



Republic of the Philippines
Supreme Court
Manila

EN BANC

ADMINISTRATIVE ORDER NO. 251 -2020

**GUIDELINES ON THE IMPLEMENTATION IN THE
PHILIPPINES OF THE HAGUE SERVICE CONVENTION
ON THE SERVICE ABROAD OF JUDICIAL DOCUMENTS
IN CIVIL AND COMMERCIAL MATTERS**

WHEREAS, the Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters (Hague Service Convention), concluded on November 15, 1965, establishes a streamlined transmission of judicial and extrajudicial documents from One State Party to Another, and provides transnational litigants with methods for the service of documents abroad, simplifies and expedites the service of documents abroad, and guarantees that service will be brought to the notice of the recipient in sufficient time;

WHEREAS, in a Resolution dated December 4, 2018, the Supreme Court of the Philippines designated the Office of the Court Administrator (OCA) as the Central Authority in the Philippines for purposes of Article 2 of the Hague Service Convention;

WHEREAS, on March 4, 2020, the Republic of the Philippines deposited its Instruments of Accession to the Hague Service Convention at the Peace Palace, The Hague, Netherlands, which Convention shall enter into force in the Philippines on October 1, 2020;

WHEREAS, in accordance with Article II, Section 2, 1987 Constitution, the Philippines adopts the generally accepted principles of international law as part of the law of the land;

WHEREAS, in accordance with Article VIII, Section 5, 1987 Constitution, the Supreme Court shall have the power to promulgate rules concerning pleading, practice, and procedure in courts;

NOW THEREFORE, the Court resolves to approve the following Guidelines on the implementation of the Hague Service Convention for judicial documents in the Republic of the Philippines:

I. General Provisions

1. *Scope.* — These Guidelines shall govern the operation and implementation of the Hague Service Convention in the Philippines, insofar as they concern judicial documents in civil or commercial matters.

2. *Application of the Hague Service Convention.*¹ — The Hague Service Convention shall apply in the Philippines, provided the following conditions are present:

- a. A document is to be transmitted from one State Party for service to another State Party;
- b. The address of the intended recipient in the receiving State Party is known;
- c. The document to be served is a judicial document; and
- d. The document to be served relates to a civil or commercial matter.

3. *Grounds for Objecting to Requests.* — The Central Authority may decline the request for service if it does not comply with the provisions of the Hague Service Convention, or when compliance with the request would infringe upon its sovereignty or security.²

4. *Objectives of the Hague Service Convention.*³ —

- a. To establish a system which, to the extent possible, brings actual notice of the document to be served to the recipient in sufficient time;
- b. To simplify the method of transmission of these documents from the requesting State to the requested State; and
- c. To facilitate proof that service has been effective abroad, by means of certificates contained in a uniform model.

5. *Definition of Terms.* —

a. “*Hague Conference on Private International Law (HCCH)*” is an intergovernmental organization established “to work for the progressive unification of the rules of private international law.”⁴ The Philippines became a member of the HCCH on July 14, 2010;

b. “*Service*” refers to the transmission and formal delivery of documents that is legally sufficient to charge the defendant with notice of a

¹ Article 1. The present Convention shall apply in all cases, in civil or commercial matters, where there is occasion to transmit a judicial or extrajudicial document for service abroad.

This Convention shall not apply where the address of the person to be served with the document is not known.

² Hague Service Convention, Art. 13.

³ *Practical Handbook on the Operation of the Hague Service Convention*, (Third Edition, 2006), par. 6.

⁴ Statute of the Hague Conference, Art. 1.

pending action; *Provided*, that it shall not be interpreted to comprise substantive rules relating to the actual service of process, nor shall it determine the conditions or formalities of that service;⁵

c. "*Central Authority*" refers to the receiving authority in charge of receiving requests for service from Requesting States and executing them or causing them to be executed.⁶ The OCA is the designated Central Authority for the Philippines for judicial documents;

d. "*Forwarding Authority*" refers to the authority or judicial officer of the Requesting State competent to forward the request for service.⁷ All Justices and Clerks of Court of collegiate courts, and Judges of lower courts are designated as Forwarding Authorities in the Philippines;

e. "*Competent Authority*" refers to the authority in Article 6, Hague Service Convention, in addition to the Central Authority, designated to complete the Certificate in accordance with the Model Form annexed to the Hague Service Convention.⁸ All judges are designated as Competent Authorities under Article 6 in the Philippines.

