

RULES ON ELECTRONIC NOTARIZATION

A.M. No. 24-10-14-SC, February 04, 2025

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WHEREAS, in 2020, the government implemented and enforced strict community quarantine measures in various localities in the Philippines on account of the COVID-19 pandemic, drastically limiting mobility and creating immense challenges in carrying out notarial acts in accordance with the "2004 Rules on Notarial Practice" (2004 Notarial Rules), which require individuals to appear in person before a notary public;

WHEREAS, in response to urgent requests from the legal community in the context of the pandemic, the Court formulated and issued the "2020 Interim Rules on Remote Notarization of Paper Documents" (RON Rules), which was primarily intended as a stopgap measure, balancing the need to retain security measures under the 2004 Notarial Rules to ensure legal acceptability while ensuring that notarization of paper documents could be accomplished remotely while the locality remained under community quarantine;

WHEREAS, mindful of the growing trend toward digitalization and remote processes as well as the many shortcomings of the traditional mode of notarization of paper documents under the 2004 Notarial Rules, the Supreme Court created a technical working group (TWG) to formulate rules on electronic notarial practice to determine the minimum functional specifications for the necessary technology and to identify the most cost-efficient information technology infrastructure necessary for the envisioned electronic notarial system. The TWG was spearheaded by Associate Justice Alfredo Benjamin S. Caguioa as chairperson and composed of Associate Justice Ramon Paul L. Hernando as vice-chairperson, and the court administrator, representatives from the Office of the Chief Justice, Court of Appeals, Court Management Office, Office of the Bar Confidant, Office of the Chief Attorney, Management Information Systems Office, and executive judges as members.

WHEREAS, in January 2021, although still restricted by the health protocols in place on account of the pandemic, the TWG began the comprehensive process of drafting the rules on electronic notarization based on a draft 2004 Proposed Rules on Electronic Notarial Practice prepared by the Court's Subcommittee on E-Commerce under the leadership of then Chief Justice Reynato S. Puno, as well as the proposal from the U.P. Women's Lawyer Circle;

WHEREAS, equipped with learnings and the feedback from various trial courts nationwide on the implementation of the RON Rules, the TWG finished drafting the initial version of the "Rules on Electronic Notarization" (Rules) on November 8, 2021;

WHEREAS, despite being faced with several possible alternatives to pursue, the TWG deliberately proposed the adoption of rules on electronic notarization that will supplement, rather than replace, the 2004 Notarial Rules in order to address the pressing need to introduce major changes in the area of notarization while still guaranteeing the unimpeded flow of legal affairs and continuously allowing individuals to have legal instruments notarized on a day-to-day basis;

WHEREAS, after several internal discussions to ensure ease of adoption of electronic notarization in the country, several changes were made in the second version of the Rules drafted by the TWG on March 16, 2022;

WHEREAS, with the goal of further enhancing the utility of the Rules and guided by the concept of

innovation—one of the key outcomes identified in the Supreme Court's Strategic Plan for Judicial Innovations 2022-2027—the TWG identified the territorial jurisdiction of notaries public as a key area for change and extensively examined the history of the law and rules governing the jurisdiction of notaries public to explore the possibility of expanding the jurisdiction of electronic notaries public to cater to the needs of individuals in remote areas of the Philippines and those abroad, and its efforts eventually came to fruition in the third version of the Rules on March 10, 2023;

WHEREAS, impelled by the need to incorporate the best practices on electronic notarization, the TWG surveyed and studied the best practices on electronic notarization in various jurisdictions, including the United States of America (U.S.A.), Australia, Indonesia, Japan, and South Korea;

WHEREAS, having determined that the U.S.A. has the most compatible and comprehensive electronic notarial framework, members of the TWG, together with the members of the secretariat, met with an American law firm on May 23, 2023 to discuss its experiences, best practices, and challenges on electronic notarization and with an office of the Secretary of State, the implementor of the rules on electronic notarization in one of the American states, on May 30, 2023;

WHEREAS, having learned from our American counterparts that one of the challenges they faced in implementing their rules on electronic notarization is the recognition of electronic documents in transactions involving conveyances of real property, Associate Justice Alfredo Benjamin S. Caguioa and members of the secretariat also met with representatives from the Land Registration Authority to inquire on whether the registries of deeds would honor electronically notarized documents and to discuss the technologies needed for the authentication and recognition of these documents;

WHEREAS, to balance the protection of public interest with the promotion of continuous innovation driven by free competition among solutions providers, the TWG decided to employ a system of accreditation of service providers instead of procuring and developing a singular electronic notarization facility, which would have caused further delay in digitalization because it would have required a considerable amount of time and resources to develop before being offered to the public;

WHEREAS, to ensure that the current available technology would support the envisioned electronic notarization framework and that the chosen technology would be dependable and could securely handle the transactions, maintain the integrity of notarial acts, and provide reliable verification and authentication mechanisms, the TWG held consultative meetings on April 12, April 26, May 10, and May 11, 2023 with several solutions providers that initiated contact with the Supreme Court regarding their respective proposals to digitize the notarial process;

WHEREAS, armed with information gathered from the meetings with representatives from foreign jurisdictions, solutions providers, and other stakeholders and after a series of consultations among its members, the TWG introduced important changes, which resulted in the fourth draft of the Rules and the initial draft of the "Guidelines on the Accreditation of Electronic Notarization Facility Providers" (Guidelines) on October 13, 2023;

WHEREAS, considering the invaluable insights continually being provided by the solutions providers for the TWG's improvement of the existing draft Rules, the TWG decided to furnish the solutions providers with the fourth draft of the Rules and solicited their comments thereon, especially with regard to the feasibility of its implementation and the ease of providing facilities for electronic notarization to the public from their perspective;

WHEREAS, after incorporating the comments of the solutions providers, the TWG held meetings on February 14 and 28, 2024 to resolve any pending issues and to further refine the Rules and the Guidelines;

WHEREAS, with more solutions providers offering their expertise and proposals to modernize the area of

notarization and to gain insight on what areas still needed to be improved upon in the draft Rules, the TWG conducted another round of consultative meetings on March 22, March 26, May 23, and June 4, 2024;

WHEREAS, the TWG requested for a meeting with the Department of Foreign Affairs on November 22, 2024 to understand any challenges in the implementation of the draft Rules and thereafter relayed the possible logistical limitations and concerns in other countries to the Court En Banc;

WHEREAS, fully aware of the possible challenges in the implementation of electronic notarization in other countries, the Court En Banc nevertheless determined that it was best to retain the current provisions allowing the expanded jurisdiction of electronic notaries public if only to remove one more hindrance to the unhampered implementation of the Rules worldwide and to affirm the Court's commitment in recognizing as valid all instruments that are electronically notarized in accordance with the same;

WHEREAS, after carefully considering and incorporating the additional insights and comments generously provided by the Members of the Court En Banc, the TWG crafted the final drafts of the Rules and the Guidelines;

NOW, THEREFORE, acting on the recommendation of Associate Justice Alfredo Benjamin S. Caguioa, chairperson of the Subcommittee on the Revision of Rules Governing Notaries Public, the Court, sitting en banc, resolved to APPROVE the "Rules on Electronic Notarization" and the "Guidelines on the Accreditation of Electronic Notarization Facility Providers", copies of which are attached hereto and made an integral part hereof.

February 4, 2025, Manila, Philippines

(Sgd.)

ALEXANDER G. GESMUNDO

Chief Justice

(Sgd.)

MARVIC M.V.F. LEONEN

Senior Associate Justice

(Sgd.)

ALFREDO BENJAMIN S. CAGUIOA

Associate Justice

(Sgd.)

RAMON PAUL L. HERNANDO

Associate Justice

(Sgd.)

AMY C. LAZARO-JAVIER

Associate Justice

(Sgd.)

HENRI JEAN PAUL B. INTING

Associate Justice

(Sgd.)

