



Republic of the Philippines
Supreme Court
Manila

EN BANC

A.M. No. 02-8-13-SC
RESOLUTION

Acting on the compliance dated 05 July 2004 and on the proposed *Rules on Notarial Practice of 2004* submitted by the Sub-Committee for the Study, Drafting and Formulation of the Rules Governing the Appointment of Notaries Public and the Performance and Exercise of Their Official Functions, of the Committees on Revision of the Rules of Court and on Legal Education and Bar Matters, the Court Resolved to APPROVE the proposed *Rules on Notarial Practice of 2004*, with modifications, thus:

2004 Rules on Notarial Practice

RULE I
IMPLEMENTATION

SECTION 1. *Title.* - These Rules shall be known as the *2004 Rules on Notarial Practice*.

SEC. 2. *Purposes.* - These Rules shall be applied and construed to advance the following purposes:

- (a) to promote, serve, and protect public interest;
- (b) to simplify, clarify, and modernize the rules governing notaries public;
- and
- (c) to foster ethical conduct among notaries public.

SEC. 3. *Interpretation.* - Unless the context of these Rules otherwise indicates, words in the singular include the plural, and words in the plural include the singular.

RULE II
DEFINITIONS

SECTION 1. *Acknowledgment.* - "Acknowledgment" refers to an act in which an individual on a single occasion:

- (a) appears in person before the notary public and presents an integrally complete instrument or document;

- (b) is attested to be personally known to the notary public or identified by the notary public through competent evidence of identity as defined by these Rules; and
- (c) represents to the notary public that the signature on the instrument or document was voluntarily affixed by him for the purposes stated in the instrument or document, declares that he has executed the instrument or document as his free and voluntary act and deed, and, if he acts in a particular representative capacity, that he has the authority to sign in that capacity.

SEC. 2. *Affirmation or Oath.* – The term “Affirmation” or “Oath” refers to an act in which an individual on a single occasion:

- (a) appears in person before the notary public;
- (b) is personally known to the notary public or identified by the notary public through competent evidence of identity as defined by these Rules; and
- (c) avows under penalty of law to the whole truth of the contents of the instrument or document.

SEC. 3. *Commission.* - “Commission” refers to the grant of authority to perform notarial acts and to the written evidence of the authority.

SEC. 4. *Copy Certification.* - “Copy Certification” refers to a notarial act in which a notary public:

- (a) is presented with an instrument or document that is neither a vital record, a public record, nor publicly recordable;
- (b) copies or supervises the copying of the instrument or document;
- (c) compares the instrument or document with the copy; and
- (d) determines that the copy is accurate and complete.

SEC. 5. *Notarial Register.* – “Notarial Register” refers to a permanently bound book with numbered pages containing a chronological record of notarial acts performed by a notary public.

SEC. 6. *Jurat.* – “Jurat” refers to an act in which an individual on a single occasion:

- (a) appears in person before the notary public and presents an instrument or document;
- (b) is personally known to the notary public or identified by the notary public through competent evidence of identity as defined by these Rules;
- (c) signs the instrument or document in the presence of the notary; and
- (d) takes an oath or affirmation before the notary public as to such instrument or document.

SEC. 7. *Notarial Act and Notarization.* - “Notarial Act” and “Notarization” refer to any act that a notary public is empowered to perform under these Rules.

SEC. 8. *Notarial Certificate.* – “Notarial Certificate” refers to the part of, or attachment to, a notarized instrument or document that is completed by the notary public, bears the notary’s signature and seal, and states the facts attested to by the notary public in a particular notarization as provided for by these Rules.

SEC. 9. *Notary Public and Notary.* – “Notary Public” and “Notary” refer to any person commissioned to perform official acts under these Rules.

SEC. 10. *Principal.* – “Principal” refers to a person appearing before the notary public whose act is the subject of notarization.

SEC. 11. *Regular Place of Work or Business.* – The term “regular place of work or business” refers to a stationary office in the city or province wherein the notary public renders legal and notarial services.

