

2020 Interim Rules on Remote Notarization of Paper Documents

“**RON RULES**”

A.M. No. 20-07-04-SC





Does the **RON RULES** apply nationwide?

No. The **RON Rules** only apply to localities declared to be under community quarantine caused by the COVID 19 pandemic.



Does the **RON RULES** apply nationwide?

The **RON RULES** provides that :

*“SECTION 3. Localities Where the Rules Apply – Until the Supreme Court directs otherwise, these Rules shall apply to permit the performance of notarial acts through the use of videoconferencing 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 due to COVID-19 . . .**”*

Does the **RON RULES** apply to all kinds of documents?

No. The **RON RULES** applies only to the notarization of paper documents and instruments with handwritten signatures or marks using videoconferencing facilities.

As an exception, the **RON RULES**, do not apply to the execution of notarial wills.





What is the legal effect of a document notarized under the **RON RULES** ?

The **RON RULES** provides that :

“SECTION 5. *Legal Effect and Enforceability* – Any notarial act performed through the use of videoconferencing facilities pursuant to these Rules shall have **the same validity, force, effect and may be relied upon to the same extent as any other notarial act performed under the 2004 Rules on Notarial Practice.**”



What are the different notarial acts that may be conducted through *videoconferencing facilities*?

JOT-CAO

Jurat

Oaths and Affirmations

Thumbmark in lieu of Handwritten Signature

Copy Certification

Acknowledgment; and

Other acts authorized by the Rules

Where should the document be notarized?

NOTARIAL ACT	PRESENCE OF THE NOTARY PUBLIC
1. Acknowledgment	<p>The notary public, as well as the principals and witnesses, if any, must be located <u>within the territorial jurisdiction of the notary public's commission during the videoconference.</u></p>
2. Affirmation, Oath or Jurat	
3. Witnesses to Documents	
4. Thumbmark or Other Mark Affixed In lieu of Handwritten Signature	
5. Notary Public Signs on Behalf of Principal	
6. Copy Certification	<p>During the videoconference, the <u>presence of the notary within the territorial jurisdiction</u> of the court which issued his or her notarial commission shall suffice.</p>



What are the notable features of the **RON RULES**?

1. Delivery of the document
2. Competent evidence of identity
3. Proof of signing the document
4. Videoconference
5. Notarial Certificate
6. Delivery of the Notarized Document



Delivery of the document

The principal shall cause the delivery of the document requiring a notarial act to the notary public by personal or courier service.

The document must be **integrally complete**, bear the **handwritten signature** of the principal, and be placed in an **envelope sealed with the initials of the principal.**



Competent Evidence of Identity

- A. Two (2) copies of any competent evidence of identity of the principal;

Additionally, two (2) certified copies of the documents granting the principal authority to sign (if the principal is signing in a representative capacity)

- B. Two (2) copies of any competent evidence of identity of the witnesses, if any;

- C. Two (2) copies of any competent evidence of identity of unaffected and disinterested witnesses, in cases when the principal affixes his or her thumbmark or other marks in lieu of his handwritten signature.



Proof of signing the document

The principal shall submit to the notary public a **video clip showing that he actually signed the document** delivered for notarization.

The principal may choose to submit this video clip by storing it in a **CD or USB** which shall be placed in the sealed envelope, OR by **sending the video clip by e-mail** or any **other means of digital communication**.



Videoconference

During the scheduled videoconference, the notary public shall be required to confirm from the **principal** the following information:

1. Identity
2. Location Document
3. That the principal read the document and understood all its contents
4. Signature
5. That the principal actually signed the document freely and voluntarily.

The notary public shall ensure that **the process is in full view** of the principal, from the opening of the sealed envelope to the attachment of the Notarial Certificate.



The notary public shall be required to confirm from the **witness** the following information:

1. Identity ;
2. Location ;
3. That the witness is a disinterested and unaffected party to the document;
4. That every signature of the witness in the document belongs to him and that it was voluntarily affixed thereon;
5. That the witness personally witnessed the principal signing the document freely and voluntarily

The video clip submitted by the principal will reviewed to **verify if the witness actually saw the principal sign** the document.



Notarial Certificate

The notary public shall :

- Complete the Notarial Certificate attached to the document or appearing below the signature portion
- Affix his signature thereon by hand
- Set his Official Seal

The **Notarial Certificate** shall state the following:

1. The notarial act was done through the use of videoconferencing facilities in accordance with the **RON RULES**; AND
2. The notary public, the principal and the witness, if any, were in a locality within the territorial jurisdiction of the court which issued the commission at the time the notarial act was performed.