RODIL V. ZALAMEDA
Associate Justice

(Sgd.)
MARIO V. LOPEZ
Associate Justice

(Sgd.)
SAMUEL H. GAERLAN
Associate Justice

(Sgd.)
RICARDO R. ROSARIO
Associate Justice

(Sgd.)
JHOSEP Y. LOPEZ
Associate Justice

(Sgd.)
JAPAR B. DIMAAMPAO
Associate Justice

(Sgd.)
JOSE MIDAS P. MARQUEZ
Associate Justice

(Sgd.)
ANTONIO T. KHO, JR.
Associate Justice

(On leave but left a vote)
MARIA FILOMENA D. SINGH
Associate Justice

EN BANC

A.M. No. 24-10-14-SC

RULES ON ELECTRONIC NOTARIZATION

**RULE I
GENERAL PROVISIONS**

SECTION 1. Title. — The Rules shall be known as the "Rules on Electronic Notarization," hereinafter referred to as the "Rules."

SECTION 2. Scope and Purpose. — The Rules is adopted to facilitate the provision of technology-based notarial services, with a view to supplementing the traditional mode of notarization under the 2004 Rules on Notarial Practice. The Rules shall govern the electronic notarization of electronic documents through In-Person Electronic Notarization and Remote Electronic Notarization.

Notarization of paper documents and instruments with handwritten signature or marks shall continue to be governed by the 2004 Rules on Notarial Practice.

SECTION 3. Suppletory Application of the 2004 Rules on Notarial Practice. — In the absence of any applicable provision in the Rules, the pertinent provisions of the 2004 Rules on Notarial Practice may be applied by analogy or in a suppletory manner.

SECTION 4. Definition of Terms. —

a.

2004 Rules on Notarial Practice — refers to the 2004 Rules on Notarial Practice under A.M. No. 02-8-13-SC, hereinafter referred to as the "2004 Notarial Rules."

b.

Competent Evidence of Identity — refers to the identification of an individual based on the following:

i.

at least one valid identification document (ID) issued by an official government agency bearing the photograph and signature of an individual, such as but not limited to the following: passport, driver's license, Professional Regulation Commission ID, National Bureau of Investigation clearance, police clearance, Philippine Postal Corporation Postal ID, voter's ID, voter's certification, Government Service Insurance System e-card, Social Security System card, Philippine Health Insurance Corporation card, senior citizen ID or booklet, Overseas Workers Welfare Administration ID, Overseas Filipino Worker ID, seaman's book, alien certificate of registration/immigrant certificate of registration, government office ID, certification from the National Council for the Welfare of Disabled Persons, Persons with Disability ID or booklet, Department of Social Welfare and Development certification, Solo Parent ID, Tax Identification Number ID, Unified Multi-Purpose ID card, and residency ID from a local government unit;

ii.

the Philippine Identification card issued under Republic Act No. 11055 or the "Philippine Identification System Act of 2018"; or

iii.

the Integrated Bar of the Philippines (IBP) ID or the single identification card issued pursuant to A.M. No. 23-07-06-SC.[1]

c.

Electronic — means relating to technology having digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

d.

Electronic Document — refers to information or the representation of information, data, figures, symbols, or other modes of written expression, described or however represented, by which a right is established, or an obligation extinguished or by which a fact may be proved and affirmed, which is received, recorded, transmitted, stored, processed, retrieved, or produced electronically. Scanned copies of paper documents fall under the definition of electronic document and are covered by the Rules.

For purposes of the Rules, "electronic document" shall refer to documents in Portable Document Format (PDF) or Portable Document Format Archival (PDF/A).

The term "electronic document" may be used interchangeably with "electronic data message" as defined in the Rules on Electronic Evidence under A.M. No. 01-7-01-SC.

e.

Electronic Know-Your-Customer (e-KYC) — refers to the process of electronically verifying the credentials of a user following the issuances of the Bangko Sentral ng Pilipinas (BSP).

f.

Electronic Notarial Book — refers to an electronic register containing a chronological record of electronic notarial acts performed under the Rules.

g.

Electronic Notarial Certificate — refers to that part of, or attachment to, an electronic document, which states the facts attested to by the Electronic Notary Public (BNP) and bears the signature and seal of the BNP, as provided under the Rules.

h.

Electronic Notarial Seal — refers to the mark, image, or impression of the notarial seal that indicates

i.

the name of the ENP;

ii.

the roll number of the ENP;

iii.

the words "Republic of the Philippines"; and

iv.

the words "Electronic Notary Public."

The Electronic Notarial Seal shall also include a bar code, a quick response (QR) code, or any other similar seal in electronic format approved by the Supreme Court, which shall allow access to the foregoing information.

i.

Electronic Notarization Facility (ENF) — refers to any secure digital tool, device, system, application, and technology solution with the capabilities and functions required under Section 2, Rule VII of the Rules.

j.

ENF Provider — refers to a natural or juridical person that provides any secure digital tool, device, system, application, and technology solution, with sufficient capabilities for electronic notarization as specified under the Rules and the Guidelines on the Accreditation of Electronic Notarization Facility Providers (Guidelines).

k.

Electronic Notary Administrator (ENA) — refers to such official, as may be designated by the Supreme Court, who is vested with authority to issue electronic notarial commissions to qualified applicants for electronic notaries public and to exercise such powers and functions as may be prescribed by the Rules and the Guidelines.

l.

Electronic Notary Public (ENP) — refers to a notary public who is commissioned to perform electronic notarial acts as prescribed by the Rules.

m.

Electronic Signature — refers to the electronic representation of an individual's wet signature, which may be as follows:

i.

any distinctive mark and/or characteristic in electronic form representing the identity of a person or exclusively belonging to the said person to whom it correlates and attached to or logically associated with the electronic document;

ii.

any methodology or procedure employed or adopted by a person with the intention of authenticating the electronic document;

iii.

"Digital Signature" or an electronic signature consisting of a transformation of an electronic document using an asymmetric or public cryptosystem such that a person having the initial untransformed electronic document and the signer's public key can accurately determine (a) whether the transformation was created using the private key that corresponds to the signer's public key; and (b) whether the initial electronic document had been altered after the transformation was made;[2] or

iv.

Secure Electronic Signature or an electronic signature that is created and can be verified through the application of a security procedure or a combination of security procedures that ensures such electronic signature (a) is unique to the signer; (b) can be used to identify objectively the signer of the data message; (c) was created and affixed to the data message by the signer or using a means under the sole control of the signer; and (d) was created and is linked to the data message to which it relates in a manner such that any change in the data message would be revealed.[3]

n.

ENP's Signature — for purposes of the Rules, the ENP shall be required to use either a "Digital Signature" or a "Secure Electronic Signature" as defined herein.

o.

Geolocation — refers to the approximate geographical location of a computer, networking device, or equipment based on geographical coordinates and measurements.

p.

In-person Electronic Notarization (IEN) — refers to the notarization of electronic documents through the use of an accredited ENF where the principal and/or their witness(es), if any, physically appears before the ENP.

q.

Multi-Factor Authentication (MFA) — refers to the process of validating and verifying the identity and authorization of users through the use of at least two of the following factors: (i) knowledge – something the user knows, e.g., username, password, mobile personal identification number (PIN), and account number; (ii) possession – something the user has, e.g., payment card, token, One-Time Password (OTP); and (iii) inherence – something the user is, e.g., biometrics.

r.

Principal — refers to the person appearing before the ENP whose act is the subject of notarization under the Rules.

s.

Remote Electronic Notarization (REN) — refers to the notarization of electronic documents through the use of an accredited ENF where the principal and/or their witness(es), if any, virtually appears before the ENP through the use of the same ENF.

t.

Supreme Court Central Notarial Database — refers to the centralized and nationwide electronic database established by the Supreme Court where electronically notarized documents shall be uploaded.

u.

Transitional Period — refers to the period from the date of effectivity of the Rules until the date when the Supreme Court Central Notarial Database is established and becomes operational.

v.

Videoconferencing Facility — refers to any tool, device, system, application, and technology solution that has sufficient interactive audio-video capabilities that allow all the parties physically located in different locations to see, hear, and communicate with each other in real time. Under the Rules, videoconferencing technology is understood to be an integrated support facility or feature of the ENF.

w.

Virtual Private Network (VPN) — refers to a private computer network that functions over a public network such as the internet and utilizes data encryption to provide secure access.

SECTION 5. Legal Effect and Enforceability. — Any notarial act performed in accordance with the Rules shall have the same validity, force, and effect and may be relied upon to the same extent as any other notarial act performed under the 2004 Notarial Rules, provided, however, that the Rules shall not apply to the execution of notarial wills, deposition taking, and paper documents and instruments with wet signatures or marks.