f. "*Judicial Document*" refers to orders, resolutions, judgments, and other official documents issued by courts in relation to civil or commercial proceedings, as well as pleadings and other court submissions by parties to such civil or commercial proceedings;

g. "*Extrajudicial Document*" refers to any private or public document not directly connected with pending or terminated lawsuits before courts. These shall include, but not limited to, demands for payment, notices to quit in connection with leaseholds, and protests in connection with bills of exchange;⁹

h. "*Model Form*" refers to the form annexed to the Hague Service Convention consisting of three (3) parts:

- 1) *Request for service*, which is sent to the Central Authority of the Requested State seeking assistance in the service of documents,
- 2) *Certificate*, which confirms whether or not the documents have been served, and
- 3) *Summary of the Document to be Served*, which is delivered to the addressee and preceded by a *Warning* relating to the legal nature, purpose and effects of the document to be served.

⁵ *Supra* note 3, par. 46.

⁶ *Id.*, par. 83.

⁷ Hague Service Convention, Art. 3.

⁸ Hague Service Convention, Art. 6.

⁹ *Report on the Work of the Special Commission on the Operation of the Convention of November 15, 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil and Commercial Matters.*

The Model Form (attached as Annex A) and the Guidelines for Filling up the Model Form (attached as Annex B) are available in, and may be downloaded from the HCCH and the OCA websites.

5. *Interpretation and Suppletory Application of the Rules of Court.*

— These Guidelines shall be interpreted with the end in view of expeditiously granting requests for transmission or service abroad of judicial documents. Where applicable, the provisions of the Rules of Court, as amended, and other pertinent laws and rules, shall apply suppletorily to these Guidelines.

II. Requests for Extraterritorial Service of Judicial Documents from the Philippines to Other State Parties (Outbound Requests for Service)

1. *Application.* — Upon motion for leave of court of a party in a civil or commercial proceeding, the court shall determine whether extraterritorial service through the Hague Service Convention is necessary, in accordance with Rules 13 and 14 of the Rules of Court, as amended. The motion shall be accompanied, in duplicate, by the following documents:

- a. A copy of the Model Form, including the Request, Certificate, Summary of Documents to be Served, and Warning;
- b. The original documents to be served or certified true copies thereof, including all annexes;
- c. Certified translations of the Model Form and all accompanying documents, where necessary;
- d. An undertaking to pay in full any fees associated with the service of the documents; and
- e. Any other requirements of the Requested State, taking into account its reservations, declarations and notifications, which may be found in the HCCH website.¹⁰

2. *Order granting extraterritorial service.* — If the court finds that extraterritorial service under the Hague Service Convention is warranted, it shall issue an Order to that effect. The Order shall include a directive to the requesting party to procure and submit a prepaid courier pouch which shall be used for the transmission of documents from the court to the Central Authority of the Requested State.

The Judge, in the case of lower courts, or the Justice or the Clerk of Court, in the case of collegiate courts, as forwarding authorities, shall accomplish and sign the Request using the Model Form, check the completeness of documents, and ensure compliance with the requirements of the Hague Service Convention and that of the Requested State.

¹⁰

<https://www.hcch.net/en/instruments/conventions/status-table/?cid=17>.

Section 3. Fees and costs. — When the request for service entails costs and fees, the party, in accordance with his/her undertaking, shall settle the payment and submit the required proof of payment to the clerk of court.

Any assessment after the execution, including any deficiency assessment, shall still be paid by the party at the appropriate time. Proof of payment of the costs and fees shall be immediately sent to the clerk of court where the case is pending.

Failure to settle the fees in full, whenever necessary, shall be a ground for direct contempt of court, in addition to any other sanction that the judge may impose in accordance with the Rules of Court, as amended.

