

LAWS OF PUERTO RICO ANNOTATED
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TITLE 4. JUDICIARY
PART VI. NOTARIAL PRACTICE
CHAPTER 101. 1987 NOTARIAL ACT
SUBCHAPTER I. THE NOTARY AND HIS FUNCTIONS

4 L.P.R.A. § 2001 (2004)

§ 2001. Short title

This chapter shall be known as the “Puerto Rico **Notarial Act**”.

HISTORY: July 2, 1987, No. 75, p. 242, § 1, eff. 60 days after July 2, 1987.

NOTES:

NOTES:

CODIFICATION. Act July 2, 1987, No. 75, p. 242, “1987 Notarial Law of Puerto Rico”, was originally divided into titles, and these in turn into sections. For purposes of codification, titles have been designated subchapters and the articles, sections.

STATEMENT OF MOTIVES. July 2, 1987, No. 75, p. 243.

REPEALING CLAUSE. Section 80 of Act July 2, 1987, No. 75, p. 242, provides:

“The following statutes are hereby repealed:

“(a) Act No. 99 of June 27, 1956, as amended [§§ 1001-1040 of this title].

“(b) Articles 163, 164, 165 and 166 of the Political Code of 1902 as amended [§§ 951-954 of this title], that authorize the Governor of Puerto Rico to appoint Deed Commissioners to act outside of Puerto Rico.

“(c) Sections 2, 5, and 7 of the Act of March 12, 1908 [§§ 888, 891 and 893 of this title].

“(d) Section 2[1] of Act No. 80 of April 13, 1916 [§ 850 of this title].

“(e) Any other law which is incompatible with the provisions of this act.”

SPECIAL PROVISIONS.

TABLE

A correlation between provisions of both 1956 and 1987 Notarial Laws, former §§ 1001-1040 of this title and this chapter, has been set hereby as follows:

<i>Act June 27, 1956 No. 99</i>	<i>4 L.P.R.A Secs.</i>	<i>Act July 2, 1987, No. 75</i>	<i>4 L.P.R.A Secs</i>
1	1001	2	2002
2	1002	7	2011
3	1003	3, 54	2003, 2078
4	1004	9	2013
5	1005	7, 8	2011, 2012
6	1006	6, 10, 11	2006, 2021, 2022
7	1007	6	2006
8	1008	4, 5	2004, 2005
9	1009	13	2031
10	1010	15(c), (d)	2033(c), (d)
11	1011	15(a)	2033(a)
12	1012	37	2055
13	1013	16, 20	2034, 2038
14	1014	21	2039
15	1015	20	2038
16	1016	15(e), 17	2033(e), 2035
17	1017	14, 15, 27, 38	2032, 2033, 2045, 2056
18, 19	1018, 1019	32	2050

20	1020	34, 35	2052, 2053
21	1021	5(b)	2005(b)
22	1022	36	2054
23	1023	39, 40	2061, 2062
24	1024	39-41	2961-2063
25	1025	41, 43, 45	2063, 2065, 2067
26	1026	12, 71-75	2023, 2121-2125
27	1027	20, 22-24	2038, 2040-2042
28	1028	47	2071
29	1029	49	2073
30	1030	50, 51	2074, 2075
31	1031	52	2076
32	1032	29	2047
33	1033	53	2077
34	1034	48	2072
35	1035	64, 66	2104, 2106
36	1036	67	2107
37	1037	55	2079
38	1038	62, 63, 65	2102, 2103, 2105
39	1039	67	2107
40	1040	77, 78	2131, 2132
41	1001 nt	--	--
42	1001 nt	1	2001

ANNOTATIONS

1. GENERALLY.

The serious deficiencies in a notary's work may not be excused by allegations of "work pressure" or personal problems. *In re Oliveras Lopez de Victoria*, 154 D.P.R. 187 (2001).

The breadth of a notary's work does not justify the perpetration of errors. *In re Verdujo Roque*, 153 D.P.R. 464 (2001).

A Puerto Rican notary is not governed only by the **Notarial Act** but also, as a lawyer, by the Code of Ethical Conduct. *In re Santiago Mendez*, 151 D.P.R. -- (2000); TSPR 2000-100 (06/28/00).

Because of their public function, notaries are called upon to be extremely cautious in the exercise of their profession, conscious at all times of the untoward consequences their negligence may have on the legal matters they are involved with (*In re Rodriguez Baez*, 129 D.P.R. 819 (1992)). *In re Bryan, Vargas*, 150 D.P.R. 1 (2000).

Excuses based on the behavior of a notary's secretaries do not exempt the notary from professional responsibility; it is enough to reiterate that a notary's responsibility is non-transferable. *In re Bryan, Vargas*, 150 D.P.R. 1 (2000).

A notary is obliged to comply strictly with the **Notarial Act**, the Professional Ethics Canons and the contract between the parties; to do otherwise is to subject himself to the corresponding disciplinary sanctions in law. *In re Vera Velez*, 148 D.P.R. 1 (1999).

The notary is a custodian of public trust and in authorizing a document he swears and certifies that it fulfills all legal formalities--that it is legal and true and that it deals with a legitimate and valid transaction. *In re Vera Velez*, 148 D.P.R. 1 (1999).

The conditions of certainty and trust in a notary's acts is what makes a notarial document efficacious and guarantees it, and as such it is imperative that a notary observe the utmost integrity and honesty in discharging notarial public trust. *In re Vera Velez*, 148 D.P.R. 1 (1999).

It is not necessary for a notary to be intentionally untruthful for him to fail the public trust and infringe the Professional Ethics Canons; rather, it could be the result of a professional transaction lacking in caution and the dedication demanded of a notary by his public function or too great a trust in the acts of his peers in the profession. *In re Vera Velez*, 148 D.P.R. 1 (1999).

When a lawyer-notary authorizes an instrument of sale and therein certifies that the property is free of encumbrance and taxes, he violates the notarial public trust and Canon 35 of Professional Ethics should registry indicate a contrary reality. *In re Vera Velez*, 148 D.P.R. 1 (1999).

The notary authorizing a refinancing agreement of a mortgage is responsible for assuring that, after

authorizing the document, the bank draft or the certificate issued to pay off the refinanced mortgage, arrives at the mortgage creditor or its legitimate representative. *In re Delgado*, 120 D.P.R. 518 (1988).

4 L.P.R.A. § 2002 (2004)

§ 2002. Notary--Concept

The notary is a legal professional who practices a public function, authorized to attest and authenticate pursuant to the laws the juridical business and other acts and extrajudicial events executed before him, without prejudice of what is provided in the special laws. His function is to receive and interpret the will of the parties giving it a legal format, draft the notarial documents and deeds for such purpose and confer authority to them. The notary's public faith is complete with regard to the facts carried out and corroborated by him in the exercise of his functions, and also with regard to the manner, place, date and time of the execution.

HISTORY: July, 2, 1987, No. 75, p. 242, § 2, eff. 60 days after July 2, 1987.

ANNOTATIONS

1. GENERALLY.

An attorney infringes this rule upon falsely recording, under his notarial certification, the appearance of contracting parties to amend a record and falsifying a request for the cancellation of a mortgage. *In re Tejada Rivera*, 155 D.P.R. -- (2001); 2001 TSPR 136 (09/24/01).

A notary violates the public trust when the notary attests to a false fact and fails to fulfill his obligation of adequately informing the parties by not carrying out a title search to the property before proceeding to authorize a deed of sale. *In re Ortiz Gutierrez*, 153 D.P.R. 271 (2001).

A notary, even though not obliged to do so, should nonetheless advise a buyer of the need to immediately register instruments in the Registry. *In re Diaz Ruiz*, 149 D.P.R. 756 (1999).

A notary must make certain to advise the parties of all explanations, clarifications and warnings necessary to reach an informed agreement among the signatories. *In re Jimenez Brackel*, 148 D.P.R. 287 (1999).

A notary is obligated to advise all signatories equally, even though one of them may have previously hired him as a lawyer, since there is no reason why he may favor one over merely because his client was a party. *In re Jimenez Brackel*, 148 D.P.R. 287 (1999).

The duty of a notary is to show and explain the situation to all the parties involved in the transaction, specifically, to the buyers of a property. *In re Jimenez Brackel*, 148 D.P.R. 287 (1999).

A notary fails in his duty to act impartially in advising the signatories when he certifies that in an instrument of sale the property is free of encumbrance, knowing that the property does have an encumbrance pending cancellation by court order. *In re Jimenez Brackel*, 148 D.P.R. 287 (1999).

The authority of a notary's certification, as an objective element that is defined throughout the persona of the notary with the presence of appearing, is the dorsal spine of the entire scheme of documentary authentication. *In re Iglesias Perez*, 146 D.P.R. 14 (1998).

The defendant flagrantly violated the Notarial Law and committed a serious error by allowing someone to falsify the mother's signature in front of him. *In re Iglesias Perez*, 146 D.P.R. 14 (1998).

Even though in Puerto Rico only attorneys may become notaries, the practice of notarial law is distinct from the regular practice of law, and one of the most important differences is that the ethical duty of notaries is to serve as an impartial observer and guarantor of the authenticity of the legal acts that they certify, not to represent the interests of their clients. *RB Town & Country Realty v. TLC Beatrice Int'l Holdings*, 966 F. Supp. 131 (1997).

The responsibility of a notary is personal, indivisible and not delegable. The negligence of a legal secretary in carrying out her job does not function as grounds for exonerating the responsibility of notary; nor does it function as a barrier against the imposition of disciplinary sanctions. *In re Hector Alvarado Tizol*, 122 D.P.R. 587, 1988.

4 L.P.R.A. § 2003 (2004)

§ 2003. Notary--Autonomy

The notary shall be authorized to practice his office throughout the Commonwealth of Puerto Rico. In that function he shall enjoy full autonomy and independence. He shall exercise it with impartiality and will be under the administrative direction of the Supreme Court of Puerto Rico, through the Office of Notarial Inspection created by this chapter.

HISTORY: July 2, 1987, No. 75, p. 242, § 3, eff. 60 days after July 2, 1987.

4 L.P.R.A. § 2004 (2004)

§ 2004. Notary--Public office; incompatibility

In addition to the legal impediments that might exist, the office of notary shall be incompatible with any public office when there is a prohibition of the notarial practice by the public body for which he carries out his functions. The public bodies shall notify the Office of Notarial Inspection of the prohibitions they establish.

HISTORY: July 2, 1987, No. 75, p. 242, § 4, eff. 60 days after July 2, 1987.

4 L.P.R.A. § 2005 (2004)

§ 2005. Notary--Prohibitions; ineffectiveness

(a) No notary may authorize documents he is a party to, or which include provisions in his favor. Neither may he authorize them if any one of the executing parties is related to him within the fourth degree of consanguinity or the second degree of affinity, except when he appears in the document as a representative.

(b) The provisions in favor of relatives of the notary who authorized the public document in which they were made within the fourth degree of consanguinity or the second degree of affinity shall have no effect.

HISTORY: July 2, 1987, No. 75, p. 242, § 5, eff. 60 days after July 2, 1987.

ANNOTATIONS

1. GENERALLY.

A notary violates this section by granting a deed of division of community property with respect to some properties that he and his wife are seeking to buy. *In re Aviles, Tosado*, 157 D.P.R. -- (2002); 2002 TSPR 124.

A notary may not authorize declarations of authenticity or testimonials when one of the contracting parties is related to the notary within the fourth degree of consanguinity or the second of affinity. *In re Figueroa Alvarez*, 155 D.P.R. -- (2001); 2001 TSPR 173.

The notarial legitimacy of an instrument in which one of the contracting parties is a fourth degree blood relation or has a second degree of affinity with the notary breaches this section except when such a party appears only as a representative. *In re Frontera Ensenat*, 150 D.P.R. 134 (2000).

