suspension from the practice of law from one year to three months.²⁴

With respect to Atty. Arca, however, the IBP Board arrived at a contrary conclusion based on a different factual finding. Contrary to the findings of the investigating commissioner, the IBP Board found that Atty. Arca had sufficiently established that his signature on the SPA was forged. Accordingly, this is reinforced by the fact that the details of the issued notarial seal of Atty. Arca are different from those appearing on the SPA. With this, the IBP Board recommended that the charge against Atty. Arca be dismissed for lack of merit.²⁵

Ruling of the Court

The Court affirms and adopts the findings and conclusion of the IBP Board with respect to respondent Manigos but modifies the recommended penalty. The Court also affirms and adopts the IBP Board's recommendation to dismiss the charge against respondents Arca and Anchuvras. The recommendation to impose a PHP 20,000.00 fine on respondent Anchuvras, however, is disapproved for lack of factual and legal basis.

The Court has been consistently emphatic in reminding that notarization is not an empty, meaningless, and routinary act.²⁶ It is invested with substantive public interest as it has the effect of converting a private instrument into a public document.²⁷ A public document, in turn, is admissible in evidence without need of first proving its authenticity. In other words, a notarized document is, by law, entitled to full faith and credit upon its face.²⁸

With the above consequence of notarization in mind, the Court carefully crafted the Notarial Rules to ensure that only authentic documents and instruments are notarized. One of the means adopted by the Court in achieving this purpose is the requirement of personal appearance by the

²² *Id.* at 336–341.

²³ PHP 5,000.00 for each failure to file an Answer, to submit a Mandatory Conference Brief, to appear during the Mandatory Conference, and to submit a Position Paper; *id.* at 341.

²⁴ *Id.*

²⁵ *Id.* at 340–341.

²⁶ *Spouses Aldea v. Atty. Bagay*, 888 Phil. 24, 29 (2020) [Per J. Zalameda, Third Division]; *Dela Cruz-Sillano v. Atty. Pangan*, 592 Phil. 219, 227 (2008) [Per J. Carpio-Morales, First Division]; *Legaspi v. Atty. Landrito*, 590 Phil. 1, 6 (2008) [Per J. Tinga, Second Division].

²⁷ *Id.*

²⁸ *Atty. Linco v. Atty. Lacebal*, 675 Phil. 160, 167 (2011) [Per, J. Peralta, Third Division].

persons who execute and sign the document or instrument before the notary public. This has been considered by the Court as one of the most fundamental requirements in the notarization of documents.²⁹

The Notarial Rules unequivocally provides that “[a] person shall not perform a notarial act if the person involved as signatory to the instrument or document – (1) is *not in the notary’s presence personally at the time of the notarization*; and (2) is not personally known to the notary public or otherwise identified by the notary public through competent evidence of identity as defined by these Rules.”³⁰

To be sure, the requirement of personal appearance is the most effective way of ascertaining the authenticity of the document or instrument presented for notarization because the very person who executed or signed the same personally assures the notary public of their actual participation therein, and of the authenticity of their signature. Notably, the Court, in adopting this requirement as a safeguard against fraud, is not content with the mere assurance of authenticity by persons alien to the document or instrument, or with the notary public’s independent assessment of the authenticity of the signature/s appearing on the document or instrument presented for notarization.

With the foregoing in mind, the requirement of personal appearance by persons who executed and signed the document should not be taken lightly and must be faithfully observed by the notary public in order to help attain the overall objective of the Notarial Rules.

Respondent Manigos

Here, respondent Manigos categorically admitted that he notarized the verification/certification in the absence of Velasco, thus directly contravening of the aforequoted provision of the Notarial Rules.

Respondent Manigos’s familiarity with the signature of Velasco, or the personal assurance by Velasco’s wife that the signature appearing on the verification/certification was that of her husband, does not justify his noncompliance with the requirement of personal appearance. For reasons previously mentioned, personal appearance before the notary public by the person who executed and signed the document or instrument is *mandatory* regardless of the assurances by other persons, or of the notary public’s personal conviction, that the signature appearing on said document or instrument is authentic.

²⁹ *Heirs of Torrices v. Atty. Galano*, 876 Phil. 331, 336 (2020) [Per J. Gaerlan, *En Banc*].