Delivery of the notarized document



After the execution of the notarial act and the payment of notarial and courier service fees and expenses, **the principal shall cause the retrieval of the notarized documents from the notary public** either personally or by courier service.

Copy Certification

1. **Deliver** the document to be certified to the notary public.
2. Schedule a **videoconference** to confirm that the document exhibited is the same document delivered to the notary public.
3. If the document was sent by e-mail, the principal shall take a **photo or scan** the document and the notary public shall print the document.



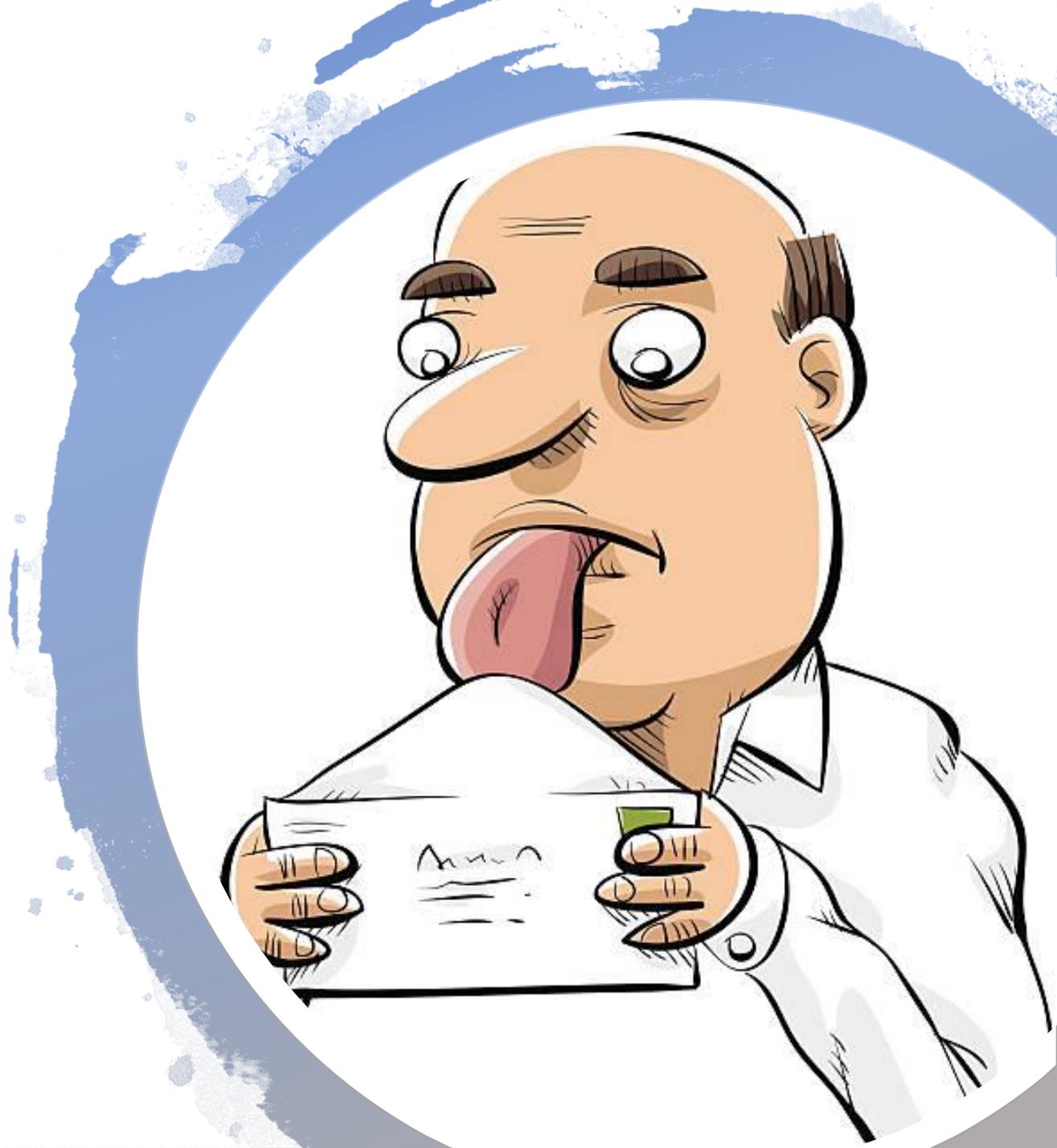
May the notary public refuse to notarize the document under the **RON RULES**?

Yes. The notary public may refuse to perform the notarial act based on any of the following grounds:

1. If the principal or his witness exhibits behavior that engenders reasonable **doubt as to his understanding of the document**, or otherwise indicates a **defect in his consent**.