The **Notarial Act** of Puerto Rico is so oriented that the notary can carry out his/her profession with probity, the judicial competence and dexterity necessary and with the diligence, care and observation of ethical value of truth. *In re Filardi Guzman*, 144 D.P.R. 710 (1998).

A notary who notarizes his mother's petition to be declared an heir transgresses the limits of notarial authority conceded by the legislature and destroys the impartiality that strengthens notarial practice. *In re Filardi Guzman*, 144 D.P.R. 710 (1998).

4 L.P.R.A. § 2006 (2004)

§ 2006. Notary--Deeds; protocols; deposits

The notary shall write original notarial deeds, issue copies and draw up protocols. He shall be the depository of the documents, securities and sums that the parties wish to

deposit with the notary to secure their contracts. Admission of these deposits is voluntary and the notary may impose conditions on the depositor which will be consigned in the receipt or collateral agreement issued by the notary.

HISTORY: July 2, 1987, No. 75, p. 242, § 6, eff. 60 days after July 2, 1987.

4 L.P.R.A. § 2011 (2004)

§ 2011. Notarial practice--Requirements

Only those presently authorized to practice the notarial profession and those attorneys who in the future are admitted to practice the profession, who are members of the Puerto Rico Bar Association and are thereafter authorized to practice as notaries by the Supreme Court of Puerto Rico, shall practice the notarial profession in the Commonwealth of Puerto Rico.

Every notary shall pledge an oath of fidelity to the Constitution of the United States of America and the Constitution and Laws of the Commonwealth of Puerto Rico before beginning the practice of his office.

No person authorized to practice the profession of notary in Puerto Rico may practice it without having posted and keeping in effect a bond for a sum of not less than fifteen thousand (15,000) dollars to answer for the proper performance of the functions of his office and damages caused by his acts or omissions in the exercise of his duties. This bond's limits do not impair the rights of the Commonwealth of Puerto Rico nor of natural or juridical persons under § 5141 of Title 31 or under any other legal or jurisprudential provision. The notary's surety shall be a mortgage bond, or posted by an insurance company authorized to do business in Puerto Rico, or by the Puerto Rico Bar Association, which is hereby authorized to charge the amount it deems reasonable for posting that security as provided in the act.

The surety bond must be renewed annually and approved by the Supreme Court of Puerto Rico which will review its sufficiency with regard to the mortgages, which shall be registered in the corresponding property registry office before its final approval.

The bond shall have preferent liability for the sums that the notary fails to deposit with the Commonwealth of Puerto Rico on account of Internal Revenue, notarial and other legally required stamps, for binding of protocols and any other necessary expense incurred as indicated by the Director of Notarial Inspection in order to carry out the inspection of notaries and their approval. Once the expenses are established, he may proceed against the bond directly to pay the obligations.

If the claimant is adjudicated all or part of the bond in a judicial claim against the notary, he shall not continue to practice until he posts a new bond.

All sums collected by the Bar Association for the posting of this security shall be covered into a fund designated as a "SPECIAL FUND" on account of notarial bond premiums, which shall be administered as it is established by § 2141 of this title.

Once the surety bond is approved and the notary takes the oath of office, he must register his signature, sign, seal and flourish at the Department of State pursuant to the provisions of § 2012 of this title as well as in a Register kept for that purpose in the office of the Clerk of the Supreme Court of Puerto Rico. That Register shall also include his place of residence and location of the notarial office. The notary is bound to notify the same officer of any change in residence or notarial office within five (5) days after it occurs.

HISTORY: July 2, 1987, No. 75, p 243, § 7, eff. 60 days after July 2, 1987.

ANNOTATIONS

1. **GENERALLY.** An attorney may be indefinitely suspended from notarial practice because, besides failing to comply with the obligation of rendering notarial indices, he/she fails to comply with other important notarial requirements, such as the annual report of notarial work done, Rule 13 of the Notary Regulations, the prompt notification of change in residential and business addresses, and the timely naming of a substitute notary; all of these are obligations that must be rigorously observed, with noncompliance resulting in disciplinary sanctions. *In re Vargas Perez*, 145 D.P.R. 160 (1998); *RB Town & Country Realty, Inc. v. TLC Beatrice Int'l Holdings*, 966 F. Supp. 131 (1997); *In re Ribas Dominicci*, 131 D.P.R. 491 (1992).

4 L.P.R.A. § 2012 (2004)

§ 2012. Notarial practice--Certificate; display

The Secretary of State shall issue a certificate to the notary attesting to his name and residence as well as membership number and the date on which the Supreme Court authorized him to practice as a notary, the date on which he registered his signature, sign, flourish and seal as a notary at the Department of State, and the facsimile of his registered signature, sign, seal or flourish, all attested to by the Secretary of State. It shall be the obligation of the notary to display the certificate on one of the walls of his office.

HISTORY: July 2, 1987, No. 75, p. 242, § 8, eff. 60 days after July 2, 1987.

4 L.P.R.A. § 2013 (2004)

§ 2013. Notarial practice--Temporary substitutions

The notary may appoint another notary to substitute for him/her when he/she is absent from his/her office for any nonpermanent cause, for a maximum initial period of three (3) months. Said period may be extended after having so requested to the Director of Inspection of Notaries in exceptional cases and when there is a just cause, up to a maximum term of six (6) months.

The notary as well as his substitute shall notify the Office of Notarial Inspection of the substitution in the same document and under their signatures.

The notary shall not authorize original documents in the name of the substituted notary. He shall be responsible for the custody and conservation of the protocols of the notary he is substituting for and, as such, may issue certified copies.

HISTORY: July 2, 1987, No. 75, p. 242, § 9; Jan. 5, 2002, No. 25, § 1.

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AMENDMENTS--2002 Act 2002, in the first paragraph, updated gender references, inserted "initial" between "maximum" and "period" in the first sentence, and substituted the final clause with a new second sentence amending it generally.

STATEMENT OF MOTIVES. Jan. 5, 2002, No. 25.

ANNOTATIONS

1. **GENERALLY.** An attorney may be indefinitely suspended from notarial practice because, besides failing to comply with the obligation of rendering notarial indices, he/she fails to comply with other important notarial requirements, such as the annual report of notarial work done, Rule 13 of the Notary Regulations, the prompt notification of change in residential and business addresses, and the timely naming of a substitute notary- all obligations that must be rigorously observed, noncompliance resulting in disciplinary sanctions. *In re Vargas Perez*, 145 D.P.R. 160 (1998).

4 L.P.R.A. § 2021 (2004)

§ 2021. Duties of the notary --Stamps; exemptions

It shall be the duty of every notary to attach and cancel on each original deed granted and on the certified copies issued thereby, the corresponding internal revenue stamps, and a stamp to be adopted by the Puerto Rico Bar Association and issued at a cost of one dollar, and whose proceeds shall be covered into the funds of said Association. Provided, That the Secretary of the Treasury may adopt and issue notarial tax stamps electronically, per se, or through internal revenue agents. Said stamps will serve the same purpose and shall be used in the same way.

The deed or certified copies of it shall be voidable or ineffective if the corresponding stamps are not attached to it. However, any of the parties to the document may deliver the amount of said fees to the corresponding official without impairing the provisions of the fifth paragraph of § 2011 of this title.

The Bar Association of Puerto Rico shall be bound to designate at least one third (1/3) of the total income derived from the notarial stamp to community services programs, such as free legal aid to indigents and continuing legal education programs for attorneys and the notaries themselves. No later than the month of February, the Association shall be bound to file an annual report before the Supreme Court specifying the income for the previous year from that concept, its use and the remainder.

Notaries from the Puerto Rico Legal Services Corporation, San Juan Legal Services, and any other nonprofit entity or organization certified by the Secretary of Justice whose purposes and functions are similar to those of these corporations shall not be bound to attach and cancel the stamps mentioned in this section when they execute documents for indigent persons following the eligibility criteria established by these bodies, but this circumstance shall be included in the document.

HISTORY: July 2, 1987, No. 75, p. 242, § 10; July 30, 1999, No. 188, § 1.

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AMENDMENTS--1999 First paragraph: Act 1999 amended this paragraph generally.

STATEMENT OF MOTIVES. July 30, 1999, No. 188.

ANNOTATIONS

1. GENERALLY. A notary is bound to strict compliance with the Notary Act and the Canons of Professional Ethics, and noncompliance inevitably leads to the specified disciplinary action, not only in his practice as a notary but also as a lawyer. *In re* Capestany Rodriguez, 148 D.P.R. 728 (1999).

A notary must always keep in mind that the Registries belong to the State so that the duties imposed on the notarial system with regard to the method of keeping and maintaining them must be followed with maximum rigor. *In re* Capestany Rodriguez, 148 D.P.R. 728 (1999).

The practice of not adhering and canceling the required stamps is not only a violation of notarial law but also, in the case of instruments or their certified copies, subjects them to nullity and judicial ineffectiveness prejudicial to the signatories or third parties. *In re* Capestany Rodriguez, 148 D.P.R. 728 (1999).

Noncompliance with the obligation established in this section should carry the sanction of suspension from the practice of this profession. *In re* Rivera Rivera, 146 D.P.R. 1 (1998).

The court has emphasized the obligation of notaries to cancel the notary seal and the internal revenue stamp immediately after completing the corresponding **notarial act**, and the omission of this obligation exposes the notary to serious disciplinary sanctions, including the separation from the practice of law. *In re* Casiano Silva, 145 D.P.R. 343 (1998).

Not canceling the internal revenue stamps immediately after granting a writing not only constitutes a violation of the Notary Act of Puerto Rico, but could result in establishing the crime of conversion. *In re* Casiano Silva, 145 D.P.R. 343 (1998).

Once a notary has been cited, inspected and notified by the Notarial Inspection Office of schedule deficiencies, not proceeding to cancel such seals constitutes an open violation of the strict and continuing

requirement to adhere to the schedule provided by law. *In re Casiano Silva*, 145 D.P.R. 343 (1998).

Neglect in adhering internal revenue stamps and notary seals is serious and implies extreme carelessness in notarial work; equally serious is authorizing a will without rigorously observing the demands of the Civil Code and the Notarial Law, for which suspension from the practice of law for a one month is sanctioned. *In re Nieves Ortiz*, 144 D.P.R. 918 (1998).

Citing financial and professional hardship does not exempt an attorney from imposition of disciplinary sanctions for incurring notarial deficiencies. *In re Madera Acosta*, 144 D.P.R. 743 (1998).

Good notarial practice requires immediate entry of all required data in the Registry of Affidavits, and adherence and cancel the seals; and because these steps are interrelated, they should be done simultaneously, that is, authentication should be done as immediately as possible after the signing. *In re Madera Acosta*, 144 D.P.R. 743 (1998).

The obligation to adhere and cancel the seals at the moment of authorizing public documents requires strict compliance, and its omission warrants disciplinary sanctions. *In re Madera Acosta*, 144 D.P.R. 743 (1998).

Failure to cancel internal revenue seals upon authorization of a public instrument despite fact that client has paid all required fees may result in unlawful appropriation by notary. *In re Salichs Martinez*, 131 D.P.R. 481 (1992).

It is duty of notary to stamp his seal on all pages of original documents and failure to do so affects legality of documents. *In re Colon Munoz*, 131 D.P.R. 121 (1992).

Notary who fails to affix and cancel stamps required by law is subject to disciplinary proceedings. *In re Colon Munoz*, 131 D.P.R. 121 (1992).

Notary authorizes public instrument where parties have provided for payment of fees to his satisfaction and it is nondelegable responsibility of notary to affix and cancel the corresponding seals. *In re Colon Munoz*, 131 D.P.R. 121 (1992).