SEC. 12. *Competent Evidence of Identity.* – The phrase “competent evidence of identity” refers to the identification of an individual based on:

- (a) at least one current identification document issued by an official agency bearing the photograph and signature of the individual; or
- (b) the oath or affirmation of one credible witness not privy to the instrument, document or transaction who is personally known to the notary public and who personally knows the individual, or of two credible witnesses neither of whom is privy to the instrument, document or transaction who each personally knows the individual and shows to the notary public documentary identification.

SEC. 13. *Official Seal or Seal.* – “Official seal” or “Seal” refers to a device for affixing a mark, image or impression on all papers officially signed by the notary public conforming the requisites prescribed by these Rules.

SEC. 14. *Signature Witnessing.* – The term “signature witnessing” refers to a notarial act in which an individual on a single occasion:

- (a) appears in person before the notary public and presents an instrument or document;
- (b) is personally known to the notary public or identified by the notary public through competent evidence of identity as defined by these Rules; and
- (c) signs the instrument or document in the presence of the notary public.

SEC. 15. *Court.* – “Court” refers to the Supreme Court of the Philippines.

SEC. 16. *Petitioner.* - “Petitioner” refers to a person who applies for a notarial commission.

SEC. 17. *Office of the Court Administrator.* - “Office of the Court Administrator” refers to the Office of the Court Administrator of the Supreme Court.

SEC. 18. *Executive Judge.* – “Executive Judge” refers to the Executive Judge of the Regional Trial Court of a city or province who issues a notarial commission.

SEC. 19. *Vendor.* – “Vendor” under these Rules refers to a seller of a notarial seal and shall include a wholesaler or retailer.

SEC. 20. *Manufacturer.* – “Manufacturer” under these Rules refers to one who produces a notarial seal and shall include an engraver and seal maker.

RULE III COMMISSIONING OF NOTARY PUBLIC

SECTION 1. *Qualifications.* – A notarial commission may be issued by an Executive Judge to any qualified person who submits a petition in accordance with these Rules.

To be eligible for commissioning as notary public, the petitioner:

- (1) must be a citizen of the Philippines;
- (2) must be over twenty-one (21) years of age;
- (3) must be a resident in the Philippines for at least one (1) year and maintains a regular place of work or business in the city or province where the commission is to be issued;
- (4) must be a member of the Philippine Bar in good standing with clearances from the Office of the Bar Confidant of the Supreme Court and the Integrated Bar of the Philippines; and
- (5) must not have been convicted in the first instance of any crime involving moral turpitude.

SEC. 2. *Form of the Petition and Supporting Documents.* - Every petition for a notarial commission shall be in writing, verified, and shall include the following:

- (a) a statement containing the petitioner's personal qualifications, including the petitioner's date of birth, residence, telephone number, professional tax receipt, roll of attorney's number and IBP membership number;
- (b) certification of good moral character of the petitioner by at least two (2) executive officers of the local chapter of the Integrated Bar of the Philippines where he is applying for commission;
- (c) proof of payment for the filing of the petition as required by these Rules; and
- (d) three (3) passport-size color photographs with light background taken within thirty (30) days of the application. The photograph should not be retouched. The petitioner shall sign his name at the bottom part of the photographs.

SEC. 3. *Application Fee.* - Every petitioner for a notarial commission shall pay the application fee as prescribed in the Rules of Court.

SEC. 4. *Summary Hearing on the Petition.* - The Executive Judge shall conduct a summary hearing on the petition and shall grant the same if:

- (a) the petition is sufficient in form and substance;
- (b) the petitioner proves the allegations contained in the petition; and
- (c) the petitioner establishes to the satisfaction of the Executive Judge that he has read and fully understood these Rules.

The Executive Judge shall forthwith issue a commission and a Certificate of Authorization to Purchase a Notarial Seal in favor of the petitioner.

SEC. 5. *Notice of Summary Hearing.* - (a) The notice of summary hearing shall be published in a newspaper of general circulation in the city or province where the hearing shall be conducted and posted in a conspicuous place in the offices of the Executive Judge and of the Clerk of Court. The cost of the publication shall be borne by the petitioner. The notice may include more than one petitioner.