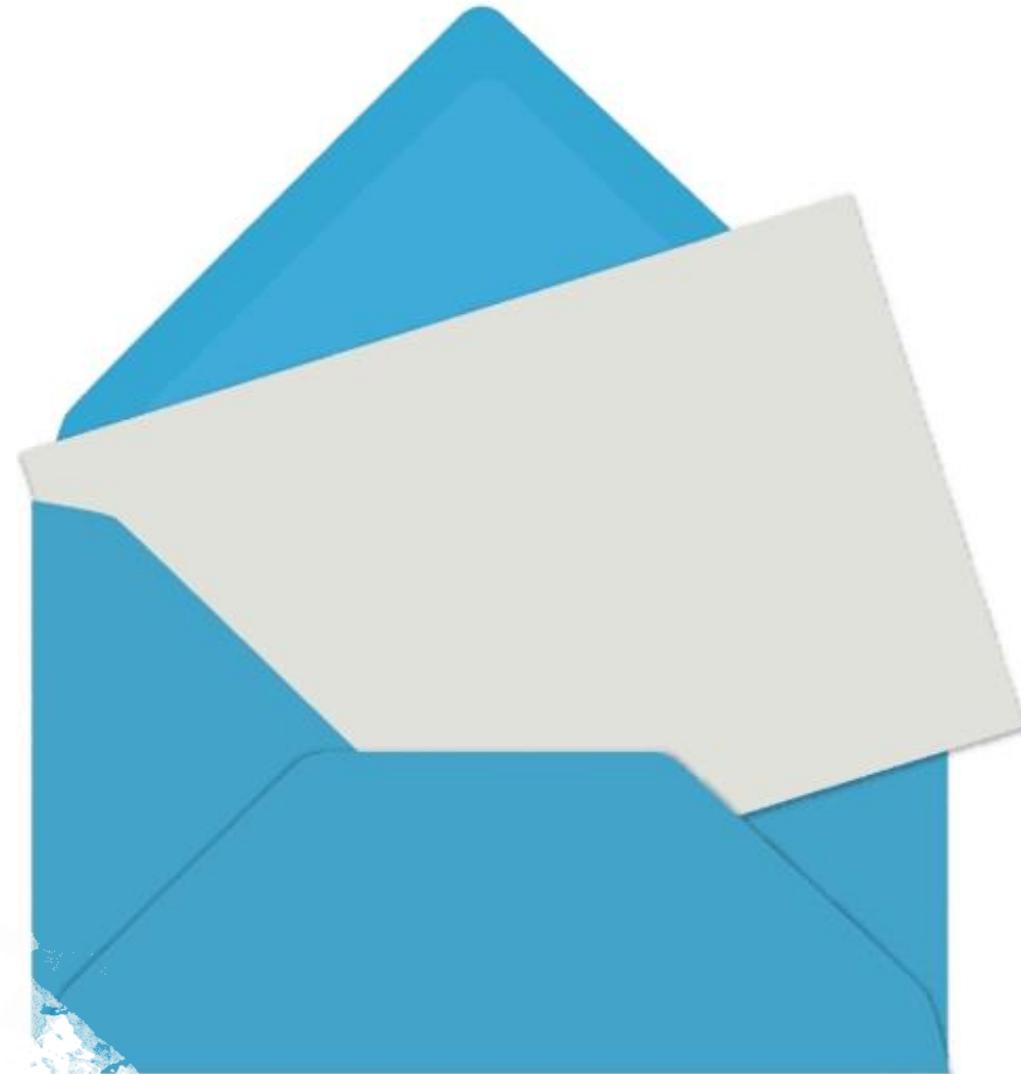
2. If the principal or his witness **refuses to appear** before the notary public through videoconferencing.

3. Grounds for refusal to notarize **under the 2004 Rules on Notarial Practice**.



Miscellaneous Matters

1. **Notarial Fees** – the notary public may charge the maximum fee prescribed by the SC. The fees will be paid through electronic remittance.
2. **Expenses for the delivery and retrieval of documents** – paid by the principal.
3. **Proof of videoconference** – the notary public shall take a photo/screenshot of the videoconference clearly showing all parties who participated therein and bearing the time and date stamp which accurately reflects when the videoconference was conducted. The notary public must be seen holding the document.



1. The sealed envelope is delivered to the notary for notarial seal and signature.



2. The notarial act is done through videoconferencing facilities.



3. The notarized document is retrieved by the principal from the notary public either personally or by courier service.



Thank you