An attorney who fails to cancel seals on public documents, fails to correct said deficiencies and fails to appear before Supreme Court to show cause for violations should be suspended indefinitely. *In re Cruz Ramos*, 129 D.P.R. 377 (1991).

Economic and professional difficulties do not excuse failure to cancel seals and will not prevent imposition of sanctions. *In re Duprey Maese*, 125 D.P.R. 336 (1990).

Repeated failure to cancel internal revenue seals is a serious violation. *In re Flores Torres*, 125 D.P.R. 159 (1990); *In re Duprey Maese*, 125 D.P.R. 336 (1990); *In re Figueroa Abreu*, 124 D.P.R. 810 (1989); *In re Ralat Perez*, 124 D.P.R. 745 (1989); *In re Vergne Torres*, 121 D.P.R. 500 (1988).

The fact that omission to cancel seals has been corrected does not prevent imposition of sanctions. *In re Flores Torres*, 125 D.P.R. 159 (1990).

4 L.P.R.A. § 2022 (2004)

§ 2022. Duties of the notary--Informative return on segregation, merging or transfer of real estate

In the execution of deeds of segregation, merger or transfer of dominion the transferor or person who segregates or merges will be bound to complement and deposit at the office of the authorizing notary the Informative Return on the Segregation, Merging or Transfer of Real Estate.

That return shall include the following information:

(1) Number, date of the deed and legal business transacted.

(2) Name of those appearing, specifying the nature of their appearance and Social Security number.

(3) Property or cadastre number.

The property cadastre number shall be taken from the latest available tax notice or receipt issued by the Secretary of the Treasury.

It is hereby provided that the District Office of the Bureau of Taxes on Property, Estate and Gifts of the Treasury Department of Puerto Rico shall offer the official records

number or code within seven (7) days of its request. If this is not possible, it shall issue a negative certificate stating the reasons for not being able to offer the number requested. This certificate shall be sent to the Secretary of the Treasury together with the informative return.

(4) The real property registry's data including folio, volume, farm number and town.

(5) Price of transaction.

(6) Type of structure, if applicable.

(7) Type of property, location and address.

The return must be signed by the seller or by the person who segregates or merges, who shall certify the veracity of the information given with his signature and responsibility.

The notaries shall be bound to send to the Department of the Treasury during the first ten (10) days of each month the returns corresponding to the deeds executed before them during the previous month.

HISTORY: July 2, 1987, No. 75, p. 242, § 11, eff. 60 days after July 2, 1987.

NOTES:

CROSS REFERENCES. Treasury Department, see §§ 283 et seq. of Title 3.

4 L.P.R.A. § 2023 (2004)

§ 2023. Duties of the notary--Monthly indices

The notaries shall send a monthly index of their notarial activities no later than the tenth calendar day of the month following the month reported to the Office of the Director of Notarial Inspection of Puerto Rico that will state, with respect to the original deeds and affidavits authorized by them during the preceding month, the numbers in numerical order, the name of those appearing, date, the subject of the instrument or testimony and the name of the witnesses, if any appeared.

In said report the notary shall certify to having sent the returns to the Treasury Department as required pursuant to § 2022 of this title.

If the notary has not had any notarial activity during a particular month, he shall send a negative report for said month to the Inspector of Notaries.

HISTORY: July 2, 1987, No. 75, p. 242, § 12, eff. 60 days after July 2, 1987.

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CODIFICATION. "Inspector of Notaries" was changed to "Office of the Inspector of Notaries" pursuant to § 2101 of this title.

CROSS REFERENCES. Treasury Department, see §§ 283 et seq. of Title 3.

ANNOTATIONS

1. **GENERALLY.** Failure to submit notarial indices within the period prescribed by law constitutes illegal conduct that incurs disciplinary measures for contributing to the destruction of the public faith entrusted in notaries. *In re Jusino Lopez*, 145 D.P.R. 52 (1998).

All notaries must pay prompt attention to and diligently comply with all requirements imposed by the Notary Inspection Office, whether verbally, in writing, signed or unsigned by the Director or his authorized delegate. *In re Jusino Lopez*, 145 D.P.R. 52 (1998).

An attorney may be suspended from notarial practice for repeatedly failing to comply with the obligation to submit notarial indices within the period prescribed by law; omitting to file an explicative motion when submitting the notarial indices late, and for not diligently complying with the requirements of the Notary Inspection Office, making it necessary for the courts to intervene. *In re Jusino Lopez*, 145 D.P.R. 52 (1998).

Attorney who fails to provide monthly indices should be temporarily suspended. *In re Jimenez Sabat*,

130 D.P.R. 202 (1992); *In re* Bonaparte Rosaly, 130 D.P.R. 199 (1992).

Failure to provide notarial indices is a serious offense. *In re* Cruz Ramos, 129 D.P.R. 377 (1991); *In re* Porrata-Doria Harding, 128 D.P.R. 416 (1991); *In re* La Fontaine Martell, 123 D.P.R. 433 (1989); *In re* Octaviani Munoz, 125 D.P.R. 64 (1989); *In re* Velez Echevarria, 124 D.P.R. 889 (1989); *In re* Melendez Mulero, 124 D.P.R. 815 (1989); *In re* Serrano Casanova, 124 D.P.R. 800 (1989); *In re* Sagardia Ruiz, 124 D.P.R. 743 (1989).

Neither the lack of knowledge of the notary of the whereabouts of documents prepared by his office nor the small volume of notarial activity excuses failure to provide monthly indices. *In re* Cruz Ramos, 129 D.P.R. 377 (1991); *In re* Serrano Casanova, 124 D.P.R. 800 (1989).

Fact that indices would have shown no activity and that notary has since left the profession is not an excuse for failure to provide indices. *In re* Hernandez Ramirez, 120 D.P.R. 366 (1988).

4 L.P.R.A. § 2031 (2004)

§ 2031. Public documents --Classes

The original deed is the one that the notary shall write regarding the contract or act submitted for his authorization signed by the grantors, by the attesting witnesses or those having knowledge of the facts of his case, signed, marked, sealed and flourished by the notary himself.

The public documents include public deeds and notarial certificates whether they are originals or certified copies.

HISTORY: July 2, 1987, No. 75, p. 242, § 13, eff. 60 days after July 2, 1987.

4 L.P.R.A. § 2032 (2004)

§ 2032. Public documents--Drawing; contents

Notaries shall write the public documents according to the will of the grantors and adapt them to the juridical formalities necessary to their effectiveness.

Whenever the grantors hand over to the notary drafts or certificates concerning the act or contract they have submitted for his authorization, he must state it without impairing his review and editing, with their consent, to the effect that the meaning of the statements of will and agreements comprised therein are clearly and specifically stated.

HISTORY: July 2, 1987, No. 75, p. 242, § 14, eff. 60 days after July 2, 1987.

4 L.P.R.A. § 2033 (2004)

§ 2033. Public documents--Formal requirements; cognizance; legal warnings

The expository and dispositive part of the public deed, together with the legal transaction which motivates its execution, its antecedents and the facts witnessed to and consigned by the notary, shall contain the following:

(a) Its corresponding protocol number written in letters at the beginning thereof.

(b) The classification of the act or contract with its legally recognized name unless it does not have a special one.

(c) The notary's name, his residence, the location of his office, as well as the day, month and year and place of execution which shall be that in which the last of the grantors signs the document if there are no attesting witnesses.

(d) The name and surname or surnames, as the case may be, age or legal age, civil status, profession, and residence of the grantors, their Social Security number, if they

have one, name and circumstances of the witnesses, if any, according to their statements. In the event that any of the grantors is married and the appearance of the spouse is not necessary, the spouse's name and surname shall be stated, even though the spouse does not appear at the execution.

(e) The attestation to [sic] by the notary as to his personal cognizance of the grantors or, in its absence, of having verified their identity by the means established by this chapter that, in his judgment, they have the necessary legal capacity to execute the act or contract concerned, and of having read the deed to them and the witnesses, in their case, or having allowed them the option to read it before signing it, or of a waiver of their right to do so.

(f) Of having orally made the pertinent legal warnings and reservations to the grantors during the act of execution. This notwithstanding, there shall be consigned in the document those warnings that, in the notary's judgment, must be expressly detailed due to their importance.

(g) In a purchase-sale deed in which a juridical transaction of a pro indiviso abstract and undefined portion of land, the notary shall have to advise the grantors of the legal effects of community property, as established by the provisions of the Puerto Rico Civil Code. He/she shall also admonish them that they cannot segregate, subdivide, indicate or otherwise identify their share of said land without the corresponding permit of the Planning Board, the Regulations and Permits Administration or the corresponding agency; that the share acquired by the purchaser is abstract and undefined, and that any arrangement, agreement or pact to segregate, subdivide, indicate, or otherwise identify it would be null and void and could be considered a crime, if no corresponding permit of the regulating agencies exists. It shall also include the acceptance of the purchaser to acquire it as a joint tenant, all of which shall be stated in the text of the deed.

HISTORY: July 2, 1987, No. 75, p. 242, § 15; Aug. 7, 1998, No. 194, § 1; Dec. 11, 1998, No. 297, § 1.

NOTES:

NOTES:

AMENDMENTS--1998 Subsection (g): Act Dec. 11, 1998, amended this subsection generally.

Subsection (g): Act Aug. 7, 1998, added this subsection.

STATEMENT OF MOTIVES. Aug. 7, 1998, No. 194.

Dec. 11, 1998, No. 297.

SPECIAL PROVISIONS. Section 3 of Act Aug. 7, 1998, No. 194 provides: "The Puerto Rico Bar Association, in coordination with the Notaries Association of Puerto Rico, is hereby directed to develop an orientation campaign for the general public and to offer the necessary seminars for the notaries of Puerto Rico, in order to comply with the provisions of this act [this chapter]."

ANNOTATIONS

1. GENERALLY.

The authorizing notary of a financing or refinancing instrument must advise the parties that the fact that a check exists and that it must be remitted to the mortgage lender, so that the original mortgage may be canceled, does not constitute an absolute guarantee that it will be done. *In re Rodriguez Bigas*, 154 D.P.R. 177 (2001).

A notary is responsible for authorizing a sale when the agent lacks the authority to sell the property that does not belong solely to the principal, nor when it is proved that the agent has the capacity to represent the remaining heirs. *In re Salas David*, 145 D.P.R. 539 (1998).

The notary is not exempt from responsibility for the mere fact of stating conflicting expressions between the notary's belief and that manifested by the grantor, when, in spite of founded suspicions, the advice is limited to the verification that the property is titled in favor of the seller, even though it is unsuspected that this is impossible. *In re Salas David*, 145 D.P.R. 539 (1998).

The notarial responsibility of making the pertinent reserves and warnings required by law implies an intellectual effort and an intelligent application of the proper law. This function is not done in a vacuum,

but takes into account the content of the business and the total and integrated significance of the stipulations. *In re Salas David*, 145 D.P.R. 539 (1998).

A notary should be suspended from notarial practice when his work reflects a series of deficiencies some so serious that they can affect the efficacy of the document itself. *In re Madera Acosta*, 144 D.P.R. 743 (1998).

The fact that a client had lied to a notary with respect to his marital status is a factor to consider when determining an adequate disciplinary sanction but, ordinarily, it does not exonerate him from carrying out the necessary investigations in such cases in which one party that is going to present a document before a notary appearing as a single man, when previously he had appeared before the same notary as a married man. *In re Vera Velez*, 136 D.P.R. 284 (1994).

Notaries out to be strict and abstain from attesting a sworn statement if the person who is going to present the document or sworn statement has not personally appeared. *In re Vargas Hernandez*, 135 D.P.R. 603 (1994); *In re Tormos Blandino*, 135 D.P.R. 573 (1994).

