



## **RULES FOR THE ACCREDITATION OF NOTARIES PUBLIC**

### **A. GUIDING PRINCIPLES**

1. Promote, serve, and protect public interest;
2. Clarify and modernize the rules governing the accreditation of notaries public;
3. Ensure ethical conduct among notaries public;

### **B. DEFINITION OF TERMS**

1. **“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.
2. **“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) declares under penalty of law to the whole truth of the contents of the instrument or document.
3. **“Notarial Commission”** refers to the grant of authority by the States to perform notarial acts and to the written evidence of the authority.
4. **“Accreditation”** refers to the grant of authority by the Consulate to perform notarial acts that can be authenticated without the need for a Certification from the local County Clerk of Court or Secretary of State that issued the notarial commission and to the written evidence of the authority.
5. **“Notarial Register”**, **“Notary Public Journal”**, **“Notarial Book”** all refers to a permanently bound book with numbered pages containing a chronological order of notarial acts performed by a notary public.



6. **“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 affirmation or oath before the notary public as to such instrument or document.
  
7. **“Notarial Act”** and **“Notarization”** refer to any act that a notary public is empowered to perform under these Rules and the State in which the notary public has been commissioned.
  
8. **“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.
  
9. **“Notary Public”** and **“Notary”** refer to any person commissioned to perform official acts under these Rules and the State/s in which the notary public has been commissioned and is of good standing.
  
10. **“Principal”** refers to a person appearing before the notary public whose act is the subject of notarization.
  
11. **“Regular place of work or business”** refers to a stationary office in the city, county or State wherein the notary public can render notarial services.
  
12. **“Competent evidence of identity”, “Satisfactory Evidence”, “Satisfactory Evidence of Identity”** refers to the identification of an individual based on:
  - (a) at least one valid identification document issued by an official agency of the city, county, State or Federal government bearing at least the photograph, name address and signature of the individual. A photocopy of the valid identification document must be attached to the notarized document; or
  
  - (b) Unless otherwise prohibited by the State which commissioned the notary, 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.

13. **“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.
  
14. **“Notarial Misconduct”** refers to a notary’s performance of :
  - (a) An act prohibited, or failure to perform an act mandated by the State’s Laws for Notaries Public, these Rules or by any other law in connection with a notarial act by the notary; or
  - (b) An act or omission found by the Consulate to be negligent or against the public interest;
  
15. **“Personal Appearance”** refers to physical proximity of the principal and the notary public such that they are physically close enough to see, hear, communicate with and give identification documents to each other;
  
16. **“Personally Known”** refers to the familiarity with a person resulting from interactions with that person over a period of time sufficient to dispel any reasonable uncertainty that the person has the identity claimed;
  
17. **“Conflict of Interest”** refers to a notarial act in which the notary on a single occasion:
  - (a) Has a direct financial or beneficial interest; or
  - (b) Is a member of a board, an officer, or a substantial stockholder of a private corporation or owner or has a substantial interest in a business, and the interest of such corporation or business, or his rights or duties therein, may be opposed to or affected by the faithful performance as a notary public;

## C. ACCREDITATION OF A NOTARY PUBLIC

1. **Qualifications.** – The Accreditation Certificate may be issued by the Consulate to any qualified person who submits an application in accordance with these Rules. In addition to the requirements of the State that commissioned the notary public, the applicant must be :
  - (a) A notary public whose commission has not been revoked by any State or by the Philippines;



- (b) A resident in the State that the notary is commissioned for at least one (1) year and maintains a regular place of work or business in the city where the commission is to be issued. The place of work or business must be a separate and distinct from the place of residence;
  - (c) able to read, write and understand the English language;
  - (d) must not have been convicted in the first instance of any crime involving moral turpitude in any State or in the Philippines; and
  - (e) based on the evaluation of the Consulate, the accreditation of the notary public will enhance the efficiency and integrity of the Consulate.
2. **Application Form and Supporting Documents** - Every application for accreditation shall be in writing, under oath, and shall include the following:
- (a) a statement containing the applicant's personal qualifications, including the applicant's date of birth, place of residence, place of business, other businesses and/or professions, telephone number/s and electronic mail address;
  - (b) original and a photocopy of the Notarial Commission issued by the State within the jurisdiction of the Consulate;
  - (c) proof of payment for the filing of the application as required by these Rules;
  - (d) two (2) passport-size color photographs with white background taken within thirty (30) days from the date of application. The photograph should not be retouched;;
  - (e) A complete list of fees for performing notarial acts;
  - (f) In case the applicant has other business interests or profession, the original and a photocopy of the license/s issued by the State;
- The application, supporting documents and application fee shall be sent by postal mail or courier services.
3. **Application Fee** – Every application for accreditation shall include the application fee of fifty US Dollars (US\$ 50). The payment shall be made either by postal money order or cashier's check. The Payee shall be indicated as Philippine Consulate General, Los Angeles.
4. **Summary Hearing on the Application** - The Consul/Vice Consul acting under the authority of the Consul General, shall conduct a summary hearing on the application and grant the same if:
- (a) the application is sufficient in form and substance;
  - (b) the notary proves the allegations contained in the petition; and
  - (c) the notary establishes that he has read and fully understood these Rules.
5. **Notice of Summary Hearing**
- (a) The notice of summary hearing shall be published in the Consulate's official website or posted in a conspicuous place in the Consulate.
  - (b) The notice shall be substantially in the following form:



**NOTICE OF SUMMARY HEARING**

Notice is hereby given that a summary hearing on the application/s for accreditation of (name of applicant/s) shall be held on (date) at (address of Consulate) at (time). Any person who has any cause or reason to object to the grant of the application may file a signed written opposition thereto, received by postal mail, facsimile machine transmission or electronic mail at (email address) before the date of the summary hearing.

- 6. **Opposition to the Application** - Any person who has any cause or reason to object to the grant of the application may file a signed written opposition, attaching a photocopy of a valid identification card. The opposition must be received by the Consulate by postal mail, facsimile machine transmission or electronic mail before the date of the summary hearing. The opposition shall be substantially in the following form:

**OPPOSITION TO THE APPLICATION OF (name of notary public)**

I, (full name) of (full home or business address), oppose the application for accreditation of (name of notary public). Based on my personal knowledge, (name of notary public) committed the act/s detrimental to his application:

(Indicate clearly in separate paragraphs the act/s of the notary public)

(Signature of Oppositor)  
Printed Name of Oppositor  
Date filed

- 7. **Form of Notarial Commission.** - The commissioning of a notary public shall be in a formal order signed by the Consul General or a Consul/Vice Consul acting under authority of the Consul General substantially in the following form:

(Consulate Letterhead)

**ACCREDITATION**

(accreditation certificate number)

This is to certify that (name of notary public) of (regular place of work or business) in (city, county, state) was on this (date) has been accredited as a notary public, within and for the said Consulate’s jurisdiction, for a term ending on (date) unless otherwise earlier revoked by the Consulate or resignation by the notary public.

By Authority of the Consul General:

\_\_\_\_\_  
Consul/Vice Consul



8. **Jurisdiction and Term** – The accredited notary public may perform notarial acts in any place within the territorial jurisdiction of the Consulate for a period of two (2) years commencing from the date of accreditation, unless earlier revoked by the Consulate or the notary public has resigned, died or notarial commission revoked by the State that issued the notarial commission.
9. **Register of Notaries Public** – The Consulate shall keep and maintain a Register of Notaries Public in its jurisdiction which shall contain, among others, the name of the accredited notaries public, the place of business, the dates of issuance and termination of accreditation.
10. **Renewal of Accreditation** - A notary public may file a written application with the Consulate for the renewal of his accreditation sixty (60) days before the expiration of the accreditation. The rules for application under these Rules shall apply for the renewal of accreditation.

Failure to timely file the renewal will result in the deletion of the name of the notary public in the register of notaries public. The notary public removed from the Register of Notaries Public may only be reinstated after the notary is issued a new accreditation in accordance with these Rules.

11. **Application for Renewal of Accreditation.** - The Consulate shall, upon payment of the application fee mentioned in these Rules, act on an application for the renewal of an accreditation within thirty (30) days from receipt thereof. If the application is denied, the Consulate shall state the reasons of denial.

#### **D. POWERS AND LIMITATIONS OF ACCREDITED NOTARIES PUBLIC**

1. Unless otherwise prohibited by the State that issued the notarial commission, the accredited notary public is empowered to perform the following notarial acts:
  - (a) acknowledgments;
  - (b) oaths and affirmations;
  - (c) jurats;
  - (d) signature witnessings; and
  - (e) any other act authorized by these Rules.
2. Unless otherwise prohibited by the State that issued the notarial commission, the accredited 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:
  - (a) 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;



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- (b) both witnesses sign their own names in addition to the thumb or other mark;
  - (c) 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
  - (d) the accredited notary public notarizes the signature by thumb or other mark through an acknowledgment, jurat, or signature witnessing.
3. Unless otherwise prohibited by the State that issued the notarial commission, the accredited 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:
  - (a) the notary public is directed by the person unable to sign or make a mark to sign on his behalf;
  - (b) the signature of the notary public is affixed in the presence of two disinterested and unaffected witnesses to the instrument or document;
  - (c) both witnesses sign their own names ;
  - (d) the notary public writes below his signature: "Signature affixed by notary in presence of (names and addresses of person and two [2] witnesses)"; and
  - (e) the notary public notarizes his signature by acknowledgment or jurat.
4. The accredited notary public shall not perform a notarial act outside his regular place of work or business unless it is to be performed at the request of the parties in the following sites located within his territorial jurisdiction:
  - (a) public offices, convention halls, and similar places where oaths of office may be administered;
  - (b) hospitals and other medical institutions where a party to an instrument or document is confined for treatment; and
  - (c) any place where a party to an instrument or document requiring notarization is under detention.
5. The accredited notary public shall not perform a notarial act if the person involved as signatory to the instrument or document -
  - (a) is not in the notary's presence personally at the time of the notarization; and
  - (b) is not personally known to the notary public or otherwise identified by the notary public through competent evidence of identity, a photocopy of which must be attached to the notarized document, as defined by these Rules.
6. The accredited notary public is disqualified from performing a notarial act if the notary public:
  - (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