RULE II

IN-PERSON ELECTRONIC NOTARIZATION (IEN)

SECTION 1. Physical Appearance. — IEN requires the physical appearance of the principal and witnesses, if any, before the ENP. Physical appearance is when the principal, witnesses, and the ENP are in close proximity with each other to see, hear, and communicate without reliance on electronic devices such as telephones, cellular phones, computers, or video cameras.

In choosing the venue for the performance of IEN, the ENP must ensure that the professional, private, and confidential nature of the electronic notarial act is maintained.

SECTION 2. Preliminaries. — The ENP shall ensure compliance with the following procedure prior to the performance of the electronic notarial acts provided in Rule IV of the Rules through IEN:

a.

The ENP shall verify the identity of the principal and the witnesses through the identity verification mechanism of the ENF;

b.

The ENP shall confirm the principal's voluntariness by examining their demeanor;

c.

The ENP shall read, interpret, and explain the general nature of the electronic document; and

d.

The ENP shall confirm that the electronic document to be notarized is the same one acknowledged, sworn to, affirmed by, or signed by the principal and the witnesses, if any.

RULE III

REMOTE ELECTRONIC NOTARIZATION (REN)

SECTION 1. Virtual Appearance. — REN requires the virtual appearance of the principal and witnesses, if any, before the ENP. Virtual appearance through videoconferencing shall be the equivalent of an in-person or physical appearance of parties and witnesses required in the performance of electronic notarial acts as provided under Rule IV of the Rules.

The videoconference must allow for synchronous interaction between and among the principal, the witnesses, if any, and the ENP, who may be in different locations. All electronic notarial sessions may be recorded. Pre-recorded videos of the principal and witnesses signing are strictly prohibited. Further, the ENP shall require the principal and the witnesses to stay within the view of the videoconference camera throughout the notarization process.

In choosing the venue for the performance of REN, the ENP must ensure that the professional, private, and confidential nature of the electronic notarial act is maintained.

SECTION 2. Preliminaries. — The ENP shall ensure compliance with the following procedure prior to the performance of the electronic notarial acts as provided under Rule IV of the Rules through REN:

a.

The execution of a remote electronic notarial act may be scheduled and confirmed with an ENP by any interested party through any means, including phone, email, instant messaging, or other modes of communication, or through the ENF;

b.

The ENP shall verify the identity of the principal and the witnesses through the identity verification mechanism of the ENF;

c.

Except in the case of limited extraterritorial notarization under Rule IV, Section 5, the ENP shall ascertain that all parties are present in the Philippines by accessing the geolocation function of the ENF and by requiring all parties to disclose their actual physical location in the Philippines while remotely participating in the electronic notarization act;

d.

The ENP shall confirm the voluntariness of the principal and witnesses, if any, by examining their demeanor and immediate surroundings;

e.

The ENP shall read, interpret, and explain the general nature of the electronic document; and

f.

The ENP shall confirm that the electronic document to be notarized is the same one acknowledged, sworn to, affirmed by, or signed by the principal and the witnesses, if any.

RULE IV

ELECTRONIC NOTARIAL ACTS

SECTION 1. Acknowledgment by Electronic Means. —

a.

In case of an electronic document that requires the electronic signatures of the principals and witnesses, if any, the ENP shall

i.

require the principal and witnesses, if any, to sign the electronic document by affixing their respective electronic signatures through the use of the ENF and in full view of the ENP;

ii.

require the principal and the witnesses, if any, to confirm that their electronic signatures have been voluntarily affixed for the purposes stated therein; and

iii.

require the principal to declare that they electronically signed the instrument or document as their free and voluntary act and deed.

b.

In case of a pre-signed electronic document, the ENP shall

i.

require the principal to confirm that the signature appearing on the electronic document is theirs and that it has been voluntarily affixed for the purposes stated therein;

ii.

require the principal to declare that they signed the electronic document as their free and voluntary act and deed; and

iii.

require any witness who chose to appear before the ENP to confirm that the signature appearing on the electronic document is theirs and that they voluntarily affixed the same.

In case of REN and where there is more than one principal, each of them shall appear virtually before the ENP and shall be present during the videoconference using their respective ENF accounts. Likewise, witnesses may appear virtually before the ENP and sign the electronic document, if needed, using their respective ENF accounts.

SECTION 2. Affirmation or Oath by Electronic Means. —

a.

In case of an electronic document that requires the electronic signatures of the principals, the ENP shall

i.

require the principal to sign the electronic document by affixing their electronic signature using the ENF in full view of the ENP; and

ii.

require the principal to avow the truthfulness of the contents of the electronic document under penalty of law.

b.

In case of a pre-signed electronic document, the ENP shall

i.

require the principal to confirm that the signature appearing on the electronic document is theirs; and

ii.

require the principal to avow the truthfulness of the contents of the electronic document under penalty of law.

In case of REN and where there is more than one principal, each of them shall appear virtually before the ENP and shall be present during the videoconference using their respective ENF accounts. Likewise, witnesses may appear virtually before the ENP and sign the electronic document, if needed, using their respective ENF accounts.

SECTION 3. Jurat by Electronic Means. — In case of a jurat, the ENP shall

a.

require the principal to sign the electronic document by affixing their electronic signature using the ENF in full view of the ENP; and

b.

require the principal to take an oath before the ENP.

SECTION 4. Signature Witnessing by Electronic Means. — In cases of signature witnessing, the ENP shall require the principal to electronically sign the electronic document using the ENF in their full view.

SECTION 5. Limited Extraterritorial Performance of Electronic Notarial Acts. — The ENP shall be allowed to perform any of the electronic notarial acts in the preceding Rule for a principal located outside the Philippines, provided that at the time of the performance of the electronic notarial act, the principal is within the premises of any of the embassies of the Philippines, Philippine consular offices, or offices of Philippine Honorary Consuls abroad.

The ENP shall confirm the location of the principal abroad by requiring them to pan the video and show that they are within the premises of any Philippine embassies or consular offices. A designated officer from the Philippine embassy or consulate shall also confirm the principal's presence within the premises to the ENP before proceeding with the performance of the electronic notarial act.

SECTION 6. Completion of a Notarial Certificate and Retention of Record.— After the execution of the electronic notarial act in accordance with the Rules, the ENP shall complete the electronic notarial certificate, affix thereon their electronic signature, and attach their Electronic Notarial Seal. The electronic notarial certificate shall be attached to the notarized electronic document.

The ENP shall retain a record of the said document for the period and in the manner set forth in Section 2, Rule

XII of the Rules. Within such period, the record shall be made available to the parties upon their request.

SECTION 7. Real-Time Transmission to Central Database. — Upon completion of the electronic notarial act, the ENP shall ensure that a copy of the notarized electronic document in PDF/A format is automatically uploaded to the Supreme Court Central Notarial Database using the ENF in accordance with the Electronic Notarization Data Sharing Guidelines; provided that during the Transitional Period, PDF copies of the notarized electronic document shall be transmitted to the ENA following the procedure in Section 3, Rule VIII of the Rules.

SECTION 8. Audiovisual Recording of the Electronic Notarial Act. — The principal(s) may create and retain an audiovisual recording of the electronic notarial act taken from the ENF for their account and records. For this purpose, the ENF shall allow the recording and downloading of the electronic notarial act for the benefit of the principal(s).

RULE V

ELECTRONIC NOTARY ADMINISTRATOR

SECTION 1. Electronic Notary Administrator (ENA). — The Supreme Court shall designate a qualified officer who shall be responsible for, among other responsibilities, the commissioning and supervision of the ENPs. The qualified officer shall be known as the ENA and shall be under the direct supervision of the Supreme Court.

SECTION 2. Authority of the ENA. — The ENA shall have the authority to conduct a summary hearing to determine the applicant's substantial familiarity with the Rules and issue an electronic notarial commission to qualified applicants.

SECTION 3. Directory of ENPs. — The ENA shall keep and maintain a directory that shall contain, among others, the names of the ENPs, the dates of issuance or revocation or suspension of electronic notarial commissions, and the resignation or death of the ENPs. The ENA shall keep a permanent, complete, and updated database of such records in accordance with Republic Act No. 10173 or the "Data Privacy Act of 2012."