³⁰ 2004 Rules on Notarial Practice (2004), Rule 4, sec. 2(b). (Emphasis supplied)

Likewise, respondent Manigos's justification that he merely accommodated his long-time clients so that they will not be declared in default for failure to file an answer does not persuade. Canon III, Section 2 of the Code of Professional Responsibility and Accountability (CPRA)³¹ provides that "a lawyer shall represent the client with fidelity and zeal *within the bounds of law and the CPRA*."³² With this, respondent's Manigos's zeal to advance the interests of his clients, no matter how true and commendable, is not a valid excuse to violate a clear and mandatory provision of the Notarial Rules.

Respondent Arca

As regards respondent Arca, the Court quotes with approval the findings and keen observations of the IBP Board which read as follows:

After carefully weighing the evidentiary weight of the subject SPA and Complainant's assertions with the assertions and evidence presented by Respondent Arca, this Board is of the opinion that aside from the generalized assertion of conspiracy that Atty. Arca is known by Atty. Anchuvras (who did not even participate in the case), Complainant *did not offer any other proof* that the subject SPA was indeed notarized by Atty. Arca. *There is likewise no evidence on record* that Atty. Arca personally knew Attys. Anchuvras and Manigos or the clients they supposedly represent.

Worthy to likewise consider is that Respondent Arca has *consistently and vehemently denied* that he notarized the subject SPA; that *he does not even know the parties of Civil Case No. 6355-V*; that *he does not know his co-respondents* to the case; that his signature in the SPA is not his signature and that *his notarial seal per his Petition for Appointment as notary public was different from the notarial seal as appearing in the subject SPA*. These matters were not debunked by Complainant . . .

Furthermore, this Board notes that the Notarial Seal of Respondent Arca appears to be different from the Notarial Seal as appearing in the SPA—equally pertinent to note is that the real PTR No. of Respondent (A-9572342; 1/6/06 Manila) is different from the [PTR] No. attributed to Respondent as appearing in the subject SPA (A-4572342 1/6/06 Manila).


³¹ CODE OF PROF. RESPONSIBILITY & ACCOUNTABILITY, General Provisions, sec. 1 states:
SECTION 1. Transitory provision. — The CPRA shall be applied to all pending and future cases, except to the extent that in the opinion of the Supreme Court, its retroactive application would not be feasible or would work injustice, in which case the procedure under which the cases were filed shall govern.

³² CODE OF PROF. RESPONSIBILITY & ACCOUNTABILITY, Canon III, sec. 2, describes the responsible lawyer as follows:

A lawyer shall uphold the Constitution, obey the laws of the land, promote respect for laws and legal processes, safeguard human rights, and at all times advance the honor and integrity of the legal profession.

As an officer of the court, a lawyer shall uphold the rule of law and conscientiously assist in the speedy and efficient administration of justice.

As an advocate, a lawyer shall represent the client with fidelity and zeal within the bounds of the law and the CPRA. (Emphasis supplied)



The variance can be attributed to a "copying" error as the typed "9" in the original notarial seal can be mistaken for a "4[.]"

Moreover, contrary to the conclusions reached by the Investigating Commissioner, it can also be equally argued that *there are marked difference[s]* in the supposed original signature of Respondent Arca with his supposed signature as appearing in the SPA.³³ (Emphasis supplied)

While the Court absolves respondent Arca of the charge of notarizing the subject SPA without requiring the personal appearance of Velasco, the Court nonetheless requires him to explain his failure to submit his Notarial Book Nos. XI and XII for the year 2006. This fact is evident from his own submission—the Certification dated September 28, 2016 issued by the Notarial Section of RTC Manila—which reads:

This certifies further that *Atty. Roberto B. Arca submitted his notarial report for the year 2006 consisting of Book Nos. 1 to X and XIII only*. This Office could not issue a certified true copy of the document denominated as "Special Power of Attorney", executed by Juan V. Mina and Ernesto Velasco in favor of Attys. Arnulfo H. Manigos and Florencio V. Echuvras, alleged to have been [acknowledged] before Atty. Roberto B. Arca on May 16, 2006 with Doc. No. 93, Page No. 20, Book No. XII, Series of 2006, *inasmuch as Book No. XII for the year 2006 was not submitted to this Office*.³⁴ (Emphasis supplied)

Respondent Arca's failure to satisfactorily explain his non-submission of his notarial books to the executive judge will merit the imposition of an administrative sanction per Rule XI, Section 1(b)(5) of the Notarial Rules.³⁵

Respondent Anchuvras

With regard to respondent Anchuvras, the Court agrees with the findings of the IBP Board that complainant failed to adduce evidence to prove that respondent Anchuvras conspired with respondent Arca in notarizing the subject SPA. With no evidence to substantiate his allegation, complainant's complaint against respondent Anchuvras must fail. This is consistent with the basic evidentiary principle that "bare allegations, unsubstantiated by evidence, are not equivalent to proof."³⁶

³³ *Rollo*, p. 340.

