



Supreme Court Interim Rules on Remote Notarization of Paper Documents

August 2020

This is a briefing on *Supreme Court Administrative Matter No. 20-07-04-SC (2020 Interim Rules on Remote Notarization of Paper Documents)* dated July 14, 2020¹ (“*RON Rules*”), a COVID-19 related issuance. In general, signatories of documents to be notarized have to appear before the notary generally at the latter’s place of business. Quarantine rules, however, have made this difficult, and the contacts that take place in the notarization process can expose participants to added infection risk. The RON Rules seek to address these concerns.

- A. Scope and Application
- B. Procedure for Notarization
- C. Other Matters

A. Scope and Application

The RON Rules govern the notarization of paper documents and instruments with handwritten signatures or marks through the use of video conferencing facilities in cases where the notary public or at least one of the principals resides, holds office, or is otherwise situated in a locality that is under “community quarantine”² due to COVID-19. Notarial wills are excluded from the application of the RON Rules.³

The RON Rules will take effect on August 16, 2020, 15 days after their publication in the *Philippine Daily Inquirer* and the *Philippine Star*, two newspapers of national circulation, on August 1.⁴

B. Procedure for Notarization

The RON Rules sets out the procedure for the performance by notaries public of notarial acts by videoconferencing facilities.

¹ *Supreme Court Administrative Matter (A.M.) No. 20-07-04-SC (2020 Interim Rules on Remote Notarization of Paper Documents)* dated July 14, 2020; <http://sc.judiciary.gov.ph/12490/>; last accessed at 4:50 PM on August 4, 2020.

² *RON Rules*, Rule I, Section 6(h). The term “community quarantine” may refer to “General Community Quarantine, Modified General Community Quarantine, Enhanced Community Quarantine, and Modified Enhanced Community Quarantine.”

³ *RON Rules*, Rule I, Section 2.

⁴ *RON Rules*, Rule X, Section 1.

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- *Place of Remote Notarization* – All notarial acts under the RON Rules shall be performed by the notary public within the territorial jurisdiction of the court which issued the notary public’s commission.⁵

Notarial Act	Presence within Territorial Jurisdiction of Commission
Acknowledgement	The notary public, as well as the principals and the witnesses (as defined below), if any, must be located within the territorial jurisdiction of the notary public’s commission during the videoconference required.
Affirmation, Oath, or Jurat	
Witnesses Appearing in the Instrument or Document	
Thumbmark or Other Mark Affixed in Lieu of Signature	
Notary Public Signs on Behalf of Principal	
Copy Certification	The presence of the notary within the territorial jurisdiction of the court which issued his or her notarial commission during the videoconference shall suffice.

- *Evidence of Videoconference* – The notary public must take a photograph or a screenshot of the videoconference clearly showing all parties who participated in the notarial act. The notary public must hold the instrument or document showing the first page of the notarized document. The photograph or screenshot must also have a time and date stamp.⁶

1. Acknowledgement⁷

- a. *Submission of Documents* – The person appearing before the notary public whose act is the subject of notarization under the RON Rules (the “*principal*”) must deliver the instrument or document to the notary public through personal or courier service. The instrument or document to be notarized will be placed in an envelope sealed with the initials of the principal (“*sealed envelope*”). If the delivery is via courier service, the principal must provide the notary public “with the details necessary to track its delivery,” such as the tracking number or air waybill number.
- b. *Competent Evidence of Identity* – If the principal is not personally known to the notary public, he or she must provide two copies of any competent evidence of identity⁸ to the notary public. These will be placed in the sealed envelope referred to above. If the principal is signing in a representative capacity, the RON Rules specify the documents that the principal will submit in lieu of his or her own competent evidence of identity.

⁵ RON Rules, Rule VIII, Section 1.

⁶ RON Rules, Rule VIII, Section 2.

⁷ RON Rules, Rule II.

⁸ RON Rules, Rule I, Section 6(b).