A copy of the directory of ENPs shall be posted on the Supreme Court website for the reference of the general public. The ENA shall ensure that this copy shall be updated on the 15[th] day of February and August each year.

RULE VI

COMMISSIONING OF ENPs

SECTION 1. Commissioning of an ENP. — The ENA shall issue an electronic notarial commission to any qualified applicant who submits an application in accordance with the Rules.

To be eligible for commissioning as an ENP, the applicant

a.

must be a member of the Philippine Bar in good standing with clearances from the Office of the Bar Confidant (OBC) of the Supreme Court and the IBP;

b.

must be compliant with the Mandatory Continuing Legal Education (MCLE) and Unified Legal Aid Service (ULAS) requirements;

c.

must be a resident in the Philippines for at least one year and maintains a regular place of work or business anywhere in the Philippines; and

d.

must not have been convicted by final judgment of any crime involving moral turpitude.

SECTION 2. Application for Electronic Notarial Commission. — Every application for an electronic notarial commission shall be in electronic form and shall include the following information and supporting documents:

a.

a statement containing the applicant's personal qualifications, including the applicant's citizenship, date of birth, residential address, address of regular place of work or business, telephone and/or mobile number, professional tax receipt number, Roll of Attorneys number, IBP membership number, MCLE compliance number, ULAS compliance number, and email address;

b.

an electronic or scanned copy of the certification of good moral character of the applicant from the OBC and the IBP;

c.

an unretouched passport-size colored photograph with light background taken within 30 days prior to the filing of the application;

d.

proof of payment for the filing of the application as required by the Rules;

e.

a written undertaking confirming that the applicant shall execute electronic notarial acts strictly in accordance with the Rules;

f.

a written undertaking confirming that the applicant shall comply with the Electronic Notarization Data Sharing Guidelines; and

g.

a certification issued by an ENF Provider stating that the applicant has viewed the on-demand instructional

video on using the ENF.

The application shall be signed by the applicant using their electronic signature and shall be transmitted to the ENA through their dedicated email address.

SECTION 3. Virtual Summary Hearing. — The ENA shall conduct a summary hearing on the application and shall grant the same if

a.

the application is sufficient in form and substance;

b.

the applicant proves the allegations contained in the application;

c.

the applicant establishes, to the satisfaction of the ENA, that they have read and fully understood the Rules and that they shall execute electronic notarial acts strictly in accordance therewith; and

d.

the applicant demonstrates, to the satisfaction of the ENA, that they have the basic technological aptitude or proficiency to use an ENF and its features.

The summary hearing shall be conducted through videoconferencing following the guidelines in A.M. No. 20-12-01-SC (Re: Proposed Guidelines on the Conduct of Videoconferencing), or its amendments, or supplements.

SECTION 4. Notice of Virtual Summary Hearing. — The notice of summary hearing shall be posted on the Supreme Court website and all other official channels of communication for the reference of the general public. The notice, which may include more than one applicant, shall be substantially in the following form:

NOTICE OF HEARING

Notice is hereby given that a summary hearing on the application for electronic notarial commission of [name(s) of applicant(s)] shall be held virtually on [date] at [time]. Any person who has any cause or reason to object to the grant of the application may file a verified written opposition thereto through [ENA's dedicated email address] before the date of the summary hearing.

Electronic Notary Administrator

SECTION 5. Opposition to the Application. — Any person who has any cause or reason to object to the grant of the application may electronically file a verified written opposition thereto before the date of the summary hearing. The opposition must be filed through the ENA's dedicated email address. The ENA shall forward a copy of the opposition to the applicant's email address. The ENA shall also give the oppositor the link and access to the virtual summary hearing. Nonappearance of the oppositor(s) in the virtual summary hearing may be excused only for acts of God, force majeure, or duly substantiated physical inability.

A representative may appear on behalf of a party but must be fully authorized through a Special Power of Attorney or a board resolution, as the case may be.

The oppositor's or an authorized representative's failure to appear without valid cause shall be cause to deny the opposition outright and to grant the application for electronic notarial commission in accordance with Section 6 of this Rule.

SECTION 6. Issuance and Form of Electronic Notarial Commission. — Upon finding that the applicant is qualified to assume the duties and responsibilities of an ENP, the ENA shall issue an electronic notarial commission that is substantially in the following form:

REPUBLIC OF THE PHILIPPINES
SUPREME COURT
ELECTRONIC NOTARY ADMINISTRATOR

This is to certify that [name of the ENP] of [regular place of work or business] is on [date] commissioned by the undersigned as an Electronic Notary Public authorized to execute electronic notarial acts in accordance with A.M. No. 24-10-14-SC or the "Rules on Electronic Notarization" for a term ending on [date].

Electronic Notary Administrator

SECTION 7. Application Fee. — Every applicant shall pay the fee prescribed by the Supreme Court.

SECTION 8. Confidentiality. — The information reflected in the application form shall be used by the ENA and their authorized officers only for the purpose of performing their official duties and shall not be disclosed to any person unless authorized by court order or by the ENP in writing.

Further, the personal data reflected in the application form shall be used and processed by the ENA and their authorized officers in accordance with Republic Act No. 10173 or the "Data Privacy Act of 2012."

SECTION 9. Jurisdiction of ENPs. — Once commissioned in accordance with the procedure set forth herein, the ENP shall be authorized to perform electronic notarial acts for principals located anywhere in the Philippines. The ENP shall also be authorized to perform electronic notarial acts for principals located outside the Philippines provided that the ENP is in the Philippines and the conditions under Section 5, Rule IV are met.

If the ENP is also commissioned under the 2004 Notarial Rules, they may conduct traditional in-person notarization of paper documents and instruments but only in accordance with said rules.

SECTION 10. Term. — The electronic notarial commission shall be valid for a period of two years commencing from the first day of January of the year in which the commissioning was made, unless earlier revoked or the ENP has resigned under the Rules and Rule 139 of the Rules of Court; provided that upon the granting of the electronic notarial commission, the successful applicant shall be duly authorized to commence and perform acts of an ENP effective from the date of their commission; provided, further, that in the event the electronic notarial commission is granted at any time after the first day of January of the first year of the commission, the remaining period from the date of commission to the end of such year shall be nevertheless calculated and considered as one full year.

SECTION 11. Renewal of Commission. — An ENP may submit an application for renewal of their electronic notarial commission to the ENA within 30 days prior to the expiration thereof.

To facilitate renewal, applicants shall only be required to file an electronic application form with the ENA that shall contain the following:

a.

the Supreme Court-accredited ENF(s) that the applicant uses to perform electronic notarial acts;

b.

the email address and telephone number(s) of the ENP;

c.

the address of the ENP's current residence and place of business;

d.

proof of payment for the renewal of the ENP's electronic notarial commission as required by the Rules, including proof of payment of the professional tax for the current year;

e.

a written undertaking confirming that the applicant shall execute electronic notarial acts strictly in accordance with the Rules;

f.

a written undertaking confirming that the applicant shall comply with the Electronic Notarization Data Sharing Guidelines;

g.

a copy/copies of the ENP's existing Electronic Notarial Seal(s);

h.

proof that the ENP is a member of the Philippine Bar in good standing with clearances from the OBC and the IBP;

i.

proof of compliance with the MCLE and ULAS requirements;

j.

latest unretouched passport-size colored photograph with light background taken within 30 days of the

application for renewal; and

k.

in case the ENP shall use a different ENF upon renewal of their commission, a certification issued by the ENF provider that the applicant has viewed the on-demand instructional video on using the ENF.

The application shall be submitted to the ENA through their dedicated email address for renewal of commission.

Failure to submit said application will result in the automatic removal of the name of the ENP in the directory of ENPs and denial of access to the ENF(s) on the day immediately succeeding the expiration date of the applicant's commission. The ENP thus removed from the directory of ENPs may only be reinstated after the issuance of a new electronic notarial commission obtained through a new application therefor in accordance with the Rules.

SECTION 12. Action on Application for Renewal of a Commission. — The ENA shall, upon payment of the fee mentioned in Section 7 of this Rule, act on any application for renewal of a commission within 15 days from receipt thereof. If the application is denied, the ENA shall state the reasons therefor.