³⁴ *Id.* at 131.

³⁵ NOTARIAL PRAC. RULE (2004), Rule XI, sec. 1(b)(5) reads:

In addition, the Executive Judge may revoke the commission of, or impose appropriate administrative sanctions upon, any notary public who: . . . fails to submit his notarial register, when filled, to the Executive Judge.

³⁶ *Glee Properties Corp., Inc. v. Salino*, A.C. No. 12736, February 23, 2022 [Notice, Second Division].

The Court, however, does not agree with the recommendation of the IBP Board to sanction respondent Anchuvras with a PHP 20,000.00 fine for his alleged failure to comply with its directives to file responsive pleadings and to appear at the scheduled mandatory conference. A scrutiny of the records shows that there is no proof that respondent Anchuvras received the mails sent by the IBP Board. There are no registry return receipts showing that any of the directives mailed by the IBP Board were actually received by respondent Anchuvras. This being the case, there is no basis in penalizing respondent Anchuvras for his alleged refusal to comply with the IBP Board's directives.

The appropriate penalty for the infraction of respondent Manigos

In *Navarrete v. Atty. Brillantes, Jr.*,³⁷ the Court imposed against the notary public who violated Rule 4, Section 2(b) of the Notarial Rules the penalty of suspension from the practice of law for a period of six months, disqualification from being appointed as a notary public for a period of two years, and revocation of his existing notarial commission. In said case, the Court found that Atty. Brillantes had been remiss in the faithful observance of his duties as a notary public when he notarized a deed of real estate mortgage without confirming the identity of the persons claiming to be Miguel and Miguelito, Jr. through the competent evidence of identity required by the Notarial Rules.

In *Ko v. Atty. Uy-Lampasa*,³⁸ the Court likewise imposed the penalty of suspension from the practice of law for six months, prohibition from being commissioned as a notary public for two years, and revocation of notarial commission against therein respondent who notarized two deeds of sale without requiring the presence of all signatories therein.

Finally, in *Tabao v. Atty. Lacaba*,³⁹ the Court imposed the same penalty of suspension from the practice of law for six months, prohibition from being commissioned as a notary public for two years, and revocation of notarial commission against respondent notary public who notarized a counter-affidavit without the personal appearance of all the affiants.

The Court finds the aforementioned penalty appropriate. As such, in the absence of special circumstances that would warrant the imposition of a lesser penalty against respondent Manigos, the recommendation of the IBP Board to

³⁷ A.C. No. 13588, 934 Phil. 1 (2023) [Per J. Kho, Jr., Second Division].

³⁸ A.C. No. 11584, 848 Phil. 386, 401 (2019) [Per J. Caguioa, Second Division].

³⁹ A.C. No. 9269, 849 Phil. 397, 404 (2019) [Per J. Jardeleza, First Division].

suspend him from the practice of law for only three months is hereby increased to six months.


ACCORDINGLY, the Court finds respondent Atty. Arnulfo H. Manigos **GUILTY** of violating the 2004 Rules on Notarial Practice. Accordingly, the Court **SUSPENDS** him from the practice of law for a period of six months; **REVOKES** his current notarial commission, if any; and **PROHIBITS** him from being commissioned as a notary public for a period of two years. He is likewise **STERNLY WARNED** that a repetition of the same or similar conduct shall be dealt with more severely.

His suspension from the practice of law, prohibition from being commissioned as a notary public, and the revocation of his notarial commission, if any, shall take effect immediately upon his receipt of this Resolution. He is **DIRECTED** to immediately file a Manifestation to the Court that his suspension has started, copy furnished all courts and quasi-judicial bodies where he has entered his appearance as counsel.


The complaint against respondents Attys. Roberto B. Arca and Florencio V. Anchuvás is **DISMISSED** for failure of complainant Macario V. Mina to substantiate his allegations.

Respondent Atty. Roberto B. Arca, however, is directed to **SUBMIT** to the Court, within 10 days from receipt of this Resolution, his Verified Explanation regarding his failure to submit to the Executive Judge his Notarial Book Nos. XI and XII.

SO ORDERED.


ALEXANDER G. GESMUNDO
Chief Justice

WE CONCUR:



RAMON PAUL L. HERNANDO
Associate Justice



RODIL N. ZALAMEDA
Associate Justice



RICARDO R. ROSARIO
Associate Justice



JOSE MIDAS P. MARQUEZ
Associate Justice