Authentication of an affidavit by a notary who was not personally acquainted with two of the parties will give rise to six-month suspension of said notary. *In re Toro, Jr.*, 131 D.P.R. 824 (1992).

It is not sufficient for a notary to indicate, in a general manner, that he verified identities in accordance with the law. Said notary should specify the subsection of this section under which the identification was verified. *Ramirez Lebron v. Registrador*, 131 D.P.R. 76 (1992).

A notary who is not acquainted with one of the parties should indicate on the instrument the specific method used to establish the party's identity. *Ramirez Lebron v. Registrador*, 131 D.P.R. 76 (1992).

Documents signed by a minor and authenticated by a notary should be annulled and notary should be admonished. *In re Lopez Olmedo*, 125 D.P.R. 265 (1990).

Failure to analyze situation and provide appropriate warnings violates duty to advise which is intrinsic to notarial practice. *In re Chaar Cacho*, 123 D.P.R. 655 (1989).

A notary who authenticated a document which indicated that the subject property was unencumbered when said notary knew, as a matter of fact, that the truth was otherwise is a serious violation of the Notarial Law and the Rules of Professional Conduct. *In re Delgado*, 120 D.P.R. 518 (1988).

4 L.P.R.A. § 2034 (2004)

§ 2034. Public documents--Signatures; initials; flourish and seal

The grantors and witnesses shall sign the deed and shall also affix the initials of their name and surname or surnames to the margin of each one of the pages of the document which shall be flourished and sealed by the notary.

HISTORY: July 2, 1987, No. 75, p. 242, § 16, eff. 60 days after July 2, 1987.

ANNOTATIONS

1. GENERALLY.

Omitting to take a signature and initials is not only a serious notarial error and a violation of public trust but is also cause for nullifying of the instrument. *In re Vargas Cintron*, 153 D.P.R. 520 (2001).

To issue certified copies of public instruments without signatures and initials, or when they were added after the authorized date is an infringement of this section. *In re Vargas Cintron*, 153 D.P.R. 520 (2001).

A notary should be suspended from notarial practice when his work reflects a series of deficiencies some so serious that they can affect the efficacy of the document itself. *In re Madera Acosta*, 144 D.P.R. 743 (1998).

The witnesses' initials on every folio of the testament must be written by them during the testamentary grant, in a single act without any interruption, and not after the testamentary grant. *In re Velez Gonzalez*, 138 D.P.R. 92 (1995).

4 L.P.R.A. § 2035 (2004)

§ 2035. Public documents--Identification of parties

In the absence of personal cognizance by the notary, the following shall be supplemental means of identification:

(a) An assertion of a person who knows the grantor and is responsible for the identification and is known by the notary, and the notary is responsible for the witness' identity.

(b) The identification of one of the contracting parties by the other, provided that the notary certifies his cognizance of the latter.

(c) Identification by identity document with a photograph and signature issued by competent public authorities of the Commonwealth of Puerto Rico, the United States or a state of the Union, whose purpose is to identify the persons, or by a passport duly issued by a foreign authority.

Witnesses as to identity shall be responsible for the identification of the grantors, as shall the grantor who attests to the identity of other grantors not known by the notary, and the notary shall be responsible for the cognizance of such witnesses.

HISTORY: July 2, 1987, No. 75, p. 242, § 17, eff. 60 days after July 2, 1987.

ANNOTATIONS

1. **GENERALLY.** The identification cards of a private company employee or of a United Nations' employee constitute alternative methods of ID under this section. *Cintron Ramos v. Registrador*, 144 D.P.R. 91 (1997).

In order for a document to be considered as a form of identification under this section, it needs the party's photograph and signature, and must be issued by the authorities listed in this section. *Cintron Ramos v. Registrador*, 144 D.P.R. 91 (1997).

If a notary, in the absence of personal cognizance, decides not to use the supplemental means of identification set forth in this section when signing a deed, the lack of attestation by the notary as required by law may cause the nullity of the document. *Cintron Ramos v. Registrador*, 144 D.P.R. 91 (1997).

A Registrar does not exceed his/her powers when he/she (1) reviews the document he/she is to register, and (2) makes sure that the notary has complied with the formalities required by law, one of which is giving faith and guaranteeing the authenticity, identity and legal capacity of the parties. *Cintron Ramos v. Registrador*, 144 D.P.R. 91 (1997).

A Registrar acts within his/her powers when he/she denies the recording of a document where the identification form used to identify the parties is not in accordance with the formal requirements established by law for recording notarized documents. *Cintron Ramos v. Registrador*, 144 D.P.R. 91 (1997).

4 L.P.R.A. § 2036 (2004)

§ 2036. Public documents--Representation

The notary shall record the intervention of the grantors by stating whether they do so in their own name or in behalf of another, except when the representation arises from the law, in which case the grantor's investiture shall be accredited, unless it is of general knowledge, in which case the notary may take cognizance of it and record it.

The representative shall sign the document with his own signature without it being necessary to first place the name of the person he represents or use the firm name or name of the entity he represents.

HISTORY: July 2, 1987, No. 75, p. 242, § 18, eff. 60 days after July 2, 1987.

4 L.P.R.A. § 2037 (2004)

§ 2037. Public documents--Evidence of representation

Every grantor who appears in representation of another person shall always validate his designation before the notary with authenticating documents, except when there is the expressed agreement of the grantors. The full effectiveness of the documents shall be subordinated to the presentation of documentary evidence of the alleged representation.

There shall also be recorded the nature of the intervention of those grantors who appear only to the effect of complementing the capacity or give their authorization or consent to the contract.

Public officials legally authorized to represent the Commonwealth of Puerto Rico, municipalities, instrumentalities or corporations shall not have to validate their powers before the notary.

HISTORY: July 2, 1987, No. 75, p. 242, § 19, eff. 60 days after July 2, 1987.

4 L.P.R.A. § 2038 (2004)

§ 2038. Public documents--Attesting witnesses

The intervention of attesting witnesses shall not be necessary in the execution of deeds, except when required by the authorizing notary or any of the parties, or when one of the grantors does not know how to or cannot read or sign. This provision does not apply to wills which shall be governed by what is established by applicable legislation.

Attesting witnesses shall be present at the act of reading, consenting, signing and execution of the public document. Likewise, they may be identifying witnesses who, in turn, may be attestors if they meet the applicable legal requirements.

HISTORY: July 2, 1987, No. 75, p. 242, § 20, eff. 60 days after July 2, 1987.

4 L.P.R.A. § 2039 (2004)

§ 2039. Public documents--Executing party who does not know how to or cannot read or sign

When any of the grantors does not know how to, or cannot read, the document in question shall be read out loud twice, once by the notary and another by the witness designated by the grantor, all of which shall be attested to by the notary.

When any of the grantors is deaf or blind who does not know how to read and sign, he must designate a witness who upon his request shall read or sign the public document for him or both. The notary shall record these circumstances.

HISTORY: July 2, 1987, No. 75, p. 242, § 21, eff. 60 days after July 2, 1987.

ANNOTATIONS

1. GENERALLY. A notary should be suspended from notarial practice when his work reflects a series of deficiencies some so serious that they can affect the efficacy of the document itself. *In re Madera Acosta*, 144 D.P.R. 743 (1998).

4 L.P.R.A. § 2040 (2004)

§ 2040. Public documents--Witnesses; qualifications

The witnesses, including those as to identity, shall be of legal age, competent and know how to read and write and sign. Employees of the executing notary, his relatives or those of the interested parties within the fourth degree of consanguinity or the second of affinity shall not be attesting witnesses.

HISTORY: July 2, 1987, No. 75, p. 242, § 22, eff. 60 days after July 2, 1987.

4 L.P.R.A. § 2041 (2004)

§ 2041. Public documents--Sufficient witnesses

One person shall suffice as attesting witness designated by the grantors, if they or the notary so require it. However, any of the two may oppose that certain persons act as such.

HISTORY: July 2, 1987, No. 75, p. 242, § 23, eff. 60 days after July 2, 1987.

4 L.P.R.A. § 2042 (2004)

§ 2042. Public documents--Unity of action

When the witnesses appear at the execution of the document there shall be unity of action, to which the notary shall attest in the writ.

HISTORY: July 2, 1987, No. 75, p. 242, § 24, eff. 60 days after July 2, 1987.

4 L.P.R.A. § 2043 (2004)

§ 2043. Public documents--Executing party who does not know how to or cannot sign

Whenever any of the grantors does not know how to, or cannot sign, the notary shall require that they affix their two (2) thumb prints. If they do not have thumbs, any other fingers, next to the witness' signature who signs at his or their request, and on the margin of the rest of the document's folios, all which the notary shall attest to in the deed. If the grantor or grantors have no fingers, the notary shall state this circumstance and two (2) attesting witnesses shall sign at their request.

HISTORY: July 2, 1987, No. 75, p. 242, § 25, eff. 60 days after July 2, 1987.

4 L.P.R.A. § 2044 (2004)

§ 2044. Public documents--Attestation by notary

It shall not be necessary for the notary to state that he attests to the stipulation included in each clause of the deed, nor of the legal condition or circumstances of the persons or cases to which it refers, it being sufficient that it be consigned once at the end of the document, which will certify its entire contents, so that such statement is understood to apply to all the words, stipulations, statements and conditions, real or personal, contained in the instrument in accordance with the law.

HISTORY: July 2, 1987, No. 75, p. 242, § 26, eff. 60 days after July 2, 1987.

4 L.P.R.A. § 2045 (2004)

§ 2045. Public documents--Use of arabic numbers or abbreviations; blanks; possible means of drawing

Numbers shall not be used to express dates and amounts, unless they are also consigned in letters, except those included in direct quotations. Neither may abbreviations be used, nor blank spaces left in the text, and the originals may be handwritten as long as indelible ink, printing or a typewriter with an indelible ribbon are used, or through other mechanical or electronic mechanisms that produce indelible and permanent documents.

HISTORY: July 2, 1987, No. 75, p. 242, § 27, eff. 60 days after July 2, 1987.

ANNOTATIONS

1. **GENERALLY.** It is a violation of this section to leave not only blank spaces but entire blank pages in public documents. *In re Colon Munoz*, 131 D.P.R. 121 (1992).

4 L.P.R.A. § 2046 (2004)

§ 2046. Public documents--Execution

Those persons who sign a public document for any reason shall do so by signing at the end and affixing the initials of their name and surname or surnames in the margin of all the folios, in the manner they usually do so, and the notary shall do so after them, flourishing, signing and sealing it.

If there are no witnesses, it shall not be necessary for those appearing to sign the documents together in the notary's presence, since he may personally receive their signatures at any time within the same calendar day of the execution.

HISTORY: July 2, 1987, No. 75, p. 242, § 28, eff. 60 days after July 2, 1987.

ANNOTATIONS

1. GENERALLY.

To issue certified copies of public instruments without signatures and initials, or when they were added after the authorized date is an infringement of this section. *In re Vargas Cintron*, 153 D.P.R. 520 (2001).

The notary's signature appearing before the signatures of the contracting parties contravenes the provisions of this section. *In re Frontera Ensenat*, 150 D.P.R. 134 (2000).

This section requires that in authorizing a public document in which there were no witnesses, or this they were known, the notary receives the signatures of the parties appearing within the same day as the authorization. Nevertheless, when attesting witnesses appear, the act of authorization needs to happen simultaneously. *In re Torres Olmeda*, 145 D.P.R. 384 (1998).

4 L.P.R.A. § 2047 (2004)

§ 2047. Public documents--Correction of defects

The defects suffered by inter vivos notarial documents may be corrected without damage to third parties by the parties thereto or by their heirs or assigns, by means of a public deed which sets forth the defect, its cause and the correcting statement.

