

AN ACT PROVIDING FOR THE ACKNOWLEDGMENT AND AUTHENTICATION OF INSTRUMENTS AND DOCUMENTS WITHOUT THE PHILIPPINE ISLANDS.

Act No. 2103, January 26, 1912

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By authority of the United States, be it enacted by the Philippine Legislature, that:

SECTION 1. An instrument or document acknowledged and authenticated in any State, Territory, the District of Columbia, or dependency of the United States, shall be considered authentic if the acknowledgment and authentication are made in accordance with the following requirements:

(a) The acknowledgment shall be made before a notary public or an officer duly authorized by law of the country to take acknowledgments of instruments or documents in the place where the act is done. The notary public or the officer taking the acknowledgment shall certify that the person acknowledging the instrument or document is known to him and that he is the same person who executed it, and acknowledged that the same is his free act and deed. The certificate shall be made under his official seal, if he is by law required to keep a seal, and if not, his certificate shall so state.

(b) The certificate of the notary public or the officer taking the acknowledgment shall be authenticated by the county clerk or his deputy, or by a clerk or deputy clerk of any court of record of the county, municipality or judicial district wherein the acknowledgment is taken, or by the secretary of state, executive secretary, or other similar functionary of the state, territory, the District of Columbia, or dependency of the United States, as the case may be. The officer making the authentication shall certify under the seal of his office or court that the person who took the acknowledgment was at the time duly authorized to act as notary public or that he was duly exercising the functions of the office by virtue of which he assumed to act, and that as such he had authority under the law to take acknowledgment of instruments or documents in the place where the acknowledgment was taken, and that his signature and seal, if any, are genuine.

SEC 2. An instrument or document acknowledged and authenticated in a foreign country shall be considered authentic if the acknowledgment and authentication are made in accordance with the following requirements:

(a) The acknowledgment shall be made before (1) an ambassador, minister, secretary of legation, charge d'affaires, consul, vice-consul, or consular agent of the United States, acting within the country or place to which he is accredited, or (2) a notary public or officer duly authorized by law of the country to take acknowledgments of instruments or documents in the place where the act is done.

(b) The person taking the acknowledgment shall certify that the person acknowledging the instrument or document is known to him, and that he is the same person who executed it, and acknowledged that the same is his free act and deed. The certificate shall be under his official seal, if he is by law required to keep a seal, and if not, his certificate shall so state. In case the acknowledgment is made before a notary public or an officer mentioned in subdivision (2) of the preceding paragraph, the certificate of the notary public or the officer taking the acknowledgment shall be authenticated by an ambassador, minister, secretary of legation, charge d'affaires, consul, vice-consul, or consular agent of the United States, acting within the country or place to which he is accredited. The officer making the authentication shall certify under his official seal that the person

who took the acknowledgment was at the time duly authorized to act as notary public or that he was duly exercising the functions of the office by virtue of which he assumed to act, and that as such he had authority under the law to take acknowledgment of instruments or documents in the place where the acknowledgment was taken, and that his signature and seal, if any, are genuine.

SEC. 3. Instruments or documents acknowledged and authenticated in substantial conformity with the provisions of this Act before the same takes effect shall be considered authentic.

SEC. 4. This Act shall not be construed to repeal in any way any of the provisions contained in Chapter X, Part I, of Act Numbered One hundred and ninety, entitled "An Act providing a code of procedure in civil actions and special proceedings in the Philippine Wands."

Enacted, January 26, 1912.

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