
Dispute Resolution

SC Issued Guidelines on the Implementation of the Hague Service Convention on the Service Abroad of Judicial Documents

Guidelines on the Implementation in the Philippines of the Hague Service Convention on the Service Abroad of Judicial Documents

Pursuant to the Philippines' accession to the Hague Service Convention, the Supreme Court issued the Guidelines on the Implementation in the Philippines of the Hague Service Convention on the Service Abroad of Judicial Documents ("Guidelines"). The Guidelines took effect on October 1, 2020.

The Guidelines govern the service of judicial documents in civil or commercial matters and cover requests for extraterritorial service of judicial documents from the Philippines to another state party ("Outbound Request") and from another state party to the Philippines ("Inbound Request").

Outbound Request

A party in a civil or commercial proceeding wishing to apply for an Outbound Request is required to file a motion for that purpose with the court. If the court determines that the extraterritorial service of the document satisfies the conditions in the Guidelines and Rules 13 and 14 of the Rules of Court, the court will issue an order granting the motion. The party is required to pay the costs and fees in connection with the extraterritorial service of the document. A party's failure to settle the fees in full "shall be a ground for direct contempt, in addition to any other sanction that the judge may impose in accordance with the Rules of Court".

The court shall coordinate with the Central Authority of the Requested State (*i.e.*, the state where the document will be served) and transmit the documents. The court is required to furnish the Office of the Court Administrator ("OCA") with the request and update it of the status of the request.

The Central Authority of the Requested State shall process the request and attempt service in accordance with its domestic laws. The Central Authority shall then accomplish the Certificate (annexed to the Hague Service Convention) to report if the service of the document was successful or not. The Certificate shall form part of the records of the case.

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Inbound Request

An Inbound Request must comply with the requirements set out in the Guidelines and shall be referred to the OCA – which shall act as the Central Authority, or the office in charge of receiving requests for service from other state parties and executing them. An Inbound Request should be accompanied by payment of US\$100 for each recipient to be served to answer for the costs of service. If the costs of service exceed the amount accompanying the Inbound Request, the OCA will issue a statement of account to the Forwarding Authority (*i.e.*, judicial officer forwarding the request) of the Requesting State

If the Inbound Request fails to comply with the requirements of the Guidelines, or there are objections to the execution of the request, the OCA shall inform the Forwarding Authority of the objections. If the objections are resolved, the request shall be processed. Otherwise, the request shall be denied and all the documents shall be returned to the Forwarding Authority together with an explanation of the objection or denial.

If the OCA processes the Inbound Request, the OCA shall forward it to the court having jurisdiction over the area where the intended recipient resides. Within 30 days from receipt of the request, the court assigned to implement the request shall (a) accomplish the Certificate for the purpose of reporting if the service was successful or not, and (b) transmit the Certificate to the Forwarding Authority of the Requesting State and the OCA. If the court fails to accomplish the foregoing tasks within 30 days, the court shall submit an explanation regarding the delay to the OCA.

Remote Appearances of Parties

On September 22, 2020, the OCA issued Circular No. 158-2020 confirming that trial court judges may allow parties to appear remotely by videoconferencing, upon the parties' request, without the OCA's permission. During those hearings, judges are required to preside over the hearing in court. The OCA's permission is required if the judges intend to preside at hearings remotely or out of court.

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