134 Phil. 569

[A.C. No. 501. October 26, 1968]

IN RE: DISBARMENT PROCEEDINGS AGAINST NOTARY PUBLIC ATTY. ZACARIAS MANIGBAS, RESPONDENT.

D E C I S I O N

DIZON, J.:

Respondent Zacarias Manigbas, a member of the bar, was charged with alleged acts of falsification in violation of Article 171 of the Revised Penal Code, in that in the jurat of certain documents, later introduced in evidence as Exhs. D and E, he, as Notary Public, made it appear that said documents were subscribed, sworn to and signed by Pablo de la Cruz before him and in his presence, in Lucena city, when in truth and in fact they were signed in Manila and not in his presence. The matter having been referred to the office of the Solicitor General for appropriate action, the corresponding investigation was held, in the course of which said respondent was given ample opportunity to defend himself. Upon the evidence presented thereat, the Solicitor General made the following findings:

> "Respondent thus admitted that in the performance of his duties as notary public of the Rural Bank of Lucena, he had not exercised utmost care so as to make sure that the person presenting the document for his signature as notary public was the same person who was supposed to sign and subscribe the document before him, relying merely on the assumption that the papers were in order because they were supposed to have been duly processed by the bank manager who, he also presumed, had seen to it that no defect existed in the pertinent documents and no irregularity had been committed in the preparation of the loan papers.
>
> "From the evidence, presented, there is no showing that respondent was in league with the bank officers who may have perpetrated a scheme in issuing fraudulent loans in violation of the charter of the Rural Bank of Lucena so as to warrant the finding that he had himself committed falsification. His participation in the accomplishment of the documents relative to the loan supposedly applied for by Pablo de la Cruz which is that of merely notarizing said documents is not inconsistent with lack of knowledge on his part of the fraud which was apparently perpetrated by other parties so as to make him equally liable or guilty of such fraud. His being a young lawyer would disincline us to believe that he could have consciously lent himself as a tool in the perpetration of fraudulent loans as the Lucena Rural Bank had

> been charged with. At least the evidence fails to link respondent to whatever fraudulent transactions may have been indulged in by the Bank."

As a result of the above findings, and considering all the material evidence, the Solicitor General holds the view that the respondent "is chargeable only with failure to exercise utmost care in the performance of his functions as a Notary Public", and that his case "is similar to that of Tahimik Ramirez vs. Atty. Jaime Ner (Administrative Case No. 500, September 27, 1967) where it appeared that the respondent notarized a deed of sale of a vehicle without requiring the presence of the vendee during the execution of the document and in which case We held that the act committed by said respondent was not serious enough to justify disbarment nor suspension. As a consequence, the recommendation of the Solicitor General is that respondent herein "be exonerated of the charge of falsification contained in the report of the NBI and submitted to this Honorable Court as basis of these proceedings", but that for his failure to exercise utmost care in ascertaining the identity of the persons acknowledging documents before him, he be warned to be more careful hereafter, with the further warning that a similar complaint against him in the future will merit more drastic action.

As We consider the findings of the Solicitor General as fully borne out by the evidence, and the respondent, in his Answer dated September 29, 1968, has expressly agreed to and accepted the recommendation made in the report, both the findings and recommendation are hereby approved.

WHEREFORE, the herein respondent is hereby warned to be more careful in the future in the performance of his duties as Notary Public, and that any well grounded complaint in the future against him upon similar grounds will merit a stiffer penalty.

IT IS SO ORDERED.

Concepcion, C.J., Reyes, J.B.L., Makalintal, Sanchez, Castro, Angeles, Fernando, and *Capistrano, JJ.,* concur.
Zaldivar, J., did not take part.

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