If the notary fails to record any data or circumstance provided by this chapter, or if it concerns an error in the statement as to the facts witnessed by the notary which is his duty to consign, they may be corrected by the executing notary at his own expense, on his own initiative or by petition of any of the parties, through a notarial certificate that shows the error or defect, its cause and the statement that corrects it.

If it is impossible to make the correction in any of the ways indicated above, it may be obtained by any legally-admitted means of proof, through the corresponding judicial procedure before the Court of First Instance.

In any case, the notary shall indicate the fact of the correction in the margin of the original document under his signature and seal, and shall indicate the deed or notarial certificate in which they were made.

HISTORY: July 2, 1987, No. 75, p. 242, § 29, eff. 60 days after July 2, 1987.

NOTES:

NOTES:

CODIFICATION. "Superior Court" was changed to "Court of First Instance" pursuant to Reorg. Plan No. 1 of July 28, 1994, known as the "1994 Judiciary Act", §§ 22-23n of Title 4.

ANNOTATIONS

1. GENERALLY.

The notary acted incorrectly by attempting to correct the defect -- the lack of a page in the authorized instrument -- several weeks after the authorization, by intending to enter the initials of the contracting parties on the missing page and then inserting it into the original. *In re Igartua Munoz*, 153 D.P.R. 315 (2001).

4 L.P.R.A. § 2048 (2004)

§ 2048. Public documents--Certificates

The notaries, at the request of a party or on their own initiative and under their oath, signature, sign, flourish and notarial seal, shall extend and execute certificates which consign facts and circumstances witnessed by them or of which they have personal knowledge and that due to their nature do not constitute a contract or juridical business.

HISTORY: July 2, 1987, No. 75, p. 242, § 30, eff. 60 days after July 2, 1987.

4 L.P.R.A. § 2049 (2004)

§ 2049. Public documents--Contents and formalities of certificates

The notarial certificates shall include the corresponding deed number, the date in which they are executed, the declaratory part and the notary's signature. The enjoiner may sign the certificate if he so wishes, or if required by the notary.

HISTORY: July 2, 1987, No. 75, p. 242, § 31, eff. 60 days after July 2, 1987.

4 L.P.R.A. § 2050 (2004)

§ 2050. Public documents--Clerical errors; correction

Any additions, annotations, interlineations, erasures and crossouts in the public deeds shall be held as valueless unless they are certified after the last line, with the express approval and signature of those who must sign the document.

However, the mistaken words may be placed within parentheses followed by the words "I say" [I mean] to make it clear that they should not be read.

The blank spaces remaining at the end of a line or when a paragraph begins on the next line shall not be considered as such; but in this case the blank shall be filled with a line or dash.

HISTORY: July 2, 1987, No. 75, p. 242, § 32, eff. 60 days after July 2, 1987.

4 L.P.R.A. § 2051 (2004)

§ 2051. Public documents--Acceptance deeds

A party to a juristic act may appear in a public deed and make an offer to be accepted by another party in a different document that may be executed before another notary on another date and place.

In this case the main deed that sets forth the offer shall also include the personal circumstances of the party who will later appear in the deed of assent, as they are informed by the party thereto, as well as the complete text of the juristic act, without leaving any detail to be added by the deed of assent. It shall also fix the term within which the deed of assent will be executed, its requirements and the causes for the revocation or lapse of the offer's, if any.

In the deed of assent, besides complying with the requirements for public documents imposed by this chapter, there shall be a precise and exact statement of the offer, or there shall be attached a certified copy of the deed of offer to which the deed of assent makes reference, and a statement by the person appearing to the effect that he knows, understands and accepts the offer made in said document.

In the event that the notary who executes or officially records the deed of assent is not

the notary who executed the original deed, he will send a certified copy of the deed to the latter, under his notarial certification, personally, or by certified mail with acknowledgement of receipt, and he shall also notify the offerer of the acceptance, by certified mail with acknowledgement of receipt. The notary shall record, through a marginal note or at the end of the original deed, the existence of the deed of assent, identifying it by number, date and name of the executing notary. Once this requirement is complied with, it shall be understood that the offerer has knowledge of the acceptance of his offer.

If the offer is accepted outside Puerto Rico, the notary who executes the deed that sets forth the offer shall comply with what is mandated herein upon receipt of the acceptance in an authentic and duly executed document, and shall also comply with the official recording requirement of § 2056 of this title.

The assent may also be executed by inclusion in the same deed that sets forth the offer, and any other information that facilitates the identification and location of the executing notary.

HISTORY: July 2, 1987, No. 75, p. 242, § 33, eff. 60 days after July 2, 1987.

4 L.P.R.A. § 2052 (2004)

§ 2052. Public documents--Null and void

Public instruments shall be null:

- (1) That include any provision in favor of the notary who executes it.
- (2) Where the witnesses are relatives of the interested parties in the degree prohibited by § 2040 of this title, the relatives or employees of the notary himself.
- (3) In which the signatures of the parties and witnesses when they should, and the notary's signature, do not appear.

HISTORY: July 2, 1987, No. 75, p. 242, § 34, eff. 60 days after July 2, 1987.

4 L.P.R.A. § 2053 (2004)

§ 2053. Public documents--Voidable

Public instruments in which the notary fails to attest to his cognizance of the grantors or does not supplement this deficiency in the form established by § 2035 of this title shall be voidable.

HISTORY: July 2, 1987, No. 75, p. 242, § 35, eff. 60 days after July 2, 1987.

ANNOTATIONS

1. GENERALLY. The fact that a notary, who does not personally know the parties appearing before him, does not utilize the adequate supplementary methods for correctly identifying the grantors in a public document suffers as a consequence that the documents are voidable because they lack the authorization required by law. *Cintron Ramos v. Registrador*, 144 D.P.R. 91 (1997).

4 L.P.R.A. § 2054 (2004)

§ 2054. Public documents--Wills and mortis causa conveyances

That which is provided by §§ 2031-2053 of this title with regard to the form of the instruments and their nullity shall not be applicable to wills and other mortis causa provisions governed by Title 31.

HISTORY: July 2, 1987, No. 75, p. 242, § 36, eff. 60 days after July 2, 1987.

4 L.P.R.A. § 2055 (2004)

§ 2055. Public documents--Paper; margins; binding

Public notarial documents shall be written on sheets of paper or folios thirteen (13) inches long by eight-and-a-half (8 1/2) inches wide and on the side by which they are to be bound, they shall have a blank margin of twenty (20) millimeters plus another on the left side of the deed of sixty (60) millimeters and on the right a strip or margin of three (3) millimeters. If the reverse side of the sheet is used, the margins on it shall completely coincide with those on the face of the document.

HISTORY: July 2, 1987, No. 75, p. 242, § 37, eff. 60 days after July 2, 1987.

4 L.P.R.A. § 2056 (2004)

§ 2056. Public documents--Executed outside Puerto Rico; protocolization

In order for it to be valid as a public instrument, every notarial document executed outside Puerto Rico must be previously protocolized, with the notary being bound to cancel the same fees as if it had been originally executed in Puerto Rico.

The protocolization of certifications of resolutions adopted by a Board of Directors of a banking entity, corporation or trust, issued outside Puerto Rico shall not be necessary; but they must be duly attested before a notary and the notary's signature authenticated.

HISTORY: July 2, 1987, No. 75, p. 242, § 38, eff. 60 days after July 2, 1987.

4 L.P.R.A. § 2061 (2004)

§ 2061. Copies--Certified

A certified copy is the literal, total or partial transcript of a document executed before a notary that is issued by him or the person officially in charge of his protocol, with a certificate regarding the truth of the contents, and the number of folios of the document as well as the signature, sign and flourish, and the seal and flourish of the attesting notary on every page.

HISTORY: July 2, 1987, No. 75, p. 242, § 39, eff. 60 days after July 2, 1987.

ANNOTATIONS

1. **GENERALLY.** A notary, in order to give faith that an original deed has all the necessary signatures for its validity, does not have to provide copies of such signatures or specify where those signatures were located in the original; his certification regarding the exact content of the document and existence of such signatures covers that gap. *Western Fed. Savs. Bank v. Registrador*, 139 D.P.R. 328 (1995).

The certification issued by a notary at the end of a certified copy of a deed has as its purpose to give faith, or to guarantee the authenticity of the document, as well as to provide that it complies with all the exigencies of form and content required by the **Notarial Act**. *Western Fed. Savs. Bank v. Registrador*, 139 D.P.R. 328 (1995).

2. **BEST NOTARIAL PRACTICE** Notwithstanding the fact that neither the **Notarial Act** nor the Mortgage Law requires that the names and signatures of the parties appear at the end of a certified copy of a deed, the best notarial practice advises that, at least, the deed should state the names of the signers, in the same order as they appear in the original deed, in order to prevent doubts and eventual obstacles. *Western Fed. Savs. Bank v. Registrador*, 139 D.P.R. 328 (1995).

4 L.P.R.A. § 2062 (2004)

§ 2062. Copies--Partial

At the request of a party the notary may issue partial copies of documents found in his

protocol, stating under his responsibility that there is nothing which broadens, restricts, modifies or conditions the excerpt in what is issued.

HISTORY: July 2, 1987, No. 75, p. 242, § 40, eff. 60 days after July 2, 1987.

4 L.P.R.A. § 2063 (2004)

§ 2063. Copies--Notation of issuance

When issuing a certified copy the notary shall consign in the main deed, by means of a signed annotation, the name of the person to whom it is issued, the date and the number corresponding to the copy according to those already issued. These data shall appear in the copies.

HISTORY: July 2, 1987, No. 75, p. 242, § 41, eff. 60 days after July 2, 1987.

ANNOTATIONS

1. GENERALLY. A notary should be suspended from notarial practice when his work reflects a series of deficiencies some so serious that they can affect the efficacy of the document itself. *In re Madera Acosta*, 144 D.P.R. 743 (1998).

4 L.P.R.A. § 2064 (2004)

§ 2064. Copies--Documents incorporated

When another document has been incorporated to the main deed, every page of the copy issued must be sealed and flourished by the notary and the notary shall likewise certify that it is a true and exact copy of the original joined to the main deed.

HISTORY: July 2, 1987, No. 75, p. 242, § 42, eff. 60 days after July 2, 1987.

4 L.P.R.A. § 2065 (2004)

§ 2065. Copies--Persons entitled to

In addition to the grantors, their representatives and assigns, any person entitled to some right as a result of the deed, whether directly, or already acquired through a different deed, and who, in the judgment of the notary or the Notarial Registrar concerned, establishes a legitimate interest in the document, except for wills executed prior to the death of the testator, shall be entitled to obtain copies at any time. All persons entitled to obtain copies may conduct said transaction through legal or voluntary representation provided the right for so doing is vouched for by the notary or the Notarial Registrar concerned, and that the latter states in writing under his/her signature, the full name of the person being represented and the basis whereby he/she deems that the person thus represented is entitled, per se, to obtain the copy being requested.

HISTORY: July 2, 1987, No. 75, p. 242, § 43; Mar. 5, 1999, No. 89, § 1.

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AMENDMENTS--1999 Act 1999 introduced minor lexical changes in the first sentence and added the second sentence.

STATEMENT OF MOTIVES. Mar. 5, 1999, No. 89.

4 L.P.R.A. § 2066 (2004)

§ 2066. Copies--Refusal to issue

Once a notary has refused to issue a copy one may appear formally or informally

before the Director of the Office of Notarial Inspection, who, having heard said notary and the complainant, shall dictate what is in order. If the decision directs that a copy be issued, the notary shall record it on the copy's issuance annotation in the main deed and in its certification annotation. Such a resolution shall be drafted in a brief and concise manner and the notary shall be notified.