RULE VII

ELECTRONIC NOTARIZATION FACILITY

SECTION 1. Accreditation of ENF. — To ensure the integrity of the technologies used in the performance of electronic notarial acts and for the protection of the interests of the public, the ENP may only use Supreme Court-accredited ENF in the performance of electronic notarial acts.

The Supreme Court shall issue the corresponding guidelines on accreditation, which shall include the process and specific information relating to accreditation.

SECTION 2. General Features of the ENF. — To qualify for accreditation, the ENF should have the following general features:

a.

allows the performance of both IEN and/or REN for every notarial act as defined in this Rules;

b.

possesses e-KYC mechanisms that are consistent with the pertinent issuances of the BSP;

c.

possesses MFA mechanism, such as but not limited to facial recognition, biometrics, OTP, and such other technology or identity verification mechanism that are consistent with the pertinent issuances of the BSP;

d.

possesses liveness detection, anti-spoofing technology, or such other technology capable of detecting a presentation attack and of determining whether the person virtually appearing before the ENP through the ENF is a live person and not a spoof;

e.

allows the creation and affixing of (i) electronic signature and Electronic Notarial Seal of the ENPs and (ii) electronic signatures of principals and witnesses;

f.

allows secure uploading, downloading, viewing, and transmission of electronic documents—including, but not limited to electronically notarized documents, identification cards, and proof of authority to sign in a representative capacity-before, during, and after the notarial act;

g.

allows all parties to view electronic documents simultaneously and affix their electronic signatures and electronic seal in real time;

h.

allows the parties, in the performance of REN, to communicate with each other simultaneously by sight and sound through videoconference with a minimum resolution of 1280 x 720 pixels (HD) and informs all users that the minimum required internet speed for electronic notarization is 2 mbps per user;

i.

possesses geolocation functionality and is capable of identifying and disabling the use of VPNs or other technology calculated to alter the actual location of the users in the performance of REN;

j.

prevents the ENP from using the ENF to perform electronic notarial acts outside the Philippines except limited extraterritorial performance thereof under Section 5, Rule IV;

k.

allows the principal(s) to create and download the audiovisual recordings of the performance of REN;

l.

where applicable, prompts all parties that the performance of REN shall be recorded;

m.

prompts all parties that their personal information shall be collected and processed in accordance with Republic Act No. 10173 or the "Data Privacy Act of 2012" and shall be shared with the Supreme Court in

accordance with the Electronic Notarization Data Sharing Guidelines;

n.

allows the creation and maintenance of an Electronic Notarial Book, which shall be automatically populated in chronological order, properly referenced, and indexed by the ENF upon completion of an electronic notarial act with the required details under Section 2, Rule VIII;

o.

possesses storage and retention facilities for electronically notarized documents, Electronic Notarial Books, and the audiovisual recordings of the performance of REN;

p.

is capable of integration with the Supreme Court Central Notarial Database for purposes of (i) automatic transmission of electronically notarized documents; (ii) automatic submission or syncing of the Electronic Notarial Book; and (iii) verification of ENPs and ENFs credentials after the Transitional Period as defined in the Rules;

q.

is capable of converting or producing electronically notarized documents in PDF/A format or in such format that is compliant with ISO standards and appropriate for long-time archiving;

r.

facilitates digital payments and issuance of electronic official receipts for the performance of electronic notarial acts;

s.

adopts technological security measures that are considered tamper-evident, such as but not limited to end-to-end encryption, as certified and declared acceptable by the Supreme Court, including digital infrastructure used by the government;

t.

possesses a system or mechanism for verifying or validating whether an electronically notarized document is authentic or is otherwise tampered with;

u.

restricts access of ENPs with expired, canceled, or revoked commissions and access of principals and witnesses with expired or invalid competent evidence of identity;

v.

maintains a back-up of all Electronic Notarial Books in a separate database, which must be updated in real time;

w.

complies with Republic Act No. 10173 or the "Data Privacy Act of 2012" and is duly registered with the National Privacy Commission (NPC);

x.

provides comprehensive instructional materials on how to navigate and troubleshoot the ENF and certifies whether the individual applying for an electronic notarial commission has studied said instructional materials;

y.

guarantees 99.9% uptime except for maintenance operations; provided that advance notice shall be given to all stakeholders prior to the conduct of maintenance operations, including the duration of the same;

z.

allows the ENA or any other officer authorized by the Supreme Court to access information relating to the ENP's commission and the electronically notarized documents, subject to the provisions of the Electronic Notarization Data Sharing Guidelines; and

aa.

provides such other support facilities and features that may be required by the ENA or the Supreme Court through supplementary issuances.

SECTION 3. One Account per ENF. — The ENP shall maintain only one account per ENF, but the ENP may utilize as many accredited ENFs as desired.

RULE VIII

ELECTRONIC NOTARIAL BOOK

SECTION 1. Form of Electronic Notarial Book. — An ENP shall keep, maintain, protect, and provide for lawful inspection, as provided in the Rules, a chronological official register of notarial acts in electronic form to be known as the Electronic Notarial Book, which shall be integrated into the ENF used by the ENP. An ENP shall keep only one active Electronic Notarial Book per ENF but is required to keep a duplicate copy thereof.

SECTION 2. Entries in the Electronic Notarial Book. —

a.

The Electronic Notarial Book shall contain the following information corresponding to each notarial act executed in accordance with the Rules:

i.

the electronic notarial act executed;

ii.

the date and time of said electronic notarial act;

iii.

the title or description of the notarized electronic document;

iv.

the name and address of each principal;

v.

the name and address of each witness participating in the electronic notarial act, if any;

vi.

the competent evidence of identity used by each principal and witnesses, if any, participating in the electronic notarial act;

vii.

the fee charged for the electronic notarial act;

viii.

a statement to the effect that the electronic notarial act was executed while all parties concerned were situated within the Philippines or in a Philippine embassy, consular office, or office of Philippine Honorary Consul abroad in cases of limited extraterritorial performance of electronic notarial acts;

ix.

the mode of notarization, i.e., whether JEN or REN; and x. any other circumstances the BNP may deem significant.

b.

The BNP shall record in the Electronic Notarial Book the reasons and circumstances for not completing an electronic notarial act.

c.

The BNP shall record in the Electronic Notarial Book the circumstances of any request to inspect or copy an entry therefrom, including the requesting party's name, address, electronic signature, competent evidence of identity, and stated lawful purpose. The reasons for refusal to allow inspection or copying of an entry in the Electronic Notarial Book shall also be recorded.

d.

The BNP shall ensure that the entry number in their Electronic Notarial Book corresponds to that indicated in each electronic document executed, sworn to, or acknowledged before them.

e.

In case of a protest of any electronic draft, bill of exchange, or promissory note, the BNP shall make a full and true record of all proceedings in relation thereto and shall note therein whether the demand for the sum of money was made by whom, when, and where; whether they presented such draft, bill, or note; whether notices were given, to whom, and in what manner; where the same was made, when and to whom and where directed; and of every other fact touching on the same.

SECTION 3. Reportorial Requirement During the Transitional Period. — During the Transitional Period, the ENP shall forward to the ENA, through its dedicated email address, a certified electronic copy of the Electronic Notarial Book with the month's entries and copies of the corresponding notarized electronic documents within the first 10 days of the month immediately following. If there is no entry to certify for the month, the BNP shall forward a statement to this effect in lieu of certified copies herein required.

SECTION 4. Electronic Signatures. — At the time of the notarization, the Electronic Notarial Book shall be electronically signed by each principal using the ENF.

SECTION 5. Inspection, Copying, and Disposal. —

a.

Any person may physically or virtually inspect or request to reproduce an entry in the Electronic Notarial Book during regular business hours, provided as follows:

i.

The identity of the requesting party is proven through competent evidence of identity;

ii.

The requesting part affixes their electronic signature in the Electronic Notarial Book in a separate and dated entry;

iii.

The requesting party specifies the month, year, type of electronic document, and name of the principal(s) and/or the witnesses for the electronic notarial act(s) sought;

iv.

The requesting party shall disclose the purpose for the request for inspection, copying, or disposal; and

v.

Only the entry specified by the requesting party shall be shown.

b.