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- c. *Submission of Video Clip* – The principal will submit a video clip showing that he or she signed the instrument or document delivered for acknowledgment to the notary public by storing it in a CD or USB which shall be placed in the sealed envelope referred to above, or by email or any other means of digital communication.
 - d. *Holding of Videoconference* – Upon receipt of the sealed envelope and video clip referred to above, the notary public will schedule a videoconference with the principal for acknowledgment. During the videoconference, the notary public will, among others:
 - i. require the principal to confirm his or her location by showing the geolocation through an application with GPS capabilities or identifiable landmarks within the vicinity;
 - ii. require the principal to affix his or her handwritten signature on a blank piece of paper within the full view of the notary public for comparison with the signature appearing on the instrument or document;
 - iii. review the video clip submitted by the principal to verify that he or she actually signed the instrument or document; and
 - iv. require the principal to declare that he or she has executed the instrument or document as his or her free and voluntary act and deed, and if acting in a particular representative capacity, that he or she has authority to sign in that capacity. If there are other persons within the immediate vicinity of the principal, the notary public shall ask them the reasons for their presence and require them to leave if the notary public is not satisfied with the given reasons.
2. Affirmation, Oath, and Jurat⁹
- a. *Submission of Documents* – The principal delivers the instrument or document to the notary public through personal or courier service in a sealed envelope, similar to the procedure for acknowledgment as discussed in part B.1.
 - b. *Competent Evidence of Identity* – If the principal is not personally known to the notary public, he or she must provide two copies of any competent evidence of identity¹⁰ which will be placed together with the instrument or document, in the sealed envelope.
 - c. *Submission of Video Clip* – The principal will also submit a video clip showing that he or she signed the instrument or document delivered for affirmation, oath, and jurat to the notary public, similar to the procedure for acknowledgment as discussed in part B.1.
 - d. *Holding of Videoconference* – Upon receipt of the sealed envelope and video clip referred to above, the notary public will schedule a videoconference with the principal for the affirmation, oath, or jurat. The procedure is similar to that for acknowledgement, except that during the videoconference, the notary public will:
 - i. require the principal to confirm that he or she has read the instrument or document in its entirety and has understood all its contents;

⁹ RON Rules, Rule III.

¹⁰ RON Rules, Rule I, Section 6(b).

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- ii. require the principal to confirm that the signature appearing at the end of the instrument belongs to him or her and that it was voluntarily affixed for the purposes stated therein; and
 - iii. require the principal to avow to the whole truth of the contents of the instrument or document under penalty of law.
3. Copy Certification¹¹
 - a. *Mode of Delivery of Instrument or Document* – The principal must deliver the instrument or document to the notary public through personal or courier service in a sealed envelope, or send a photograph or scanned copy of the instrument or document via email.
 - b. *Procedure* – Upon receipt of the instrument or document, the notary public must determine if it can be copy certified. If so, the notary public will schedule a videoconference with the principal to perform the copy certification in accordance with Rule VI of the RON Rules.
4. Other Procedures
 - a. *Witnesses* – In addition to the procedures set out for acknowledgement, affirmation, oath, or jurat of instruments or documents, as discussed in parts B.1. and B.2., instruments or documents which bear the signatures of parties who acted as witnesses to the execution thereof shall also comply with Rule IV of the RON Rules.
 - b. *Thumbmark or Other Marks in Lieu of Handwritten Signature* – The principal may affix a thumbmark or other marks in lieu of a handwritten signature by following the procedure set out in Sections 1 and 2 of Rule V of the RON Rules.
 - c. *Notary Public Signs on Behalf of Principal* – The notary public may sign on the principal's behalf under the circumstances set out in Section 3 of Rule V of the RON Rules.

C. Other Matters

1. Costs and Fees¹²

The principal will shoulder all expenses in connection with the remote notarization. The principal may pay the notarial fee through electronic remittance, bank transfer, or any other means agreed upon by the parties. The notary public may waive the fee in whole or in part.

2. Retrieval of Documents¹³

After the notary public performs a notarial act under the RON Rules and the corresponding fees have been paid, the principal will retrieve the notarized documents either personally or by courier service.

¹¹ *RON Rules*, Rule VI.

¹² *RON Rules*, Rule VII.

¹³ *RON Rules*, Rule VII, Section 2.

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