The notary's denial, confirmed by the Director of the Office of Inspection of Notarial Offices, may be appealed before the competent part of the Court of First Instance. Said part may order the issuance of the copy or confirm the denial after examining the arguments of the appellant and the resolution of the Director of the Office of Inspection of Notarial Offices. Such resolution may be revised by the Supreme Court through certiorari.

HISTORY: July 2, 1987, No. 75, p. 242, § 44, eff. 60 days after July 2, 1987.

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CODIFICATION. "Superior Court" was changed to "Court of First Instance" pursuant to Reorg. Plan No. 1 of July 28, 1994, known as the "1994 Judiciary Act", §§ 22-23n of Title 4.

4 L.P.R.A. § 2067 (2004)

§ 2067. Copies--Means of production

The notary is hereby empowered to issue certified photographic copies, or copies reproduced by any other electronic means, of original deeds which once they are certified by the notary shall be deemed valid for all legal purposes.

HISTORY: July 2, 1987, No. 75, p. 242, § 45, eff. 60 days after July 2, 1987.

4 L.P.R.A. § 2068 (2004)

§ 2068. Copies--Simple

Notaries may issue simple copies of main deeds upon request of the same persons with a right to request certified copies, but without a guaranteed transcription of the document. These copies shall not be signed, sealed or flourished, nor shall a marginal note of its certified copy be placed on the original deed.

The notary shall allow the contents of documents of his protocol to be read by those who, in his judgment, show a legitimate interest as provided in § 2065 of this title.

HISTORY: July 2, 1987, No. 75, p. 243, § 46, eff. 60 days after July 2, 1987.

4 L.P.R.A. § 2071 (2004)

§ 2071. Protocol--Concept and characteristics

The protocol is the orderly collection of original deeds and acts executed during a calendar year by the notary, as well as the documents included therein.

The protocol shall be secret and shall only be examined according to the provisions of this chapter or by judicial order issued pursuant to the provisions of this chapter.

HISTORY: July 2, 1987, No. 75, p. 242, § 47, eff. 60 days after July 2, 1987.

4 L.P.R.A. § 2072 (2004)

§ 2072. Protocol--State property; responsibility for custody

The protocols belong to the State. Notaries shall conserve them in accordance with the provisions of this chapter and shall be responsible for their integrity. If they are damaged or lost due to neglect, the notaries shall replace them at their own expense, and the Supreme Court shall also be able to impose the sanctions established in § 2102 of this title, at its discretion. If there is reason to suspect the commission of a crime, the competent authority shall be informed, so that the corresponding action is taken.

HISTORY: July 2, 1987, No. 75, p. 242, § 48, eff. 60 days after July 2, 1987.

ANNOTATIONS

1. **GENERALLY.** The Notarial Law proclaims the principle that Registries belong to the State, that a notary is simply their custodian and, being their trusted repository, he must conscientiously and responsibly safeguard them. *In re Sanchez Quijano*, 148 D.P.R. 509 (1999).

A notary should be suspended from notarial practice when his work reflects a series of deficiencies some so serious that they can affect the efficacy of the document itself. *In re Madera Acosta*, 144 D.P.R. 743 (1998).

If protocols are damaged through notary's lack of diligence, said notary should replace or repair them at his own expense, and this will not affect imposition of sanctions. *In re Rios Acosta*, 128 D.P.R. 412 (1991).

4 L.P.R.A. § 2073 (2004)

§ 2073. Protocol--Foliated pages

All of the protocol's pages, including its attachments, shall be permanently foliated on the upper right hand side with the corresponding numerical order, written in figures. Each folio shall bear its corresponding number according to the pages of the document.

HISTORY: July 2, 1987, No. 75, p. 242, § 49, eff. 60 days after July 2, 1987.

4 L.P.R.A. § 2074 (2004)

§ 2074. Protocol--Opening and closing formalities

The first face of the first document of each document of each protocol shall be labeled in the following manner:

“Protocol of public documents corresponding to the year (X).”

On the last day of each natural year, each protocol shall be closed in the same manner with the notary attesting the following annotation at the end of the last page of the last deed officially recorded:

“Hereby concludes the protocol for the year (X) which contains (so many) public instruments and (so many) folios authorized by me, the undersigned notary, to which I attest.”

These notes, at the opening as well as at the protocol's closing, shall be signed, sealed, flourished and dated by the attesting notary.

HISTORY: July 2, 1987, No. 75, p. 242, § 50, eff. 60 days after July 2, 1987.

4 L.P.R.A. § 2075 (2004)

§ 2075. Protocol--Additional volumes

If a protocol has more than one volume for any year, each additional volume shall be opened with the following note:

“Hereby commences Volume (X) of my protocol of public deeds corresponding to the year (X).”

By the same token each additional volume that is not the last shall be also closed with the following note:

“Hereby concludes Volume (X) of my protocol of public deeds that contains (so many) instruments and (so many) folios.”

HISTORY: July 2, 1987, No. 75, p. 242, § 51, eff. 60 days after July 2, 1987.

4 L.P.R.A. § 2076 (2004)

§ 2076. Binding

The protocols of the preceding year together with the corresponding index of the contents of each volume shall be bound by the third month of each year. Said protocols shall be indexed by order of instrument and shall include the full name of the parties appearing, the name of the person represented, should that be the case, and the date and place of execution, the juridical business transacted and the number of the folios included therein.

The above notwithstanding, notaries may insert other indexes in the protocols as may be convenient to their practice and use as such.

HISTORY: July 2, 1987, No. 75, p. 242, § 52; Aug. 17, 1999, No. 265, § 1, eff. 30 days after Aug. 17, 1999.

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AMENDMENTS--1999 Act 1999 substituted “second” with “third” preceding “month” in the first paragraph and made minor lexical changes.

EFFECTIVENESS. Section 2 of Act Aug. 17, 1999, No. 265, provides: “This Act [which amended this section] shall take effect 30 days after its approval and shall apply to bindings performed in the year 2000.”

STATEMENT OF MOTIVES. Aug. 17, 1999, No. 265.

ANNOTATIONS

1. **GENERALLY.** A notary should be suspended from notarial practice when his work reflects a series of deficiencies some so serious that they can affect the efficacy of the document itself. *In re Madera Acosta*, 144 D.P.R. 743 (1998).

4 L.P.R.A. § 2077 (2004)

§ 2077. Protocol--Removal from office prohibited; exceptions

The protocol shall not be removed from the office where it is kept in custody except by judicial decree or by authorization of the Office of Notarial Inspection.

HISTORY: July 2, 1987, No. 75, p. 242, § 53, eff. 60 days after July 2, 1987.

ANNOTATIONS

1. **GENERALLY.** The Notarial Law proclaims the principle that Registries belong to the State, that a notary is simply their custodian and, being their trusted repository, he must conscientiously and responsibly safeguard them. *In re Sanchez Quijano*, 148 D.P.R. 509 (1999).

A notary transgresses the norms established by this section when he transfers his notarial work without authorization to a place the conditions of which induce their loss of security and integrity. *In re Sanchez Quijano*, 148 D.P.R. 509 (1999).

4 L.P.R.A. § 2078 (2004)

§ 2078. Protocol--Fire protection

When the notary's office is located in a wooden or mixed construction building, it shall be provided with fireproof steel or iron boxes in which the protocols shall be kept.

HISTORY: July 2, 1987, No. 75, p. 242, § 54, eff. 60 days after July 2, 1987.

4 L.P.R.A. § 2079 (2004)

§ 2079. Protocol--Loss or destruction; reconstruction

In the case a protocol is rendered useless or is lost in whole or in part, the notary shall report the fact to the Chief Justice of the Supreme Court, who shall direct the reconstruction of the proper record by summoning the parties. The indexes and books shall be checked and all necessary records data shall be examined in order to restore insofar as practicable, what has been destroyed or rendered useless. The record shall be approved by the Supreme Court upon a recommendation of the Director of the Protocol Inspection Office.

HISTORY: July 2, 1987, No. 75, p. 242, § 55, eff. 60 days after July 2, 1987.

4 L.P.R.A. § 2091 (2004)

§ 2091. Testimony or statement of authenticity--Concept; restrictions; extent of notarial responsibility

The document through which a notary, at the request of an interested party, may notarize a non-original document, in addition to the date of the testimony:

- (1) Of the legality of the signatures appearing therein, provided it does not deal with acts included in subsections (1) through (6) of § 3453 of Title 31;
- (2) of having taken a sworn statement;
- (3) of it being a true and exact translation of another document, provided he/she has knowledge of both languages and it is thus certified by the statement itself;
- (4) of it being a true and exact copy of a document not found in a Notarial Protocol, or
- (5) in general, of the identity of any object or thing, be it called testimony or declaration of authority.

The notary shall, at the request of the interested parties, certify in a deed other than the original, the legality of the signatures appearing thereon, provided this does not concern the acts comprised in subsections (1) to (6) of § 3453 of Title 31 in effect, which is a translation or a true and exact copy of any deed not in his/her protocol, or in general, of the identity of any object or thing.

Only the notaries shall give testimony of the facts, acts or contracts of mere specific interest without prejudice of the provisions of any of the laws in effect. The statements of authenticity may or may not be part of the oath.

Notaries shall not authenticate testimonies in comprised included in § 2005 of this title, nor in subsections (1) to (6) of § 3453 of this title. This prohibition specifically includes sales contracts of real property that expressly or implicitly intend to adjudicate specific portions of real property whose segregation has not been previously approved by the corresponding agencies.

The notary does not assume any responsibility for the contents of the private document whose signature he/she authenticates.

HISTORY: July 2, 1987, No. 75, p. 242, § 56; Aug. 11, 1995, No. 156, § 2; Aug. 7, 1998, No. 194, § 2, eff. 60 days after Aug. 7, 1998.

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CODIFICATION. The word "or" at the start of subsection (5) was moved to the end of subsection (4) to comply with L.P.R.A. style.

AMENDMENTS--1998. Act 1998 amended the third paragraph generally.

--1995. Act 1995 amended the first paragraph generally.
STATEMENT OF MOTIVES. Aug. 11, 1995, No. 156.
Aug. 7, 1998, No. 194.

SPECIAL PROVISIONS. Section 3 of Act Aug. 7, 1998, No. 194, provides: "The Puerto Rico Bar Association, in coordination with the Notaries Association of Puerto Rico, is hereby directed to develop an orientation campaign for the general public and to offer the necessary seminars for the notaries of Puerto Rico, in order to comply with the provisions of this act [this chapter]."

ANNOTATIONS

1. GENERALLY. The **Notarial Act** of Puerto Rico aims to ensure that the notary can carry out his/her profession with probity, the judicial competence and dexterity necessary and with diligence, care, and observation of the ethical value of truth. *In re* Filardi Guzman, 144 D.P.R. 710 (1998).

A notary who notarizes his mother's petition to be declared an heir, transgresses the limits of notarial authority conceded by the legislature and destroys the impartiality that strengthens notarial practice. *In re* Filardi Guzman, 144 D.P.R. 710 (1998).

Failure to attest as to civil status of parties constitutes gross negligence on the part of the notary. *In re* Colon Munoz, 131 D.P.R. 121 (1992).

A notary should authenticate only that which is known to him personally and which occurred in his presence. *In re* Roldan Figueroa, 129 D.P.R. 718 (1992).

All documents authenticated by a notary are given a presumption of accuracy and veracity. *In re* Roldan Figueroa, 129 D.P.R. 718 (1992).