- (b) The notice shall be substantially in the following form:

NOTICE OF HEARING

Notice is hereby given that a summary hearing on the petition for notarial commission of (name of petitioner) shall be held on (date) at (place) at (time). Any person who has any cause or reason to object to the grant of the petition may file a verified written opposition thereto, received by the undersigned before the date of the summary hearing.

Executive Judge

SEC. 6. *Opposition to Petition.* - Any person who has any cause or reason to object to the grant of the petition may file a verified written opposition thereto. The opposition must be received by the Executive Judge before the date of the summary hearing.

SEC. 7. *Form of Notarial Commission.* - The commissioning of a notary public shall be in a formal order signed by the Executive Judge substantially in the following form:

REPUBLIC OF THE PHILIPPINES
REGIONAL TRIAL COURT OF _____

This is to certify that (name of notary public) of (regular place of work or business) in (city or province) was on this (date) day of (month) two thousand and (year) commissioned by the undersigned as a notary public, within and for the said jurisdiction, for a term ending the thirty-first day of December (year)

Executive Judge

SEC. 8. *Period Of Validity of Certificate of Authorization to Purchase a Notarial Seal.* - The Certificate of Authorization to Purchase a Notarial Seal shall be valid for a period of three (3) months from date of issue, unless extended by the Executive Judge.

A mark, image or impression of the seal that may be purchased by the notary public pursuant to the Certificate shall be presented to the Executive Judge for approval prior to use.

SEC. 9. *Form of Certificate of Authorization to Purchase a Notarial Seal.* - The Certificate of Authorization to Purchase a Notarial Seal shall substantially be in the following form:

REPUBLIC OF THE PHILIPPINES
REGIONAL TRIAL COURT OF _____

CERTIFICATE OF AUTHORIZATION TO PURCHASE A
NOTARIAL SEAL

This is to authorize (name of notary public) of (city or province) who was commissioned by the undersigned as a notary public, within and for the said jurisdiction, for a term ending the thirty-first of December (year) to purchase a notarial seal.

Issued this (day) of (month) (year).

Executive Judge

SEC. 10. *Official Seal of Notary Public.* - Every person commissioned as notary public shall have only one official seal of office in accordance with these Rules.

SEC. 11. *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.

SEC. 12. *Register of Notaries Public.* - The Executive Judge shall keep and maintain a Register of Notaries Public in his jurisdiction which shall contain, among others, the dates of issuance or revocation or suspension of notarial commissions, and the resignation or death of notaries public. The Executive Judge shall furnish the Office of the Court Administrator information and data recorded in the register of notaries public. The Office of the Court Administrator shall keep a permanent, complete and updated database of such records.

SEC. 13. *Renewal of Commission.* - A notary public may file a written application with the Executive Judge for the renewal of his commission within forty-five (45) days before the expiration thereof. A mark, image or impression of the seal of the notary public shall be attached to the application.

Failure to file said application will result in the deletion of the name of the notary public in the register of notaries public.

The notary public thus removed from the Register of Notaries Public may only be reinstated therein after he is issued a new commission in accordance with these Rules.

SEC. 14. *Action on Application for Renewal of Commission.* - The Executive Judge shall, upon payment of the application fee mentioned in Section 3 above of this Rule, act on an application for the renewal of a commission within thirty (30) days from receipt thereof. If the application is denied, the Executive Judge shall state the reasons therefor.

RULE IV POWERS AND LIMITATIONS OF NOTARIES PUBLIC

SECTION 1. *Powers.* - (a) A notary public is empowered to perform the following notarial acts:

- (1) acknowledgments;
- (2) oaths and affirmations;
- (3) jurats;

