



Republic of the Philippines
Supreme Court
Office of the Court Administrator
Manila

OCA CIRCULAR NO. 216-2022

TO : ALL JUDGES OF THE FIRST AND SECOND LEVEL COURTS

SUBJECT : GUIDELINES ON THE CONDUCT OF VIDEOCONFERENCING WITH RESPECT TO REMOTE APPEARANCE FROM ABROAD AND REQUIREMENT OF PRIOR REQUEST FOR MUTUAL LEGAL ASSISTANCE, AMONG OTHERS (ADDENDUM TO OCA CIRCULAR NO. 171-2022 DATED 7 JULY 2022)

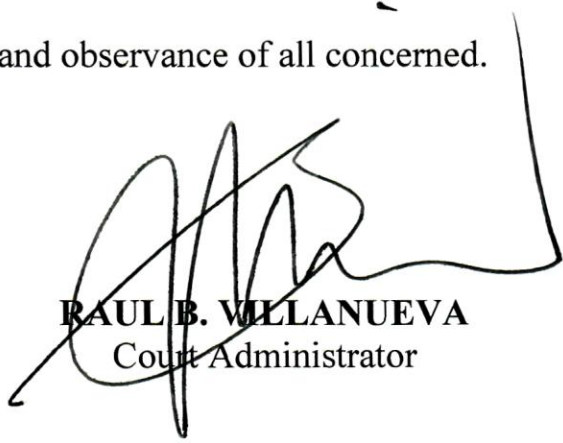
As an addendum to OCA Circular No. 171-2022 dated 7 July 2022 and the requisites provided therein, per another letter dated 5 July 2022 of Hon. Maria Angela A. Ponce, Assistant Secretary of the Department of Foreign Affairs, this Office was apprised of the following additional countries that require a prior request for mutual legal assistance from persons requesting the conduct of videoconference hearings in Philippine Foreign Service Posts (FSPs) within the territorial jurisdiction of the said country or government, for cases pending before Philippine courts, as reported by the relevant FSPs, as well as other requirements/conditions related thereto:

France	France's Ministry for Europe and Foreign Affairs (MEFA) conveyed that: <ol style="list-style-type: none">1. On civil and commercial matters, in the absence of an agreement between France and the Philippines, the request for obtaining evidence must be made on the basis of international comity and reciprocity. Filipino consular officers can hear their nationals without need for an authorization from the French Central Authority, that is to say[,] the French Ministry of Justice;2. On criminal matters, it should be noted that, if foreign embassies in France benefit from privileges and immunities, notably the inviolability of their premises recognized by Article 22 of the Vienna Convention, they remain de facto and de jure on French soil and do not benefit from the principle of extraterritoriality. Therefore, the organization of
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	<p>a videoconference by the Filipino legal authorities entails that a request for mutual assistance in criminal matters be made to the French judicial authorities. In the absence of a mutual judiciary assistance agreement between France and the Philippines, the request for mutual legal assistance in criminal matters must be made through diplomatic channels on the basis of international comity and reciprocity.</p>
<p>Indonesia</p>	<p>According to the Indonesian Ministry of Foreign Affairs (MFA):</p> <ol style="list-style-type: none"> 1. For non-criminal matters, a Philippine court may validly hold a hearing via videoconference for examination of a Filipino witness who is in Indonesia under the following conditions: <ol style="list-style-type: none"> a. Prior notice is given to the Indonesian MFA; and b. The videoconference hearing is conducted with the Filipino witness inside the premises of the Philippine consular office (Embassy or Consulate General); 2. For criminal matters, examination of a Filipino witness through videoconference may be allowed through the mechanism of the ASEAN Treaty on Mutual Legal Assistance on Criminal Matters (MLAT). There is a need to make a formal request for legal assistance under the MLAT through the designated central authorities, i.e. DOJ for the Philippines and Ministry of Law and Human Rights (MLHR) for Indonesia. The conduct of the hearing through videoconference, its conditions, requirements, procedures, and other related matters will be subject to the agreement between the DOJ and MLHR in line with the MLAT.

For the information, guidance and observance of all concerned.

19 August 2022



RAUL B. VILLANUEVA
Court Administrator