

*Lao v. Villones-Lao*: Confusion over the  
Admissibility of Notarized Documents in  
Civil and Criminal Cases

*Antonio M. Elicaño*

53 *ATENEO L.J.* 332 (2001)

SUBJECT(S): NOTARIZATION, EVIDENCE

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RULE

Notarization merely raises a rebuttable presumption of regularity. The Author clarifies the nuances of this rule by examining the notable case of *Lao v. Villones-Lao* (306 SCRA 98 (1999)), which was cited by an adverse counsel encountered during the course of a criminal case arguing that ex parte affidavits be admitted by the trial court.

The entire focus of the Article is on the Supreme Court's pronouncement that a notarized instrument is "admissible in evidence without further proof of its due execution and is conclusive as to the truthfulness of its contents." As reiterated by the Author, the Court has stated that this rule is not absolute and the presumption may be rebutted by clear and convincing evidence to the contrary.

The Author examines the authorities cited in *Lao* and other relevant jurisprudence. While the effects of notarization are straightforward in civil cases, with regard to criminal cases, however, the effects of notarization in an ex parte affidavit would merely be proof of the execution of the affidavit and not to the facts stated therein. This is because of the constitutional right of the accused to confront and cross-examine his accuser. There is, however, an exception where the valid exceptions to the hearsay rule occur, then the ex parte affidavit may prove the facts stated therein.