- (4) signature witnessings;
 - (5) copy certifications; and
 - (6) any other act authorized by these Rules.
- (b) A notary public is authorized to certify the affixing of a signature by thumb or other mark on an instrument or document presented for notarization if:
- (1) the thumb or other mark is affixed in the presence of the notary public and of two (2) disinterested and unaffected witnesses to the instrument or document;
 - (2) both witnesses sign their own names in addition to the thumb or other mark;
 - (3) the notary public writes below the thumb or other mark: "Thumb or Other Mark affixed by (name of signatory by mark) in the presence of (names and addresses of witnesses) and undersigned notary public"; and
 - (4) the notary public notarizes the signature by thumb or other mark through an acknowledgment, jurat, or signature witnessing.
- (c) A notary public is authorized to sign on behalf of a person who is physically unable to sign or make a mark on an instrument or document if:
- (1) the notary public is directed by the person unable to sign or make a mark to sign on his behalf;
 - (2) the signature of the notary public is affixed in the presence of two disinterested and unaffected witnesses to the instrument or document;
 - (3) both witnesses sign their own names ;
 - (4) the notary public writes below his signature: "Signature affixed by notary in presence of (names and addresses of person and two [2] witnesses)"; and
 - (5) the notary public notarizes his signature by acknowledgment or jurat.

SEC. 2. *Prohibitions.* – (a) A notary public shall not perform a notarial act outside his regular place of work or business; provided, however, that on certain exceptional occasions or situations, a notarial act may be performed at the request of the parties in the following sites located within his territorial jurisdiction:

- (1) public offices, convention halls, and similar places where oaths of office may be administered;
- (2) public function areas in hotels and similar places for the signing of instruments or documents requiring notarization;
- (3) hospitals and other medical institutions where a party to an instrument or document is confined for treatment; and
- (4) any place where a party to an instrument or document requiring notarization is under detention.

(b) 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.

SEC. 3. *Disqualifications.* - A notary public is disqualified from performing a notarial act if he:

- (a) is a party to the instrument or document that is to be notarized;
- (b) will receive, as a direct or indirect result, any commission, fee, advantage, right, title, interest, cash, property, or other consideration, except as provided by these Rules and by law; or
- (c) is a spouse, common-law partner, ancestor, descendant, or relative by affinity or consanguinity of the principal within the fourth civil degree.

SEC. 4. *Refusal to Notarize.* - A notary public shall not perform any notarial act described in these Rules for any person requesting such an act even if he tenders the appropriate fee specified by these Rules if:

- (a) the notary knows or has good reason to believe that the notarial act or transaction is unlawful or immoral;
- (b) the signatory shows a demeanor which engenders in the mind of the notary public reasonable doubt as to the former's knowledge of the consequences of the transaction requiring a notarial act; and
- (c) in the notary's judgment, the signatory is not acting of his or her own free will.

SEC. 5. *False or Incomplete Certificate.* - A notary public shall not:

- (a) execute a certificate containing information known or believed by the notary to be false.
- (b) affix an official signature or seal on a notarial certificate that is incomplete.

SEC. 6. *Improper Instruments or Documents.* - A notary public shall not notarize:

- (a) a blank or incomplete instrument or document; or
- (b) an instrument or document without appropriate notarial certification.

RULE V
FEES OF NOTARY PUBLIC

SECTION 1. *Imposition and Waiver of Fees.* - For performing a notarial act, a notary public may charge the maximum fee as prescribed by the Supreme Court unless he waives the fee in whole or in part.

SEC. 2. *Travel Fees and Expenses.* - A notary public may charge travel fees and expenses separate and apart from the notarial fees prescribed in the preceding section when traveling to perform a notarial act if the notary public and the person requesting the notarial act agree prior to the travel.

SEC. 3. *Prohibited Fees.* - No fee or compensation of any kind, except those expressly prescribed and allowed herein, shall be collected or received for any notarial service.

SEC. 4. *Payment or Refund of Fees.* - A notary public shall not require payment of any fees specified herein prior to the performance of a notarial act unless otherwise agreed upon.

Any travel fees and expenses paid to a notary public prior to the performance of a notarial act are not subject to refund if the notary public had already traveled but failed to complete in whole or in part the notarial act for reasons beyond his control and without negligence on his part.

SEC. 5. *Notice of Fees.* - A notary public who charges a fee for notarial services shall issue a receipt registered with the Bureau of Internal Revenue and keep a journal of notarial fees. He shall enter in the journal all fees charged for services rendered.

A notary public shall post in a conspicuous place in his office a complete schedule of chargeable notarial fees.

RULE VI
NOTARIAL REGISTER

SECTION 1. *Form of Notarial Register.* - (a) A notary public shall keep, maintain, protect and provide for lawful inspection as provided in these Rules, a chronological official notarial register of notarial acts consisting of a permanently bound book with numbered pages.

