

**Supreme Court of the Philippines**  
**Manila**

**ADMINISTRATIVE SUPERVISION OF COURTS**

CIRCULAR NO. 1-90

TO : ALL JUDGES OF THE METROPOLITAN TRIAL COURTS (METC), MUNICIPAL TRIAL COURTS IN CITIES (MTCC), MUNICIPAL TRIAL COURTS (MTC), MUNICIPAL CIRCUIT TRIAL COURTS (MCTC) SHARI'A COURTS, AND THE INTEGRATED BAR OF THE PHILIPPINES (IBP)

SUBJECT : POWER OF THE MUNICIPAL TRIAL COURT JUDGES AND MUNICIPAL CIRCUIT TRIAL COURT JUDGES TO ACT AS NOTARIES PUBLIC EX OFFICIO

For the information and guidance of all concerned, quoted hereunder, is the Resolution of the Court En Banc, dated December 19, 1989, in Administrative Matter No. 89-11-1303 MTC, "Re: Request for clarification on the power of municipal trial court judges and municipal circuit trial court judges to act as Notaries Public Ex Officio ":

"Acting on a query regarding the power of municipal trial court judges and municipal circuit trial court judges to act in the capacity of notaries public ex officio in the light of the 1989 Code of Judicial Conduct, the Court Resolved to issue a clarification on the matter.

Municipal trial court (MTC) and municipal circuit trial court (MCTC) judges are empowered to perform the functions of notaries public ex officio under Section 76 of Republic Act No. 296, as amended (otherwise known as the Judiciary Act of 1948) and Section 242 of the Revised Administrative Code. But the Court hereby lays down the following qualifications on the scope of this power:

MTC and MCTC judges may act as notaries public ex officio in the notarization of documents connected only with the exercise of their official functions and duties [Borre v. Mayo, Adm. Matter No. 1765-CFI, October 17, 1980, 100 SCRA 314; Penera v. Dalocanog, Adm. Matter No. 2113-MJ, April 22, 1981, 104 SCRA 193.] They may not, as notaries public ex officio, undertake the preparation and acknowledgment of private documents, contracts and other acts of conveyances which bear no direct relation to the performance of their functions as judges. The 1989 Code of Judicial Conduct not only enjoins judges to regulate their



extra-judicial activities in order to minimize the risk of conflict with their judicial duties, but also prohibits them from engaging in the private practice of law (Canon 5 and Rule 5.07).

However, the Court, taking judicial notice of the fact that there are still municipalities which have neither lawyers nor notaries public, rules that MTC and MCTC judges assigned to municipalities or circuits with no lawyers or notaries public may, in the capacity as notaries public ex officio, perform any act within the competency of a regular notary public, provided that: (1) all notarial fees charged be for the account of the Government and turnedover to the municipal treasurer (Lapena, Jr. vs. Marcos, Adm. Matter No. 1969-MJ, June 29, 1982, 114 SCRA 572); and, (2) certification be made in the notarized documents attesting to the lack of any lawyer or notary public in such municipality or circuit." Feliciano, J., is on leave.

February 26, 1990.



MARCELO B. FERNAN  
Chief Justice