For purposes of this Section, "physically request or inspect" shall mean physically appearing before the ENP to request an inspection and/or copying of the entries in the Electronic Notarial Book, while "virtually request or inspect" shall mean coursing the request to inspect or copy the entries of the Electronic Notarial Book through the ENF.

c.

The Electronic Notarial Book shall be examined by a law enforcement officer in connection with an official investigation and only by virtue of a court order.

d.

If the ENP has a reasonable ground to believe that the requesting party has a criminal intent or wrongful motive in requesting information from the Electronic Notarial Book, the ENP may deny access to any entry.

e.

The requesting party shall remain bound by confidentiality rules under prevailing laws, such as, but not limited to, Republic Act No. 10173, otherwise known as the "Data Privacy Act of 2012," and Republic Act No. 8293, otherwise known as the "Intellectual Property Code of the Philippines."

SECTION 6. Loss, Destruction, or Damage of Electronic Notarial Book. —

a.

In case the Electronic Notarial Book is lost, destroyed, damaged, altered, or otherwise rendered unusable or illegible as a record of electronic notarial acts, the ENP shall, within 72 hours upon knowledge thereof, inform the NPC, such other appropriate law enforcement agency, the ENA, and the principal(s), witness(es) participating in the electronic notarial act, or data subjects of such incident. The ENP shall notify the ENA through their dedicated email address for reports of loss, destruction, or damage of Electronic Notarial Books by providing a proper receipt or acknowledgment and copy or number of any pertinent police report, personal

data breach notification report, or any other appropriate supporting documents.

The failure of the ENP to notify the NPC, the principal(s), the witness(es), or data subjects, and the ENA in accordance with the Rules shall be penalized in accordance with the provisions of Republic Act No. 10173, otherwise known as the "Data Privacy Act of 2012," and by the Supreme Court.

b.

Upon revocation or expiration of the electronic notarial commission or resignation of the ENP, the Electronic Notarial Book and other notarial records shall immediately be forwarded to the ENA through their dedicated email address for surrender of records.

SECTION 7. Issuance of Certified True Copies. — The ENP shall supply a certified true copy of the notarial record or any part thereof to any person applying for such copy upon payment to the ENP of the appropriate fees to be prescribed by the Supreme Court, subject to the conditions set forth under Section 5 of this Rule.

SECTION 8. Compliance with Data Privacy Laws. — The ENP and the ENF shall comply with Republic Act No. 10173 or the "Data Privacy Act of 2012" and ensure that appropriate security measures are in place to protect the rights of the data subjects whose personal information and/or sensitive personal information are processed through the ENF and/or stored in the Electronic Notarial Book.

RULE IX

ELECTRONIC SIGNATURE AND ELECTRONIC NOTARIAL SEAL

SECTION 1. Official Electronic Signature and Electronic Notarial Seal. — In performing an electronic notarial act, the following components shall be attached to, or logically associated with, the electronic document by the ENP:

a.

The official electronic signature of the ENP; and

b.

The Electronic Notarial Seal, as defined under Section 4, Rule I of the Rules, which shall use the font style "Times New Roman" and font size 12 and measure 1.5 inches by 3 inches and be of the following general appearance:

(image supposed to be here)

[Name of the ENP]

Roll No. 12345

Electronic Notary Public

Republic of the Philippines

[QR Code, Bar

Code, or other

security

features]

SECTION 2. Electronic Signature and Electronic Notarial Seal Exclusively for Official Acts. — The ENP's

electronic signature, in conjunction with the seal, shall be used only for the purpose of performing electronic notarial acts authorized under the Rules.

The ENP's electronic signature and seal shall be affixed only at the time an electronic notarial act is performed.

SECTION 3. Submission of Electronic Notarial Seal to the ENA. — A visual representation of the Electronic Notarial Seal of the ENP as generated by the ENF shall be submitted to the ENA prior to its use.

SECTION 4. One Electronic Notarial Seal per ENF Account. — Every ENP shall have one Electronic Notarial Seal, which shall be affixed to a notarized electronic document. Should the ENP utilize more than one ENF, they shall have only one Electronic Notarial Seal per ENF.

RULE X

ELECTRONIC NOTARIAL CERTIFICATES

SECTION 1. Form of Electronic Notarial Certificate. — The Electronic Notarial Certificate used for any document sought to be notarized shall conform to all requisites prescribed herein, the Rules of Court, and all other provisions or issuances by the Supreme Court and applicable laws.

SECTION 2. Contents of the Concluding Part of the Electronic Notarial Certificate. — The Electronic Notarial Certificate shall include the following:

a.

the ENP's name exactly as stated on the notarial commission issued in accordance with Section 6, Rule VI of the Rules;

b.

the ENP's Roll of Attorneys number;

c.

the words "Electronic Notary Public";

d.

the word "Philippines";

e.

the commission number of the ENP;

f.

the validity of the term of the ENP's commission;

g.

the ENP's professional tax receipt number and the place and its date of issuance;

h.

the ENP's IBP membership number;

i.

the ENP's email address;

j.

the address of the ENP's regular place of work or business;

k.

the ENP's compliance with the MCLE and ULAS requirements, including the date of its compliance; and

l.

the mode of electronic notarization, i.e., IEN or REN.

RULE XI

DEATH, RESIGNATION, AND REVOCATION OF THE COMMISSIONS OF ENPs

SECTION 1. Death of an BNP. — Any person may notify the ENA of the death of an BNP.

SECTION 2. Resignation. — An BNP may resign their commission by electronically submitting a signed and dated formal notice to the ENA through their dedicated email address. Effective from the date indicated in the notice, they shall immediately cease to perform notarial acts. If no date is specified, it shall be deemed effective as of the date of receipt of notice by the ENA.

SECTION 3. Revocation and Administrative Sanctions. —

a.

The BNP's commission may be revoked or the BNP may otherwise be subject to appropriate administrative sanctions based on the following grounds:

i.

reasons for which an application may be denied;

ii.

failure to make proper entries in the Electronic Notarial Book concerning the performance of electronic notarial acts;

iii.

failure to require the physical or virtual presence of a principal and/or any witness at the time of the performance of the notarial act, depending on whether IEN or REN was adopted as modality;

iv.

execution of a false or incomplete Electronic Notarial Certificate;

v.

performance of an electronic notarial act (a) when the ENP is not geolocated/situated within the Philippines, or Philippine embassy, consular office, or office of Philippine Honorary Consul abroad; or (b) when the ENP has good reason to believe that the transaction is unlawful or immoral; and

vi.

performance or failure to perform any other act prohibited or mandated by the Rules.

b.

A party seeking the revocation of the ENP's commission may file a verified complaint with the ENA. The ENA shall furnish the ENP a copy of the verified complaint and require the ENP to submit their verified answer within 15 days from notice.

c.

If the answer of the ENP is not satisfactory, the ENA 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 ENA shall prepare a report recommending the imposition of the appropriate administrative sanctions. The report of the ENA shall be submitted to the Supreme Court for its appropriate action. In the interim, the ENA may suspend the notarial commission of the ENP after summary hearing if they find that the BNP committed a violation of the Rules.

d.

The ENA may *motu proprio* initiate administrative proceedings against an ENP, subject to the procedures prescribed in paragraphs (b) and (c) above, and recommend the imposition of appropriate administrative sanctions.

SECTION 4. Termination of ENF Access. — The ENA shall immediately notify the ENF provider(s) of the

resignation of the ENP, revocation of the electronic notarial commission, or death of the ENP and order the termination of the ENP's access to the ENF. The ENF provider(s) shall forthwith transmit to the ENA all the remaining data pertaining to the ENP's account.

RULE XII

MISCELLANEOUS PROVISIONS

SECTION 1. Fees of ENP. — The fees charged for electronic notarial services shall be in accordance with any guide on notarial fees as may be issued by the Supreme Court unless the BNP waives the fee in whole or in part. The ENP may charge reasonable or proportionate telecommunication and other incidental expenses incurred in addition to the notarial fees prescribed under such guide.

SECTION 2. Storage and Retention. — The ENP shall store and retain the contents of the Electronic Notarial Book and copies of the notarized document for the duration of their commission or for a longer period as may be directed by a court of competent jurisdiction. These records shall be managed in accordance with law and stored in secure servers, cloud or on-premise, with firewall, encryption, and other technical security measures as may be approved by the Supreme Court.