The register shall be kept in books to be furnished by the Solicitor General to any notary public upon request and upon payment of the cost thereof. The register shall be duly paged, and on the first page, the Solicitor General shall certify the number of pages of which the book consists.

For purposes of this provision, a Memorandum of Agreement or Understanding may be entered into by the Office of the Solicitor General and the Office of the Court Administrator.

(b) A notary public shall keep only one active notarial register at any given time.

SEC. 2. *Entries in the Notarial Register.* - (a) For every notarial act, the notary shall record in the notarial register at the time of notarization the following:

- (1) the entry number and page number;
- (2) the date and time of day of the notarial act;
- (3) the type of notarial act;
- (4) the title or description of the instrument, document or proceeding;
- (5) the name and address of each principal;
- (6) the competent evidence of identity as defined by these Rules if the signatory is not personally known to the notary;
- (7) the name and address of each credible witness swearing to or affirming the person's identity;
- (8) the fee charged for the notarial act;
- (9) the address where the notarization was performed if not in the notary's regular place of work or business; and
- (10) any other circumstance the notary public may deem of significance or relevance.

(b) A notary public shall record in the notarial register the reasons and circumstances for not completing a notarial act.

(c) A notary public shall record in the notarial register the circumstances of any request to inspect or copy an entry in the notarial register, including the requester's name, address, signature, thumbmark or other recognized identifier, and evidence of identity. The reasons for refusal to allow inspection or copying of a journal entry shall also be recorded.

(d) When the instrument or document is a contract, the notary public shall keep an original copy thereof as part of his records and enter in said records a brief description of the substance thereof and shall give to each entry a consecutive number, beginning with number one in each calendar year. He shall also retain a duplicate original copy for the Clerk of Court.

(e) The notary public shall give to each instrument or document executed, sworn to, or acknowledged before him a number corresponding to the one in his register, and shall also state on the instrument or document the page/s of his register on which the same is recorded. No blank line shall be left between entries.

(f) In case of a protest of any draft, bill of exchange or promissory note, the notary public shall make a full and true record of all proceedings in relation thereto and shall note therein whether the demand for the sum of money was

made, by whom, when, and where; whether he presented such draft, bill or note; whether notices were given, to whom and in what manner; where the same was made, when and to whom and where directed; and of every other fact touching the same.

(g) At the end of each week, the notary public shall certify in his notarial register the number of instruments or documents executed, sworn to, acknowledged, or protested before him; or if none, this certificate shall show this fact.

(h) A certified copy of each month's entries and a duplicate original copy of any instrument acknowledged before the notary public shall, within the first ten (10) days of the month following, be forwarded to the Clerk of Court and shall be under the responsibility of such officer. If there is no entry to certify for the month, the notary shall forward a statement to this effect in lieu of certified copies herein required.

SEC. 3. *Signatures and Thumbmarks.* - At the time of notarization, the notary's notarial register shall be signed or a thumb or other mark affixed by each:

- (a) principal;
- (b) credible witness swearing or affirming to the identity of a principal; and
- (c) witness to a signature by thumb or other mark, or to a signing by the notary public on behalf of a person physically unable to sign.

SEC. 4. *Inspection, Copying and Disposal.* - (a) In the notary's presence, any person may inspect an entry in the notarial register, during regular business hours, provided:

- (1) the person's identity is personally known to the notary public or proven through competent evidence of identity as defined in these Rules;
- (2) the person affixes a signature and thumb or other mark or other recognized identifier, in the notarial register in a separate, dated entry;
- (3) the person specifies the month, year, type of instrument or document, and name of the principal in the notarial act or acts sought; and
- (4) the person is shown only the entry or entries specified by him.

(b) The notarial register may be examined by a law enforcement officer in the course of an official investigation or by virtue of a court order.

(c) If the notary public has a reasonable ground to believe that a person has a criminal intent or wrongful motive in requesting information from the notarial register, the notary shall deny access to any entry or entries therein.

