



Republic of the Philippines
Supreme Court
Office of the Court Administrator
Manila

OCA CIRCULAR NO. 291-2023

TO: ALL CONCERNED EXECUTIVE JUDGES OF MULTI-SALA REGIONAL TRIAL COURTS OR JUDGES OF SINGLE-SALA REGIONAL TRIAL COURTS

SUBJECT: GUIDELINES IN MONITORING STRICT COMPLIANCE TO THE 2004 RULES ON NOTARIAL PRACTICE AND CREATION OF TASK FORCE HONESTO NOTARIO

In a Resolution dated 18 April 2023, the Court *en banc* commended the initiative of the Regional Trial Court (RTC), Naga City, Camarines Sur in creating its Task Force *Honesto Notario*, which seeks to monitor all duly commissioned notaries public within its administrative jurisdiction, pursuant to Sections 1 and 2, Rule XI of the 2004 Rules on Notarial Practice.¹

In order to supervise and monitor the strict implementation of the said Rules and to protect public interest, all concerned Executive Judges of multi-sala RTCs or Judges of single-sala RTCs are hereby directed to **IMPLEMENT** the same initiative within their respective administrative jurisdictions. Pursuant thereto, all concerned Executive Judges of multi-sala RTCs or Judges of single-sala RTCs are **ENJOINED** to create their own Task Force *Honesto Notario* which shall monitor and immediately report any violation of the 2004 Rules on Notarial Practice committed by a duly commissioned notary public, which include the following acts:

1. Performance of a notarial act outside its regular place of work or business, unless otherwise sanctioned under the Rules²;
2. Performance of a notarial act if the person involved as signatory to the instrument or document: (i) is not in the notary's presence personally at the time of the notarization; and (ii) is not personally known to the notary public or otherwise identified by the notary public through competent evidence of identity as defined by these Rules³;
3. Performance of a notarial act if the notary public is: (i) a party to the instrument or document that is to be notarized; (ii) will receive, as a

¹ A.M. No. 02-8-13-SC, 01 August 2004

² Section 2 (a), Rule IV, A.M. No. 02-8-13-SC.

³ Section 2 (b), Rule IV, A.M. No. 02-8-13-SC.

direct or indirect result, any commission, fee, advantage, right, title, interest, cash, property, or other consideration, except as provided by the Rules and by law; or (iii) is a spouse, common-law partner, ancestor, descendant, or relative by affinity or consanguinity of the principal within the fourth civil degree⁴;

4. Performance of a notarial act despite knowing that the notarial act or transaction is unlawful or immoral;⁵
5. Knowingly executing a certificate containing information known to be false⁶;
6. Affixing an official signature or seal on a notarial certificate that is incomplete⁷;
7. Performance of a notarial act in a blank or incomplete instrument or document or an instrument or document without appropriate notarial certification⁸;
8. Requiring payment of any fees prior to the performance of a notarial act, unless otherwise agreed upon⁹;
9. Allowing any other person to possess, use, or own its official seal;¹⁰ and
10. Performance of any act provided under Section 1, Rule XI of the 2004 Rules on Notarial Practice.

The Task Force shall be composed of a Chairperson, Vice-Chairperson, and Members, whose functions shall be as follows:

1. *Chairperson* – primarily exercises monitoring and supervision over the activities of duly commissioned notaries public within its administrative jurisdiction.
2. *Vice-Chairperson* – assists the Chairperson in receiving reports on the performance of duly commissioned notaries public within its administrative jurisdiction.
3. *Members* – shall be composed of not less than two (2) Sheriffs or Deputy Sheriffs of the Office of the Clerk of Court, or a combination thereof, who, at any time, is authorized to inspect the notarial register of a notary public, consistent with Section 4, Rule VI of the 2004 Rules

⁴ Section 3, Rule IV, A.M. No. 02-8-13-SC.

⁵ Section 4, Rule IV, A.M. No. 02-8-13-SC.

⁶ Section 5, Rule IV, A.M. No. 02-8-13-SC.

⁷ *Id.*

⁸ Section 6, Rule IV, A.M. No. 02-8-13-SC.

⁹ Section 4, Rule V, A.M. No. 02-8-13-SC.

¹⁰ Section 2, Rule VII, A.M. No. 02-8-13-SC.


on Notarial Practice. The Members shall submit a monthly report on the matter to the Chairperson.

For single-sala RTCs, the composition of the Task Force will come from the staff compliment thereof composed of at least two (2) members.

Any violation reported to the Chairperson shall be acted upon and dealt with accordingly.

For the strict compliance of all concerned.

18 August 2023



RAUL B. VILLANUEVA
Court Administrator



atp/mia/jhen