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- (c) is a spouse, common-law partner, ancestor, descendant, or relative by affinity or consanguinity of the principal within the fourth civil degree.
7. The accredited notary public shall not perform any notarial act described in these Rules for any person requesting such an act even if said person tenders the appropriate fee if:
    - (a) the notary knows or has good reason to believe that the notarial act or transaction is unlawful or in furtherance of a criminal activity;
    - (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.
  8. The accredited 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.
  9. A notary public shall not notarize:
    - (a) a blank or incomplete instrument or document; or
    - (b) an instrument or document without appropriate notarial certification.

## **E. FEES OF ACCREDITED NOTARIES PUBLIC**

1. The accredited notary public, for performing a notarial act, may charge reasonable fees for services rendered unless the accredited notary public waives the fees in whole or in part.
2. The accredited notary public who charges a fee for notarial services shall issue a receipt and keep a journal of notarial fees. The notary shall enter in the journal all fees charged for services rendered. The Consulate at any time may inspect the journal of notarial fees.
3. The accredited notary public shall post in a conspicuous place in his/her office a complete schedule of chargeable notarial fees.
4. The Consulate shall be informed in writing fifteen (15) days before any changes in the schedule of fees shall take effect.

## **F. NOTARIAL REGISTER**

1. The accredited notary shall keep, maintain, protect and provide for lawful inspection a chronological official notarial register of notarial acts consisting of a permanently bound book with numbered pages.





2. The accredited notary public shall keep only one active notarial register at any given time.

#### **G. NOTARIAL CERTIFICATE**

1. The notarial form used for any notarial instrument or document shall conform to all the requisites prescribed by the Consulate and the notarial law of the State that issued the notarial commission.
2. Within five (5) days after the notarized document is stolen, lost, damaged or a document purportedly notarized is determined to be fake, the notary public, shall notify the Consulate in writing, and in the event of a crime committed, provide a copy or entry number of the appropriate police record.
3. Within five (5) days after the resignation of the notary public, or the revocation or expiration of a notarial commission, the notary public, shall notify the Consulate in writing.

#### **H. CHANGES OF STATUS**

1. Within ten (10) days after the change of name of the notary public by court order or by marriage, or after ceasing to maintain the regular place of work or business, the notary public shall submit a signed and dated notice of such fact to the Consulate.
2. The accredited notary shall not notarize as an accredited notary public until:
  - (a) the notary receives from the Consulate a confirmation of the new name of the notary public and/or change of regular place of work or business; and
  - (b) a new seal bearing the new name has been obtained.
3. Until the aforementioned steps have been completed, the notary public may continue in performing notarial acts but the notarized documents will require the Certification of either the local County Clerk of Court or the Secretary of State that issued the notarial commission prior to the Consulate's authentication of the document
4. The accredited notary public may resign his accreditation by personally submitting a written, dated and signed formal notice to the Consulate together with the accreditation certificate. Effective from the date indicated in the notice, he shall immediately cease to be an accredited notary of the Consulate. In the event of the accredited notary's incapacity to personally appear, the submission of the notice may be performed by a duly authorized representative.



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## **I. REVOCATION OF ACCREDITATION AND DISCIPLINARY SANCTIONS**

1. The Consulate shall revoke the accreditation of a notary public for the following grounds:
  - (a) Incomplete, erroneous or false details in the application for accreditation including renewals;
  - (b) knowingly performs or fails to perform any other act prohibited or mandated by these Rules or the notarial law of the State that issued the commission;
  - (c) creates an impression that negatively affects the image and integrity of the Consulate; or
  - (d) commits any act which in the judgment of the Consulate constitutes good cause for revocation of the accreditation.
2. Upon written complaint by an interested, affected or aggrieved person, the notary public shall be required to file a written answer to the complaint. If the answer of the notary public is unsatisfactory, the Consulate 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 Consulate shall revoke the accreditation.
3. The Consulate may on its own initiate administrative proceedings against the accredited notary, subject to the procedures prescribed above and revoke the accreditation of the notary public.
4. The Consulate, upon being notified of the death or incapacity of the accredited notary public by his/her representative in writing and attached is the photocopy of the notary public's death certificate, shall automatically delist the accredited notary from the Register of Notaries Public.

## **J. REPEALING AND EFFECTIVITY CLAUSES**

1. All prior issuances regarding the accreditation of notaries public within the jurisdiction of this Consulate are hereby repealed or accordingly modified.
2. These Rules shall take effect from the first day of October 2014, and shall be published in the Consulate website and posted in a conspicuous place in the Consulate.