SEC. 5. *Loss, Destruction or Damage of Notarial Register.* – (a) In case the notarial register is stolen, lost, destroyed, damaged, or otherwise rendered unusable or illegible as a record of notarial acts, the notary public shall, within ten (10) days after informing the appropriate law enforcement agency in the case of theft or vandalism, notify the Executive Judge by any means providing a proper receipt or acknowledgment, including registered mail and also provide a copy or number of any pertinent police report.

(b) Upon revocation or expiration of a notarial commission, or death of the notary public, the notarial register and notarial records shall immediately be delivered to the office of the Executive Judge.

SEC. 6. *Issuance of Certified True Copies.* - The notary public shall supply a certified true copy of the notarial record, or any part thereof, to any person applying for such copy upon payment of the legal fees.

RULE VII SIGNATURE AND SEAL OF NOTARY PUBLIC

SECTION 1. *Official Signature.* - In notarizing a paper instrument or document, a notary public shall:

- (a) sign by hand on the notarial certificate only the name indicated and as appearing on the notary's commission;
- (b) not sign using a facsimile stamp or printing device; and
- (c) affix his official signature only at the time the notarial act is performed.

SEC. 2. *Official Seal.* - (a) Every person commissioned as notary public shall have a seal of office, to be procured at his own expense, which shall not be possessed or owned by any other person. It shall be of metal, circular in shape, two inches in diameter, and shall have the name of the city or province and the word "Philippines" and his own name on the margin and the roll of attorney's number on the face thereof, with the words "notary public" across the center. A mark, image or impression of such seal shall be made directly on the paper or parchment on which the writing appears.

(b) The official seal shall be affixed only at the time the notarial act is performed and shall be clearly impressed by the notary public on every page of the instrument or document notarized.

(c) When not in use, the official seal shall be kept safe and secure and shall be accessible only to the notary public or the person duly authorized by him.

(d) Within five (5) days after the official seal of a notary public is stolen, lost, damaged or otherwise rendered unserviceable in affixing a legible image, the notary public, after informing the appropriate law enforcement agency,

shall notify the Executive Judge in writing, providing proper receipt or acknowledgment, including registered mail, and in the event of a crime committed, provide a copy or entry number of the appropriate police record. Upon receipt of such notice, if found in order by the Executive Judge, the latter shall order the notary public to cause notice of such loss or damage to be published, once a week for three (3) consecutive weeks, in a newspaper of general circulation in the city or province where the notary public is commissioned. Thereafter, the Executive Judge shall issue to the notary public a new Certificate of Authorization to Purchase a Notarial Seal.

(e) Within five (5) days after the death or resignation of the notary public, or the revocation or expiration of a notarial commission, the official seal shall be surrendered to the Executive Judge and shall be destroyed or defaced in public during office hours. In the event that the missing, lost or damaged seal is later found or surrendered, it shall be delivered by the notary public to the Executive Judge to be disposed of in accordance with this section. Failure to effect such surrender shall constitute contempt of court. In the event of death of the notary public, the person in possession of the official seal shall have the duty to surrender it to the Executive Judge.

SEC. 3. *Seal Image.* - The notary public shall affix a single, clear, legible, permanent, and photographically reproducible mark, image or impression of the official seal beside his signature on the notarial certificate of a paper instrument or document.

SEC. 4. *Obtaining and Providing Seal.* - (a) A vendor or manufacturer of notarial seals may not sell said product without a written authorization from the Executive Judge.

- (b) Upon written application and after payment of the application fee, the Executive Judge may issue an authorization to sell to a vendor or manufacturer of notarial seals after verification and investigation of the latter's qualifications. The Executive Judge shall charge an authorization fee in the amount of Php 4,000 for the vendor and Php 8,000 for the manufacturer. If a manufacturer is also a vendor, he shall only pay the manufacturer's authorization fee.
- (c) The authorization shall be in effect for a period of four (4) years from the date of its issuance and may be renewed by the Executive Judge for a similar period upon payment of the authorization fee mentioned in the preceding paragraph.
- (d) A vendor or manufacturer shall not sell a seal to a buyer except upon submission of a certified copy of the commission and the Certificate of Authorization to Purchase a Notarial Seal issued by the Executive Judge. A notary public obtaining a new seal as a result of change of name shall present to the vendor or manufacturer a certified copy of the Confirmation of the Change of Name issued by the Executive Judge.