The duplicate Electronic Notarial Book required under Section 1, Rule VIII of the Rules shall also be stored and retained by the ENP until the expiration of their ENP commission.

SECTION 3. Punishable Acts. — The ENA shall cause the prosecution or the filing of administrative action against any person who

a.

knowingly acts or otherwise impersonates an ENP;

b.

knowingly falsifies, obtains, conceals, defaces, or destroys the Electronic Notarial Seal, Electronic Notarial Book, or official records of an ENP; or

c.

knowingly tampers with, alters, or otherwise circumvents the effective technological measures placed by the ENP or the ENF to secure the Electronic Notarial Seal, the Electronic Notarial Book, or the notarized electronic document;

d.

knowingly solicits, coerces, influences, or in any way misleads an ENP to commit official misconduct;

e.

uses programs and extensions, such as VPN, to change the actual location of a party to the notarial act at the time of notarization; and

f.

provides an ENF without a valid and subsisting Certificate of Accreditation.

SECTION 4. Subsequent Amendments. — The Supreme Court shall issue such Rules as may be appropriate or necessary to adapt to developments on available technology. SECTION 5. Simultaneous Application. — In view of the separation of regimes provided under Section 2, Rule I of the Rules, qualified persons can simultaneously perform electronic and traditional notarization, provided they have distinct and separate commissions for both.

SECTION 6. Repealing Clause. — A.M. No. 20-07-04-SC or the 2020 Interim Rules on Remote Notarization of Paper Documents is hereby repealed.

SECTION 7. Confidentiality Clause. — The ENP shall keep confidential the terms and contents of documents electronically notarized before them, and a disclosure of the terms of any documents to other persons shall not be permitted except as compelled by competent courts or to individuals who shall request for a certified true copy thereof in accordance with the Rules. In no event will the ENP or their heirs, assigns, or representatives make or cause to be made any comment, written statement, or press release to any member of the media concerning the substance or terms of any document notarized before them.

SECTION 8. Disclosure of Information. — Notwithstanding the provision on confidentiality, the ENP and/or the ENF shall provide information obtained in the electronic notarization process only upon the issuance of a court order issued by a competent authority or in compliance with any law obligating the ENP and/or the ENF to disclose such information in accordance with the provisions of Republic Act No. 10173 or the "Data Privacy Act of 2012."

SECTION 9. Effectivity. — The Rules shall take effect within 15 days following its complete publication in the Official Gazette or in two newspapers of general circulation in the Philippines. It shall also be uploaded to the website of the Supreme Court.

Promulgated this 4[th] day of February, 2025

(Sgd.)
ALEXANDER G. GESMUNDO
Chief Justice

(Sgd.)
MARVIC M.V.F. LEONEN
Senior Associate Justice

(Sgd.)
ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

(Sgd.)
RAMON PAUL L. HERNANDO
Associate Justice

(Sgd.)
AMY C. LAZARO-JAVIER
Associate Justice

(Sgd.)
HENRI JEAN PAUL B. INTING
Associate Justice

(Sgd.)
RODIL V. ZALAMEDA
Associate Justice

(Sgd.)
MARIO V. LOPEZ
Associate Justice

(Sgd.)
SAMUEL H. GAERLAN
Associate Justice

(Sgd.)
RICARDO R. ROSARIO
Associate Justice

(Sgd.)
JHOSEP Y. LOPEZ
Associate Justice

(Sgd.)
JAPAR B. DIMAAMPAO
Associate Justice

(Sgd.)
JOSE MIDAS P. MARQUEZ
Associate Justice

(Sgd.)
ANTONIO T. KHO, JR.
Associate Justice

(On leave but left a vote)
MARIA FILOMENA D. SINGH
Associate Justice

[1] The single identification card shall be issued to all members of the Philippine Bar pursuant to the Resolution dated July 11, 2023 of the Court in A.M. No. 23-07-06-SC (Re: Memorandum of Agreement Between the Supreme Court of the Philippines and Integrated Bar of the Philippines on the Issuance of a Single ID for the Members of the Philippine Bar).

[2] Definition lifted from A.M. No. 01-7-01-SC or the "Rules on Electronic Evidence" (Rule 2, sec. 1[e]).

[3] Definition lifted from DTI-DOST Joint Department Administrative Order No. 02, s. 2001, Implementing Rules and Regulations on Electronic Authentication and Electronic Signatures (sec. 3[p]).

GUIDELINES ON THE ACCREDITATION OF ELECTRONIC NOTARIZATION FACILITY PROVIDERS

WHEREAS, the Court has allowed technology-based notarial services, particularly Remote Electronic Notarization (REN) and In-person Electronic Notarization (IEN), under the "Rules on Electronic Notarization" (Rules);

WHEREAS, integral to the implementation of the Rules is the utilization of Electronic Notarization Facilities (ENFs);

WHEREAS, Section 4(i), Rule I of the Rules defines an ENF as "any secure digital tool, device, system, application, and technology solution with the capabilities and functions required under Section 2, Rule VII of the Rules";

WHEREAS, Section 1, Rule VII of the Rules requires the accreditation of ENFs as a precondition for the use in this jurisdiction to ensure the integrity of the technologies used in the performance of electronic notarial acts and for the protection of the interests of the public;

WHEREAS, Section 1, Rule VII of the Rules further provides that the Court shall issue the corresponding rules on accreditation, which shall include the process and specific technical criteria for accreditation;

NOW, THEREFORE, with the Court permitting the rendition of technology-based notarial services by Electronic Notaries Public (ENPs) to the public, the following guidelines on the accreditation of ENFs are hereby APPROVED:

Rule I

GENERAL PROVISIONS

Section 1. Title. — The Guidelines shall be known as the "Guidelines on the Accreditation of Electronic Notarization Facility Providers" (Guidelines).

Section 2. Purposes. — The Guidelines shall be applied and construed to advance the following purposes:

- (a) implement technology-based notarial services, particularly REN and IEN, by the ENPs under the Rules;
- (b) provide for an efficient and transparent system in the accreditation of ENF providers; and
- (c) promote, serve, and protect the public interest.

Rule II

DEFINITION OF TERMS

Section 1. Definitions. — For purposes of the Guidelines, the following terms are defined as follows:

- (a) Accredited Provider — refers to an ENF provider that holds a valid and subsisting Certificate of Accreditation issued by the Electronic Notary Administrator (ENA).
- (b) Certificate — refers to the Certificate of Accreditation that is issued by the ENA upon determination that a Provider meets the qualifications for accreditation and their ENF fulfills all the requirements under the Rules and the Guidelines.

(c) Electronic Notary Administrator — refers to the officer authorized by the Court to, among other responsibilities, evaluate the application and approve the accreditation of a provider under the Guidelines.

(d) ENF Provider — refers to a natural or juridical person that provides any secure digital tool, device, system, application, and technology solution with sufficient capabilities for electronic notarization as specified under the Rules and the Guidelines.

The definitions of terms under the Rules are herein adopted.

Rule III

ACCREDITATION OF ELECTRONIC NOTARY FACILITY PROVIDER

Section 1. Qualifications. — To be eligible for accreditation, an ENF Provider must:

I. be duly registered with the Department of Trade and Industry for sole proprietorships; the Cooperative Development Authority for cooperatives; or the Securities and Exchange Commission for corporations and partnerships;

II. prepare and make readily accessible to availing ENPs the information on all available functions and features of their ENF, as well as instructional video(s) on how to use the same;

III. execute a Data Outsourcing Agreement with the Supreme Court; and

IV. have an ENF that has the following General Features as enumerated in Section 2, Rule VII of the Rules and as reproduced below:

a.

allows the performance of both IEN and/or REN for every notarial act as defined in the Rules;

b.

possesses Electronic Know-Your-Customer (e-KYC) mechanisms that are consistent with the pertinent issuances of the Bangko Sentral ng Pilipinas (BSP);

c.

possesses Multi-Factor Authentication mechanism, such as but not limited to facial recognition, biometrics, One-Time Password (OTP), and such other technology or identity verification mechanism that are consistent with the pertinent issuances of the BSP;

d.

possesses liveness detection, anti-spoofing technology, or such other technology capable of detecting a presentation attack and of determining whether the person virtually appearing before the BNP through the ENF is a live person and not a spoof;

e.

