

A.M. No. 20-07-04-SC Remote Notarization of Paper Documents

Due to the Covid pandemic, the Supreme Court has allowed the remote notarization of paper documents and copy certification of paper documents under A.M. No. 20-07-04-SC.

If the notary public, or any of the principals, is in a locality under community quarantine, the parties may avail of remote notarization or copy certification. Naturally, the notary public must have a valid and existing notarial commission.

These are the requirements:

1. The principal must deliver the documents for notarization to the notary public via personal or courier service. The document must already bear the signature of the affiant and must be placed in an envelope sealed with the initials of the principal.
2. The package must contain two (2) copies of competent evidence of identity of the principal. If there are witnesses to the execution of the documents, the witnesses must also provide two (2) copies of competent evidence of identity. If the principal is signing in a representative capacity, additional requirements apply.
3. The package must also include a video clip showing the principal while signing the document. The video clip may also be sent by email or other valid means of communication.
4. Upon receipt of the sealed envelope, the notary public shall schedule a video conference wherein the principal must confirm his or her identity. The principal must confirm his or her location by showing proof or identifiable landmarks. The video of the conference must always show the instrument in full view, with the principal confirming that the instrument is the same one which he/she signed and submitted.
5. Also during the video conference, the notary public will require the principal to affix his or her signature on a blank piece of paper for comparison with the instrument sent in a sealed envelope. The principal must then declare that he or she executed the instrument as his or her free and voluntary act and deed. At this point, the notary public may ask additional questions to determine the voluntariness and truthfulness of the principal's act.
6. Witnesses to the execution of the document must be present during the videoconference where the notary public will confirm their identities and locations, signatures on the documents, presence during the execution of the instruments, as well as other relevant matters.
7. In the event that the principal has affixed his or her thumbmark in lieu of a handwritten signature, other requirements will apply.
8. The requirements are similar for copy certification.