

25 August 2004

LEGAL ADVISORY NO. 04

**TO : ALL ELECTRIC COOPERATIVES
ALL NEA OFFICES CONCERNED**

**SUBJECT : RULES ON DOCUMENTS REQUIRING NOTARIAL
ACKNOWLEDGMENT/AFFIRMATION**

Pursuant to the **2004 RULES ON NOTARIAL PRACTICE**, effective August 1, 2004, all parties to the documents requiring notarial act must observe the following conditions:

- 1) The parties to the contracts, including their respective witnesses, must appear personally before the notary public at the time that the notarial act is to be performed. If the parties and their witnesses are not personally known to the notarial officer, they must submit at least **two (2) copies of competent evidence of their identity** such as company id, passport, driver's license to the notarial officer ;
- 2) The parties must secure **OFFICIAL RECEIPT REGISTERED WITH THE BUREAU OF INTERNAL REVENUE** from the notarial officer and such receipt must be reflected in the notarial record;
- 3) The names and address of each principal and their witnesses must be recorded in the notarial records;
- 4) 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 officers, 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.
- 5) 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, cash, property, or other consideration, except as provided by these Rules and by law; or
 - (c) in the notary's judgment, the signatory is not acting of his or her own free will.
- 6) 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.
- 7) A notary public shall not notarize:
- (a) blank or incomplete instrument or document; or**
 - (b) an instrument or document without appropriate notarial certification.**
- 8) For performing a notarial act, a notary public may charge the **maximum fee** as prescribed by the Supreme Court.
- 9) 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.
- 10) A notary public shall not require payment of any fees specified herein prior to the performance or 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.

- 11) 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.

The aforesaid rules should be complied with by the Notarial Commissioner in order to ensure the authenticity and preserve the integrity of the public documents.

For your information and guidance.



ATTY. JOHN JOSEPH M. MAGTULOY, CPA
Deputy Administrator for Legal Services

Noted by:



EDITA S. BUENO
Administrator