4 L.P.R.A. § 2092 (2004)

§ 2092. Testimony or statement of authenticity--Forms; signature

The forms to be used in the affidavits shall be brief and simple and shall include the authenticity of the act, always with the notaries' statement that they personally know the signers or the attesting witness, or certifying to having supplemented his personal knowledge in the manner indicated in § 2035 of this title.

In the event that the interested parties do not know how to, or cannot read or sign, the same norms of the public deed shall be applicable.

HISTORY: July 2, 1987, No. 75, p. 242, § 57, eff. 60 days after July 2, 1987.

4 L.P.R.A. § 2093 (2004)

§ 2093. Testimony or statement of authenticity--Numbering

The affidavits shall be numbered successively and continuously and shall be headed by their corresponding number which will correlate to that of the inscription in the registry established below.

HISTORY: July 2, 1987, No. 75, p. 242, § 58, eff. 60 days after July 2, 1987.

4 L.P.R.A. § 2094 (2004)

§ 2094. Testimony or statement of authenticity--Registry

Notaries shall keep a Registry of Affidavits in concise notes, dated, numbered, sealed and undersigned by them attesting as to the name of the grantors and a brief statement of the authenticated act.

The Registry of Affidavits shall be kept in duly bound books of not more than five hundred (500) sheets with successively numbered pages.

HISTORY: July 2, 1987, No. 75, p. 242, § 59, eff. 60 days after July 2, 1987.

ANNOTATIONS

1. GENERALLY. See *Garcia v. Cordova*, 43 D.P.R. 261 (1932).

4 L.P.R.A. § 2095 (2004)

§ 2095. Testimony or statement of authenticity--Null and void

Any testimony not included in the index that does not have the executing notary's signature or has not been recorded in the registry of affidavits shall be null.

HISTORY: July 2, 1987, No. 75, p. 242, § 60, eff. 60 days after July 2, 1987.

4 L.P.R.A. § 2101 (2004)

§ 2101. Regulations

The Supreme Court may approve regulations for the execution of this chapter, for the regulation of the notarial practice and the admission thereto, and to complement the provisions of this chapter.

HISTORY: July 2, 1987, No. 75, p. 242, § 61, eff. 60 days after July 2, 1987.

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CROSS REFERENCES. Judiciary Branch, not included in the "Agency" definition with regard to regulations, filing and publishing, see § 2102(2) of Title 3.

4 L.P.R.A. § 2102 (2004)

§ 2102. Inspection and examination--Officer in charge

The Chief Justice of the Supreme Court of Puerto Rico shall be in charge of the inspection of notarial offices and the examination of protocols. He shall appoint a Director of the Office of Notarial Inspection and of experienced notaries as inspectors, all of whom shall be covered by the provisions of §§ 521-525 of this title, known as the "Personnel Act of the Judiciary Branch" and the rules and regulations adopted by virtue thereof. One of the Protocol Inspectors shall reside in the district of San Juan, and another in the district of Ponce. The others shall reside in the location designated by the Chief Justice. The Supreme Court, after giving the notary an opportunity to be heard in his defense, may discipline him through a reprimand, a fine not to exceed five hundred (500) dollars or a temporary or permanent suspension from office in case of any violation of the provisions of this chapter or any other act related to the notarial practice, all subject to the provisions of § 2105 of this title. The Supreme Court as well as the Chief Justice may delegate on the Director of Notarial Inspection whatever functions related to the supervision of the notaries and the notarial practice that they deem convenient with the exception of the power to impose disciplinary sanctions.

HISTORY: July 2, 1987, No. 75, p. 242, § 62, eff. 60 days after July 2, 1987.

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CROSS REFERENCES. Judiciary Branch, not included in the "Agency definition" with regard to regulations, filing and publishing, see § 2102(a) of Title 3.

Register of Appointments of War Auditors, duty of the Director to carry a, see § 2903 of Title 25.

ANNOTATIONS

1. **GENERALLY.** Although all deficiencies were corrected and there was no evidence of damage to third persons, a notary may still be sanctioned for failure to comply with rules. *In re Colon Munoz*, 131 D.P.R. 121 (1992).

Negligence of notary in performing simple tasks such as providing monthly indices is sufficient cause to warrant one-year suspension. *In re Noguerras Cartagena*, 127 D.P.R. 574 (1990).

Repeated deficiencies and failures to comply with Supreme Court requirements constitute sufficient

cause for permanent suspension. *In re De Jesus Rodriguez*, 127 D.P.R. 571 (1990).

Failure to correct deficiencies, consisting of incomplete signatures, lack of internal revenue and notarial seals, within the term imposed warrants permanent suspension of notary from exercise of profession. *In re Serrano Casanova*, 127 D.P.R. 482 (1990).

Considering that no previous complaints have been filed against attorney in question, that he responded promptly to resolution ordering him to correct deficiencies and that no third persons were injured by his conduct, a three-month suspension is the appropriate sanction. *In re Sanchez Perez*, 126 D.P.R. 476 (1990).

Indifference displayed by attorney who failed to respond to inquiries as to deficiencies in protocols justifies suspension. *In re Concepcion Velazquez*, 126 D.P.R. 474 (1990).

The repeated failure to comply with the demands of this chapter and of the requirements of the Director of the Office of Notarial Inspection, just as ignoring the requirements of the Court, despite having been advised of the possibility of being disciplined as a lawyer, disqualifies the interested party from the law profession and as such, separates him from the profession indefinitely. *In re Rodriguez Mena*, 126 D.P.R. 205 (1990).

4 L.P.R.A. § 2103 (2004)

§ 2103. Inspection and examination--Disparity of criteria; solution

If, during the course of inspection of the notarial protocol, any difference of criteria arises between the Protocols Inspector and the notary with regard to the form and manner he keeps his protocols and registry of affidavits, with respect to compliance with this chapter, the cancelling of fees, or any other act related to the certification of the documents or instruments, the Inspector shall state it in his report, briefly listing the facts and the grounds of the controversy. This report shall be submitted to the Court of First Instance Part, without payment of fees or taxes of any type, so that after hearing the Inspector and the notary it may resolve the controversy. The ensuing resolution may be reviewed by the Supreme Court through certiorari filed within the thirty (30) days after being notified; all of which is subject to the provisions of § 2105 of this title.

HISTORY: July 2, 1987, No. 75, p. 242, § 63, eff. 60 days after July 2, 1987.

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CODIFICATION. "Superior Court" was changed to "Court of First Instance" pursuant to Reorg. Plan No. 1 of July 28, 1994, known as the "1994 Judiciary Act", §§ 22-23n of Title 4.

4 L.P.R.A. § 2104 (2004)

§ 2104. Death, disability or resignation of notary; surrender of protocol

In case of the death or the permanent mental or physical disability of a notary, or when he voluntarily or compulsorily ceases in the performance of his functions, or in the event that the surety company requests the termination of his bond, or when he accepts permanent appointment to any judicial or executive office which, under the laws of Puerto Rico, is incompatible with the free exercise of the legal or notarial profession, it shall be the duty of the notary, his heirs, successors, or assigns, to surrender within thirty (30) days, his protocols and registries of affidavits, duly bound to the Office of Notarial Inspection for their inspection.

If this surrender is not made voluntarily within said term, the Supreme Court of Puerto Rico may issue the corresponding order to such effects.

Once the protocols surrendered pursuant to this section have been examined and approved they shall be placed under the custody of the custodian of notarial protocols of

the corresponding district.

HISTORY: July 2, 1987, No. 75, p. 242, § 64, eff. 60 days after July 2, 1987.

4 L.P.R.A. § 2105 (2004)

§ 2105. Disciplinary corrections; due process

No notary may be disciplined, separated or suspended from notarial practice except through a process that complies, in all its phases, with all the guarantees of due process of law procedurally as well as substantively.

HISTORY: July 2, 1987, No. 75, p. 242, § 65, eff. 60 days after July 2, 1987.

4 L.P.R.A. § 2106 (2004)

§ 2106. Delivery of protocol to general custodian; examination; return to the notary

Once the protocols and registries of affidavits have been examined for the reasons established by § 2104 of this title, they shall be delivered to the General Custodian for the corresponding district, thus complying with § 2111(d) of this title with regard to registries of affidavits of less than thirty (30) years. If the result of the examination is that there has been a failure to affix the corresponding Internal Revenue, notarial tax or Legal Assistance stamps, the Attorney General shall proceed to sue for reimbursement of the pending amounts, from the notary, his heirs, successors or assigns or guarantors, in behalf of the Commonwealth, the Bar Association and legal assistance, and shall inform the Chief Justice of the outcome of these actions.

When the notary ceases to be disabled or to hold the judicial or executive office to which he was appointed, the General Custodian of the district shall return his protocols to him if he should resume the practice of the notarial profession, and the notary so requests it.

HISTORY: July 2, 1987, No. 75, p. 242, § 66, eff. 60 days after July 2, 1987.

4 L.P.R.A. § 2107 (2004)

§ 2107. Notarial districts; general custodians; operation

The territory of the Commonwealth shall be divided into the following comprehensive notarial districts of the demarcation corresponding to the Parts of the Court of First Instance with seats in San Juan, Arecibo, Aguadilla, Mayaguez, Ponce, Guayama, Humacao, Caguas, Bayamon, Aibonito, Utuado, Carolina and Fajardo. The respective General Custodian of notarial protocols shall reside in each of these seats. He shall be a notary appointed by the Chief Justice of the Supreme Court, except as provided below with respect to the Notarial Archives Custodian for San Juan. The Chief Justice of the Supreme Court shall pass upon all matters concerning said notarial archives and the resignations and vacancies of the custodians of protocols and shall take such measures he deems proper in connection with the general archives. The Chief Justice may delegate on the Director of Notarial Inspection whatever relevant powers he deems convenient.

General District Custodians, and, in the case of the San Juan Notarial District, the Director of Notarial Inspection may issue literal, full or partial, handwritten, typewritten, photographic or photostatic copies reproduced by any other electronic means designed to obtain an exact reproduction of an original, of the notarial deeds in his custody through

payment of the costs of reproducing said copies plus the scheduled fees prescribed for issuing copies, and payment of the corresponding Internal Revenue stamps required by law. In the San Juan General Archives, the fees shall be paid by receipts issued by the Collector of Internal Revenue, in addition to the Internal Revenue stamps that shall be canceled on the copies of the notarial deeds.

The copies thus issued of any deed duly certified by the General Custodian of the District, or by the Director of the Office Notarial Inspection in the case of the San Juan Notarial District Archives, shall be admissible in evidence.

Present incumbents as General Custodians of notarial protocols shall continue to hold office as long as they observe good conduct, or until they resign or are removed for any reason.

The Director of Notarial Inspection shall be in charge of the functioning of the Notarial Archives of San Juan as Custodian. All the operating expenses of the San Juan Notarial Archives and the expenses of supervising the other District Notarial Archives shall be included in the annual expense budget of the Supreme Court.

HISTORY: July 2, 1987, No. 75, p. 242, § 67; Sept. 26, 1995, No. 209, § 1, eff. July 1, 1996.

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AMENDMENTS--1995. Act 1995 added the Fajardo District and amended the translation generally.

STATEMENT OF MOTIVES. Sept. 26, 1995, No. 209.

4 L.P.R.A. § 2108 (2004)

§ 2108. Notarial Inspection Office; personnel

The officers of the present Notarial Inspection Office shall continue in their office with the same prerogatives as long as they observe good conduct, until they resign, or are removed for any just cause.

HISTORY: July 2, 1987, No. 75, p. 242, § 68, eff. 60 days after July 2, 1987.