4. Transmission of documents abroad. — Once all the requirements are submitted by the party requesting the extraterritorial service through the Hague Service Convention, the court shall coordinate with the Central Authority of the Requested State and transmit the following:

- a. The Order granting the extraterritorial service;
- b. The filled-out Request and Summary of Document to be Served with Warning;
- c. The blank Certificate (to be completed by the Central Authority of the Requested State);
- d. The documents sought to be served; and
- e. Certified translations of the Model Form and all accompanying documents, where necessary

The court shall also furnish the OCA with a copy of the request and shall update the OCA on the status of its request.

7. Execution of request. — The Central Authority of the Requested State shall then process the request and attempt service in accordance with its domestic laws. It shall thereafter provide formal confirmation whether the service was successful or unsuccessful, using the Certificate annexed to the Hague Service Convention. The completed Certificate shall thereafter be transmitted back to the requesting court, and shall form part of the records of the case.

III. Requests for Extraterritorial Service of Judicial Documents in the Philippines from Other State Parties (Inbound Requests for Service)

1. Requests for Service of Documents from other State Parties. — All inbound requests for service of judicial documents originating from other state parties shall be referred to the OCA.

2. Requirements for Requests for Service of Documents from other State Parties. —

- a. The documents sought to be served are judicial;
- b. The Request conforms to the Model Form;
- c. The document sought to be served is attached to the Request;
- d. The Request and its attachments are accomplished/translated in English or Filipino;
- e. The Request and its attachment/s are filed in duplicate; and
- f. The address of the intended recipient is indicated with sufficient specificity. As much as practicable, it shall include the house number, building, street name, barangay, municipality/city, province, and zip code. Post office boxes shall not be allowed.

3. Payment of Costs. — All requests must be accompanied by payment of One Hundred U.S. Dollars (US\$100.00) for costs of service for each recipient to be served. For multiple recipients residing in the same address, only one fee shall be paid. Should cost for the service of document exceed the said amount, the OCA shall send an updated Statement of Cost to the Forwarding Authority of the Requesting State for payment. Payment methods shall be posted on the OCA website and official receipts shall be issued upon verification of payment and a copy shall be sent to the applicant immediately.

4. Transmission of Request. — The Forwarding Authority of the Requesting State from which the documents originated shall transmit the request, together with all the documents, including proof of payment, to the OCA through any of the following modes:

- a. Electronic transmission – via email to:

PHCA-Service@judiciary.gov.ph

- b. Physical transmission – via registered mail or courier services to:

Central Authority
Office of the Court Administrator
Supreme Court of the Philippines
Third Floor, Old Supreme Court Building
Padre Faura Street, Ermita, Manila 1000
Philippines

5. Failure to comply with requirements. — Should the request, upon evaluation of the OCA, fails to comply with any of the above-mentioned requirements, or there are objections for the execution of the request, the OCA shall inform the Forwarding Authority, specifying the objection/s thereto. If the objections are resolved, the processing of the request shall proceed.

Otherwise, the request shall be denied, and all documents relating thereto shall be returned to the Forwarding Authority, along with a notice of objection or denial, stating the reasons therefor.

6. *Forwarding to Executive Judge/Presiding Judge.* — When the request is sufficient in form, the OCA shall forward the request to the court having jurisdiction over the area where the intended recipient resides. Requests sent via email shall be transmitted to the official e-mail accounts of the court concerned.

7. *Duties of Executive/Presiding Judge.* — The Executive Judge in multiple-sala courts, or the Presiding Judge in single-sala courts, shall immediately assign a sheriff, process server, or any other competent personnel to serve the document in accordance with the Rules of Court. Requests transmitted via email shall be printed by the court concerned. The judge shall ensure that service is done in accordance with these Guidelines and the Rules of Court.

8. *Return on the Service.* — The officer assigned to serve the document shall execute a return on the service in accordance with the Rules of Court, and submit the same to the judge of the court who directed the service of the document within five (5) days from service. The return shall state that the document and attachment/s have been served, and shall include the method, the place and the date of service, and the person to whom the document was delivered.

If the document was not delivered successfully, the return shall state the reasons which prevented the successful service. The officer assigned shall deliver the unserved document to the court, so that it may later be returned to the Forwarding Authority.