allows the creation and affixing of (i) electronic signature and Electronic Notarial Seal of the ENPs and (ii) electronic signatures of principals and witnesses;

f.

allows secure uploading, downloading, viewing, and transmission of electronic documents—including, but not limited to electronically notarized documents, identification cards, and proof of authority to sign in a representative capacity—before, during, and after the notarial act;

g.

allows all parties to view electronic documents simultaneously and affix their electronic signatures and electronic seal in real time;

h.

allows the parties, in the performance of REN, to communicate with each other simultaneously by sight and sound through videoconference with a minimum resolution of 1280 x 720 pixels (HD) and informs all users that the minimum required internet speed for electronic notarization is 2 mbps per user;

i.

possesses geolocation functionality and is capable of identifying and disabling the use of Virtual Private Networks (VPNs) or other technology calculated to alter the actual location of the users in the performance of REN;

j.

prevents the ENP from using the ENF to perform electronic notarial acts outside the Philippines except limited extraterritorial performance thereof under Section 5, Rule IV of the Rules;

k.

allows the principal(s) to create and download the audiovisual recordings of the performance of REN;

l.

where applicable, prompts all parties that the performance of REN shall be recorded;

m.

prompts all parties that their personal information shall be collected and processed in accordance with Republic Act No. 10173 or the "Data Privacy Act of 2012" and shall be shared with the Supreme Court in

accordance with the Electronic Notarization Data Sharing Guidelines;

n.

allows the creation and maintenance of an Electronic Notarial Book, which shall be automatically populated in chronological order, properly referenced, and indexed by the ENF upon completion of an electronic notarial act with the required details under Section 2, Rule VIII of the Rules;

o.

possesses storage and retention facilities for electronically notarized documents, Electronic Notarial Books, and the audiovisual recordings of the performance of REN;

p.

is capable of integration with the Supreme Court Central Notarial Database for purposes of (i) automatic transmission of electronically notarized documents; (ii) automatic submission or syncing of the Electronic Notarial Book; and (iii) verification of ENPs and ENFs credentials after the Transitional Period as defined in the Rules;

q.

is capable of converting or producing electronically notarized documents in Portable Document Format Archival format or in such format that is compliant with ISO standards and appropriate for long-time archiving;^[1]

r.

facilitates digital payments and issuance of electronic official receipts for the performance of electronic notarial acts;

s.

adopts technological security measures that are considered tamper-evident, such as but not limited to end-to-end encryption, as certified and declared acceptable by the Supreme Court, including digital infrastructure used by the government;

t.

possesses a system or mechanism for verifying or validating whether an electronically notarized document is authentic or is otherwise tampered with;

u.

restricts access of ENPs with expired, canceled, or revoked commissions and access of principals and witnesses with expired or invalid competent evidence of identity;

v.

maintains a back-up of all Electronic Notarial Books in a separate database, which must be updated in real time;

w.

complies with Republic Act No. 10173 or the "Data Privacy Act of 2012" and is duly registered with the National Privacy Commission (NPC);

x.

provides comprehensive instructional materials on how to navigate and troubleshoot the ENF and certifies whether the individual applying for an electronic notarial commission has studied said instructional materials;

y.

guarantees 99.9% uptime except for maintenance operations; provided that advance notice shall be given to all stakeholders prior to the conduct of maintenance operations, including the duration of the same;

z.

allows the ENA or any other officer authorized by the Supreme Court to access information relating to the ENP's commission and the electronically notarized documents, subject to the provisions of the Electronic Notarization Data Sharing Guidelines; and

aa.

provides such other support facilities and features that may be required by the ENA or the Supreme Court through suppletory issuances.

Section 2. Application for Accreditation. — An ENF Provider seeking to offer their ENF for use of the ENPs and the public shall first apply for accreditation with the Supreme Court, through the ENA.

Section 3. Application Fee. — An ENF Provider shall pay the application fee of PHP 5,000.00 through the Judiciary e-Payment Solution. No application shall be processed without the payment of the required fee. Should the provider subsequently withdraw the application before the same is approved/renewed, the fee shall be deemed forfeited.

Section 4. Performance Bond. — Within five days from the notice of approval, the successful ENF Provider shall deposit cash amounting to PHP 100,000.00 with the Supreme Court Cashier under the fiduciary account with the Land Bank of the Philippines (LBP) in the name of the ENA. The Certificate shall not be released until the

posting of the bond.

The cash deposit shall answer for any monetary penalty that may be imposed by the Court on the Accredited Provider upon due investigation. Should the cash bond be reduced due to the imposition of any penalty, the Accredited Provider shall replenish the same within 15 days from notice.

Section 5. Period of Validity of Accreditation. — The Certificate shall be valid for three years from the date of approval of the application or until revoked.

Section 6. Renewal of Accreditation. — The qualifications under Section 1, Rule III of the Guidelines shall also be required for the renewal of accreditation of Accredited Providers. The Accredited Providers shall apply for the renewal of accreditation within 30 days prior to the expiration of the existing accreditation.

The Accredited Providers shall also pay a renewal fee of PHP 5,000.00. No application for renewal shall be processed without the payment of the required fee.

Section 7. Pre-termination or Non-Renewal of Accreditation. — If the Accredited Provider chooses to pre-terminate or choose not to renew their accreditation, they shall first give notice to their enrolled ENPs at least one month prior to filing a letter-request to the ENA.

The Accredited Provider is mandated to ensure the receipt of notice by all their enrolled ENPs and, upon the latter's request, assist in the transition to another Accredited Provider with respect to the migration of electronic documents, Electronic Notarial Books, any video recordings, and other relevant data. In no case shall the terminating or non-renewing ENF Provider keep, make a copy, transfer, or use in any manner for themselves or any person other than the concerned ENPs or the ENA the electronic documents, Electronic Notarial Books, and video recordings in their possession.

The letter-request to the ENA shall be accompanied by a list of names of all enrolled ENPs and proof of receipt of notice.

Upon submission of the requirements, the ENA shall issue in favor of the Accredited Provider an authority to withdraw their outstanding cash deposit from the Supreme Court Cashier, which, in turn, shall prepare the necessary voucher for the withdrawal of the fund from the LBP.

Section 8. Penalties. - The Court shall forfeit the Accredited Provider's performance bond in case of the following instances:

- (a) provision of electronic notarization solutions without renewing the accreditation;
- (b) continuous or effective downtime of the ENF for a period of at least 15 hours;
- (c) allowing the ENPs with expired, canceled, or revoked commissions to access the ENF continually; and
- (d) breach in the collection, use, and storage of personal data of the ENP or any of the stakeholders and/or failure to report such breach to the NPC and the ENA within the allowable period to report such breach.

Section 9. Grounds for Revocation of Accreditation. — The Court, through the ENA, may motu proprio revoke the accreditation if the Accredited Provider ceases to possess any of the requirements for accreditation.

In addition, the Court may revoke the accreditation if the Accredited Provider

- (a) commits any misrepresentation in the application form and supporting documents;
- (b) perpetuates or participates in fraudulent acts relative to the service, as may be determined by the ENA;

(c) fails to post/replenish the required cash deposit within the prescribed period; or

(d) performs such other analogous acts.

The decision of the ENA on the matter shall be deemed final.

Section 10. Sanctions. — Any person or entity that provides electronic notarization solutions without a valid and subsisting Certificate shall be liable for contempt and/or appropriate sanctions as may be determined by the ENA.

Rule IV

EFFECTIVITY

The Guidelines shall take effect within 15 days following its complete publication in the Official Gazette or in two newspapers of general circulation in the Philippines. It shall also be uploaded to the website of the Supreme Court.

(Sgd.)

ALEXANDER G. GESMUNDO
Chief Justice

(Sgd.)

MARVIC M.V.F. LEONEN
Senior Associate Justice

(Sgd.)

ALFREDO BENJAMIN S. CAGUIOA
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JAPAR B. DIMAAMPAO
Associate Justice

(Sgd.)
JOSE MIDAS P. MARQUEZ
Associate Justice

(Sgd.)
ANTONIO T. KHO, JR.
Associate Justice

(On leave but left a vote)
MARIA FILOMENA D. SINGH
Associate Justice

[1] File format recommended by MISO and the solutions providers consulted.

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