4 L.P.R.A. § 2111 (2004)

§ 2111. General archives of protocols--Contents and functions

(a) The transfer to the General Archives of Puerto Rico of the notarial protocols that are kept conserved in the Archives of Notarial Protocols of Puerto Rico, which on the effective date of this act have been in existence more than sixty (60) years, is hereby authorized. The future transfer to the General Archives of Puerto Rico of those protocols that as time goes by reach that limit of antiquity, is also hereby authorized.

(b) The General Archives of Puerto Rico shall be the custodian of the notarial protocols transferred to the General Archives of Puerto Rico pursuant to subsection (a) of this section. It shall be the duty of the General Archives to take the necessary measures to ensure the proper conservation of the protocols placed in its custody, always conserving them in their original form and order.

(c) The protocols referred to in this section shall continue to be secret pursuant to the provisions of this chapter. With regard to bona fide historical investigators, the General Custodian of Puerto Rico shall establish, through regulations to such effect, the norms necessary to establish their condition and to authorize investigations.

(d) The notarial custodian for the District of San Juan is hereby empowered, with the exclusion of any other official, to issue copies of the deeds found in the protocols referred to in this section, pursuant to the provisions of this chapter, including the cases of

protocols transferred to the General Archives of Puerto Rico or of those documents in his custody and of those under temporary custody of the Director of Notarial Inspection.

The Director of Notarial Inspection may allow the destruction of all those registries of affidavits whose last entry has been in existence for more than thirty (30) years, and are deposited in each Notarial District's Archives, subject to prior authorization by the official designated to administer and regulate the Program of Administration of Public Documents in the Judiciary Branch.

The Director of Notarial Inspection shall likewise authorize notaries to destroy any book of affidavits whose last affidavit is dated over thirty (30) years ago. This authorization shall be issued in writing. No registry may be destroyed unless it has been previously examined and approved by an inspector of protocols. Once the destruction of these registries has been authorized, the notary may conserve them in his possession if he wishes, but they shall not be received in any notarial archive, unless so directed by the Supreme Court.

HISTORY: July 2, 1987, No. 75, p. 242, § 69, eff. 60 days after July 2, 1987.

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TEXT REFERENCES. The "effective date of this act", mentioned in subsection (a), refers to Act July 2, 1987, No. 75, set out as this chapter.

4 L.P.R.A. § 2112 (2004)

§ 2112. General archives of protocols--Notarial custodians

Notarial custodians may be disciplined for the same causes and in the same manner as notaries, without impairing the provisions of §§ 3001 et seq. of Title 33.

HISTORY: July 2, 1987, No. 75, p. 242, § 70, eff. 60 days after July 2, 1987.

4 L.P.R.A. § 2121 (2004)

§ 2121. Registry of wills--Creation and functions

A registry of wills attached to the Office of Notarial Inspection is hereby created. The functions and faculties of the registry shall be exercised by the Director of Notarial Inspection under the direct supervision of the Chief Justice of the Supreme Court.

HISTORY: July 2, 1987, No. 75, p. 242, § 71, eff. 60 days after July 2, 1987.

4 L.P.R.A. § 2122 (2004)

§ 2122. Registry of wills--Regulation

The Supreme Court is hereby empowered to establish, by regulations, everything concerning the operation and functioning of the registry of wills created by this chapter in a manner not incompatible with its provisions.

HISTORY: July 2, 1987, No. 75, p. 242, § 72, eff. 60 days after July 2, 1987.

4 L.P.R.A. § 2123 (2004)

§ 2123. Registry of wills--Certified reports

The notaries shall remit to the Director of Notarial Inspection by certified mail with acknowledgement of receipt, or file personally before him, a certification authorized by them bearing their signature and notarial seal, of each original deed granting, modifying,

revoking or extending a will, or recording of a holographic or sealed will, stating in said certification the number of the deed or record, the date, place and hour it was executed and the name and surname of the testator and of the witnesses, as the case may be, with their personal circumstances as they appear in the document, and any other information required, within twenty-four (24) hours of its execution, not counting Saturdays and Sundays or legal holidays.

HISTORY: July 2, 1987, No. 75, p. 242, § 73, eff. 60 days after July 2, 1987.

4 L.P.R.A. § 2124 (2004)

§ 2124. Registry of wills--Acknowledgement of certified report; certification thereof

It shall be the duty of the Director of Notarial Inspection to acknowledge receipt of said certification and maintain a register with the name and surname or surnames of the testator and other circumstances which are part of said notarial certification.

These certifications shall be conserved in custody of said official who shall keep them in the order in which they were remitted. He is hereby authorized to certify with his signature and official seal whether the execution of the will sought has been annotated, by written petition of an interested party or his attorney, accompanied by Internal Revenue stamps in the amount of three dollars (\$3).

He may also certify, by payment of the same fees, that in the written records in his office there is no evidence that the designated person has executed a will.

HISTORY: July 2, 1987, No. 75, p. 242, § 74, eff. 60 days after July 2, 1987.

4 L.P.R.A. § 2125 (2004)

§ 2125. Registry of wills--Negative certification, prerequisite for declaration of heirship

The Court of First Instance shall not admit or process any petition of declaration of heirship whatsoever that is not filed with a negative certification from the Office of Notarial Inspection issued pursuant to § 2124 of this title.

HISTORY: July 2, 1987, No. 75, p. 242, § 75, eff. 60 days after July 2, 1987.

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CODIFICATION. "Superior Court" was changed to "Court of First Instance" pursuant to Reorg. Plan No. 1 of July 28, 1994, known as the "1994 Judiciary Act", §§ 22-23n of Title 4.

4 L.P.R.A. § 2126 (2004)

§ 2126. Registry of powers of attorney

In the case of granting a power of attorney the notary shall comply with the provisions of the Power of Attorney Registration Act, §§ 921-927 of this title, and the Regulations of the Supreme Court of Puerto Rico.

HISTORY: July 2, 1987, No. 75, p. 242, § 76, eff. 60 days after July 2, 1987.

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CROSS REFERENCES. Supreme Court rules, see App. XXI-A of this title.

4 L.P.R.A. § 2131 (2004)

§ 2131. Notarial Fees--Tariff

Notaries are hereby authorized to charge the following fees for their notarial services:

(a) The notary may charge up to the sum of one hundred dollars (\$100) for executing notarial documents concerning valuables or where a thing or amount of a determinable value is involved, whose value not exceeds ten thousand dollars (\$10,000.00).

(b) The notary shall earn fees equal to one percent (1%) of their value, for executing notarial documents concerning valuables or where a thing or amount of determinable value is involved whose value exceeds ten thousand dollars (\$10,000.00), but does not exceed five hundred thousand dollars (\$500,000.00).

(c) For executing notarial documents concerning valuable objects or where a thing or amount of a determinable value is involved whose value exceeds five hundred thousand dollars (\$500,000.00), the notary shall earn fees equivalent to one percent (1%) up to that amount, plus one half percent (.5%) on the excess of that sum.

(d) For executing nonvaluable notarial documents, including sworn statements, authentication of signatures or affidavits, the fees shall be fixed by agreement between the parties and the notary.

(e) For the issuing certified copies of deeds the charges shall be based on the document's amount, excluding costs, expenses and disbursements, in the following manner:

from	00.00	to	\$10,000.00	\$15.00
from	\$10,001.00	to	\$500,000.00	\$25.00
from	\$500,001.00	and over		\$40.00.

HISTORY: July 2, 1987, No. 75, p. 242, § 77, eff. 60 days after July 2, 1987.

ANNOTATIONS

1. GENERALLY.

The \$700 fee charged by the notary for an option to buy costing \$5,000 is excessive. *In re Igartua Munoz*, 153 D.P.R. 315 (2001).

In a bankruptcy proceeding, the Chapter 7 trustee's recovery from secured creditor of notary fee in connection with sale of property had to be limited to statutory amount. *In the Matter of Iberica Mfg., Inc.*, 180 B.R. 707 (1995).

4 L.P.R.A. § 2132 (2004)

§ 2132. Notarial Fees--Extra tariff

The fees fixed above for executing the documents shall not impair or limit the notary from charging the fees he believes reasonable and prudent in accordance with Canon 24 of Professional Ethics for the fixing of fees, for his prior and preparatory efforts, including the subsequent ones, such as background and titles, studies, consultations, opinions, preparation of certificates and compensated powers of attorney in which the notary renders an additional service as a lawyer.

HISTORY: July 2, 1987, No. 75, p. 242, § 78, eff. 60 days after July 2, 1987.

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CROSS REFERENCES. Canons of Professional Ethics, see App. IX of this title.

4 L.P.R.A. § 2141 (2004)

§ 2141. Notarial bond; administration

The Notarial Bond Special Fund shall be governed by the Board of Governors of the Bar Association.

The Board of Governors shall have the following obligations:

(1) To establish and maintain a reserve sufficient to answer any legitimate claim against the Special Fund as a result of the notarial bond secured by the Bar Association and to cover expenses needed to administrate, operate and protect the Special Fund.

(2) To take custody of and invest in a prudent manner the balance of the Special Fund once the reserve amount required by the preceding subsection is discounted. The amount corresponding to this balance and its accrued interest may be used or invested for the following purposes:

(a) Conduct studies to modernize the Property Registry system, the Registry of Powers of Attorney and the Registry of Wills and any others assigned to the Office of Notarial Inspection, and collaborate in the achievement of said objectives through the production of forms in electronic format and by enabling the conversion of reports to electronic media and the use of electronic mail for the transmission of reports and other similar measures leading to the modernization of the systems and procedures of said registries.

(b) To establish and maintain a continuing education program for all of Puerto Rico's attorneys through course, seminars, conferences or any other educational programs the Board deems appropriate.

(c) To establish and maintain the proper coordination with educational institutions to provide a continuing education program for all members of the legal profession and improve teaching in our country's law schools.

(d) To sponsor a scholarship program so that distinguished members of the profession, judges of the General Court of Justice, professors and distinguished graduates of the law schools, may attend advanced studies in order to improve the quality of legal education, the quality of the profession and the quality of justice.

(e) To provide all of the country's lawyers with auxiliary legal investigation services through access to data banks or other means that would enable adequate legal investigation for the proper practice of the profession.

(f) Conduct the pertinent studies to draft a voluntary insurance plan within the term of one year from the date of effectiveness of this act that would cover professional malpractice in the practice of law and the general notarial practice, including the exercise of the competences granted to notaries by the laws in effect or transferred to the latter by special laws. The plan may be offered by the Bar Association or by an insurance company authorized to conduct business in Puerto Rico. Any voluntary insurance plan that the Board of Governors may intend to establish must be organized as an autonomous entity operating under independent accounting and resources systems and limited liability and must be submitted to the Insurance Commissioner for his or her approval.

(g) To carry out the pertinent studies, within a term of one (1) year counted from the effective date of this act, to draft an incremented bonding plan based on the amounts involved in the transactions in the deeds executed by the notaries.

(h) To establish any other program or service that is compatible with the previously mentioned objectives.

Neither the resources of the Special Fund created by this section nor the interest they accrue may be used for purposes other than the ones established above.

HISTORY: July 2, 1987, No. 75, p. 242, § 79; Aug. 31, 2000, No. 265, § 1, eff. 90 days after Aug. 31,

2000.

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TEXT REFERENCES. The reference to the effectiveness of this act in subsection (2)(f) is to Act Aug. 31, 2000, No. 265 which amended this section and is effective 90 days after Aug. 31, 2000, and the reference in subsection (g) is to the creating act of 1987 which is effective 60 days after July 2, 1987.

AMENDMENTS--2000 Act 2000 changed "Governing Board" to "Board of Governors" in the opening paragraph and subsection (2)(f); expanded the registries in subsection (2)(a) as well as the text to include electronic usage, and in (2)(f) also made minor grammatical changes.

STATEMENT OF MOTIVES. Aug. 31, 2000, No. 265.