9. *Certificate.* — As soon as the return on the service is submitted, whether the service is successful or not, the judge shall immediately accomplish and sign the Certificate, following the Model Form annexed to the Hague Service Convention. In cases of unsuccessful service, the documents sought to be served shall be attached to the Certificate.

10. *Transmission to the Requesting State.* — Within thirty (30) calendar days from receipt of the request, the judge shall transmit the duly-accomplished Certificate and the Return of Service to the Forwarding Authority of the Requesting State. These shall be accompanied by a copy of the documents served, in cases of successful service, or the original documents, in cases of unsuccessful service. The judge shall furnish the OCA with a copy of all the documents transmitted, for monitoring purposes. Should compliance exceed thirty (30) calendar days, the judge shall also submit an explanation to the OCA for the delay.

IV. Reimbursement of Expenses

1. *Advance of expenses.* — Expenses that may be incurred in the service of judicial documents for inbound requests shall be advanced by the concerned Judge, subject to reimbursement.

2. *Request for reimbursement.* — The request for reimbursement, together with the supporting documents, shall be submitted to the OCA and processed accordingly, and charged against the Service Convention Fund.

V. Effectivity

1. *Effectivity.* — This Administrative Order shall take effect on October 01, 2020, following its publication in the Official Gazette, or in two (2) newspapers of national circulation.


September 11, 2020.



DIOSDADO M. PERALTA
Chief Justice



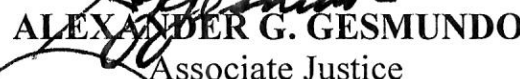
ESTELA M. PERLAS-BERNABE
Associate Justice



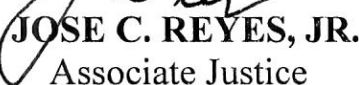
MARVIC M.V.F. LEONEN
Associate Justice



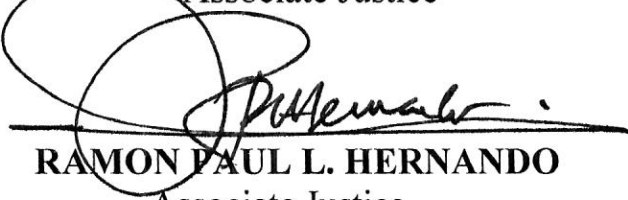
ALFREDO BENJAMIN S. CAGUIOA
Associate Justice



ALEXANDER G. GESMUNDO
Associate Justice



JOSE C. REYES, JR.
Associate Justice



RAMON PAUL L. HERNANDO
Associate Justice



ROSMARID. CARANDANG
Associate Justice




AMY C. LAZARO-JAVIER
Associate Justice




HENRI JEAN PAUL B. INTING
Associate Justice



RODIL V. ZALAMEDA
Associate Justice



MARIO N. LOPEZ
Associate Justice



EDGARDO L. DELOS SANTOS
Associate Justice



SAMUEL H. GAERLAN
Associate Justice

On leave
PRISCILLA J. BALTAZAR-PADILLA
Associate Justice



Republic of the Philippines
Supreme Court
Manila

EN BANC

NOTICE

Sirs/Madames:

Please take notice that the Court en banc issued a Resolution dated September 8, 2020, which reads as follows:

A.M. No. 20-01-07-SC (*Deposit of the Instrument of Accession to the Hague Conference on Private International Law on Service Convention*). -
The Court Resolves to:

- (1) **NOTE** the Memorandum dated September 7, 2020 to Chief Justice Diosdado M. Peralta from Court Administrator Jose Midas P. Marquez, Office of the Court Administrator, [OCA], in compliance with the Resolution dated June 9, 2020 submitting the therein attached proposed "*Guidelines on the Implementation in the Philippines of the Hague Service Convention for the Service Abroad of Judicial Documents in Civil and Commercial Matters*," for the Court's consideration; and
- (2) **APPROVE** the "*Guidelines on the Implementation in the Philippines of the Hague Service Convention for the Service Abroad of Judicial Documents in Civil and Commercial Matters*."

Baltazar-Padilla, J., on leave. (adv35)

By Authority of the Court:

EDGAR O. ARICHETA
Clerk of Court