- (e) Only one seal may be sold by a vendor or manufacturer for each Certificate of Authorization to Purchase a Notarial Seal,
- (f) After the sale, the vendor or manufacturer shall affix a mark, image or impression of the seal to the Certificate of Authorization to Purchase a Notarial Seal and submit the completed Certificate to the Executive Judge. Copies of the Certificate of Authorization to Purchase a Notarial Seal and the buyer's commission shall be kept in the files of the vendor or manufacturer for four (4) years after the sale.
- (g) A notary public obtaining a new seal as a result of change of name shall present to the vendor a certified copy of the order confirming the change of name issued by the Executive Judge.

RULE VIII NOTARIAL CERTIFICATES

SECTION 1. *Form of Notarial Certificate.* - The notarial form used for any notarial instrument or document shall conform to all the requisites prescribed herein, the Rules of Court and all other provisions of issuances by the Supreme Court and in applicable laws.

SEC. 2. *Contents of the Concluding Part of the Notarial Certificate.* - The notarial certificate shall include the following:

- (a) the name of the notary public as exactly indicated in the commission;
- (b) the serial number of the commission of the notary public;
- (c) the words "Notary Public" and the province or city where the notary public is commissioned, the expiration date of the commission, the office address of the notary public; and
- (d) the roll of attorney's number, the professional tax receipt number and the place and date of issuance thereof, and the IBP membership number.

RULE IX CERTIFICATE OF AUTHORITY OF NOTARIES PUBLIC

SECTION 1. *Certificate of Authority for a Notarial Act.* - A certificate of authority evidencing the authenticity of the official seal and signature of a notary public shall be issued by the Executive Judge upon request in substantially the following form:

the date indicated in the notice, he shall immediately cease to perform notarial acts. In the event of his incapacity to personally appear, the submission of the notice may be performed by his duly authorized representative..

SEC. 3. *Publication of Resignation.* - The Executive Judge shall immediately order the Clerk of Court to post in a conspicuous place in the offices of the Executive Judge and of the Clerk of Court the names of notaries public who have resigned their notarial commissions and the effective dates of their resignation.

RULE XI
REVOICATION OF COMMISSION AND DISCIPLINARY SANCTIONS

SECTION 1. *Revocation and Administrative Sanctions.* - (a) The Executive Judge shall revoke a notarial commission for any ground on which an application for a commission may be denied.

(b) In addition, the Executive Judge may revoke the commission of, or impose appropriate administrative sanctions upon, any notary public who:

- (1) fails to keep a notarial register;
- (2) fails to make the proper entry or entries in his notarial register concerning his notarial acts;
- (3) fails to send the copy of the entries to the Executive Judge within the first ten (10) days of the month following;
- (4) fails to affix to acknowledgments the date of expiration of his commission;
- (5) fails to submit his notarial register, when filled, to the Executive Judge;
- (6) fails to make his report, within a reasonable time, to the Executive Judge concerning the performance of his duties, as may be required by the judge;
- (7) fails to require the presence of a principal at the time of the notarial act;
- (8) fails to identify a principal on the basis of personal knowledge or competent evidence;
- (9) executes a false or incomplete certificate under Section 5, Rule IV;
- (10) knowingly performs or fails to perform any other act prohibited or mandated by these Rules; and
- (11) commits any other dereliction or act which in the judgment of the Executive Judge constitutes good cause for revocation of commission or imposition of administrative sanction.

- (c) Upon verified complaint by an interested, affected or aggrieved person, the notary public shall be required to file a verified answer to the complaint.

If the answer of the notary public is not satisfactory, the Executive Judge shall conduct a summary hearing. If the allegations of the complaint are not proven, the complaint shall be dismissed. If the charges are duly established, the Executive Judge shall impose the appropriate administrative sanctions. In either case, the aggrieved party may appeal the decision to the Supreme Court for review. Pending the appeal, an order imposing disciplinary sanctions shall be immediately executory, unless otherwise ordered by the Supreme Court.

- (d) The Executive Judge may *motu proprio* initiate administrative proceedings against a notary public, subject to the procedures prescribed in paragraph (c) above and impose the appropriate administrative sanctions on the grounds mentioned in the preceding paragraphs (a) and (b).

SEC. 2. *Supervision and Monitoring of Notaries Public.* - The Executive Judge shall at all times exercise supervision over notaries public and shall closely monitor their activities.

SEC. 3. *Publication of Revocations and Administrative Sanctions.* - The Executive Judge shall immediately order the Clerk of Court to post in a conspicuous place in the offices of the Executive Judge and of the Clerk of Court the names of notaries public who have been administratively sanctioned or whose notarial commissions have been revoked.

SEC. 4. *Death of Notary Public.* - If a notary public dies before fulfilling the obligations in Section 5(b), Rule VI and Section 2(e), Rule VII, the Executive Judge, upon being notified of such death, shall forthwith cause compliance with the provisions of these sections.

RULE XII SPECIAL PROVISIONS

SECTION 1. *Punishable Acts.* - The Executive Judge shall cause the prosecution of any person who:

- (a) knowingly acts or otherwise impersonates a notary public;
- (b) knowingly obtains, conceals, defaces, or destroys the seal, notarial register, or official records of a notary public; and
- (c) knowingly solicits, coerces, or in any way influences a notary public to commit official misconduct.

SEC. 2. *Reports to the Supreme Court.* – The Executive Judge concerned shall submit semestral reports to the Supreme Court on discipline and prosecution of notaries public.

RULE XIII
REPEALING AND EFFECTIVITY PROVISIONS

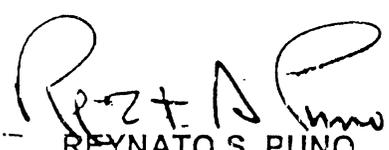
SECTION 1. *Repeal.* – All rules and parts of rules, including issuances of the Supreme Court inconsistent herewith, are hereby repealed or accordingly modified.

SEC. 2. *Effective Date.* – These Rules shall take effect on the first day of August 2004, and shall be published in a newspaper of general circulation in the Philippines which provides sufficiently wide circulation.

Promulgated this 6th day of July, 2004.

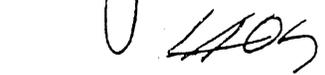

HILARIO G. DAVIDE, JR.

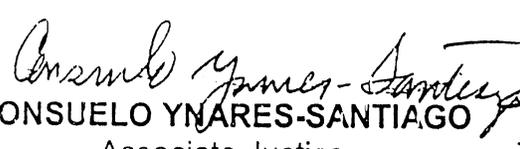
Chief Justice


REYNATO S. PUNO
Associate Justice

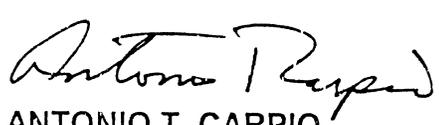

JOSE C. VITUG
Associate Justice

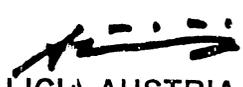

ARTEMIO V. PANGANIBAN
Associate Justice

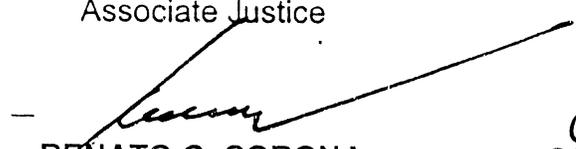

LEONARDO A. QUISUMBING
Associate Justice


CONSUELO YNARES-SANTIAGO
Associate Justice


ANGELINA SANDOVAL-GUTIERREZ
Associate Justice


ANTONIO T. CARPIO
Associate Justice

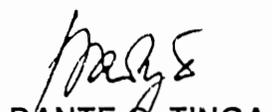

MA. ALICIA AUSTRIA-MARTINEZ
Associate Justice


RENATO C. CORONA
Associate Justice


CONCHITA CARPIO MORALES
Associate Justice


ROMEO J. CALLEJO, SR.
Associate Justice


ADOLFO S. AZCUNA
Associate Justice


DANTE O. TINGA
Associate Justice