

**HAGUE CONVENTION OF 25 OCTOBER 1980  
ON THE CIVIL ASPECTS OF INTERNATIONAL CHILD ABDUCTION**

**STANDARD QUESTIONNAIRE FOR NEWLY ACCEDING STATES**

**response from: PHILIPPINES**

**date of response: 31 May 2025**

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**I Implementing legislation**

*(a) Is implementing legislation necessary to bring the Convention into force in domestic law?*

Pursuant to the doctrine of incorporation, the Philippines adopts the generally accepted principles of international law as part of the law of the land. Thus, as a rule, no further legislative action is needed to make such principles applicable in the domestic sphere. Moreover, under Philippine laws, a domestic law and a treaty or convention are on equal footing and in case of conflict, whichever is the latter of the two shall prevail.

While the Philippines can implement the HCAC even in the absence of a domestic law, an implementing legislation may be helpful to fully and effectively implement its obligations and commitments under the HCAC. This is because under our Family Code, both the father and the mother jointly exercise parental authority over their common children. In case of disagreement, the father's decision shall prevail, unless there is a judicial order to the contrary. Moreover, Article 213 of the Family Code further states that no child under seven (7) years of age shall be separated from the mother unless the court finds compelling reasons to order otherwise. In addition, the Supreme Court issued the Rules on Custody of Minors in 2003 to govern court proceedings on the custody of minors.

*(b) If so, has the necessary legislation been enacted, and is it in force? (Please provide a copy or indicate where copies of the legislation may be obtained.)*

Not yet, as the proposed bill for said legislation is still undergoing drafting/study. Nonetheless, administrative issuances implementing the HCAC have been issued by the relevant authorities, to wit:

1. Department Circular No. 010, s. 2022 of the Department of Justice, entitled "Establishing the Procedure for Processing Applications under the 1980 Convention on the Civil Aspects of International Child Abduction, and For Other Purposes" <https://www.doj.gov.ph/files/2024/HCAC/DC%20010%20Establishing%20the%20procedure%20for%20processing%20applications%20under%20the%201980%20Convention%20on%20the%20Civil%20Aspects%20of%20International%20Child%20Abduction%2C%20and%20for%20other%20purposes%20dated%20February%2022%2C%202022.pdf>; and

2. A. M. No. 22-09-15-SC of the Supreme Court, entitled “Rule on International Child Abduction Cases” <https://www.doj.gov.ph/files/2024/HCAC/OCA-Circular-No.-88-2023.pdf>.

## **II Locating children**

*Please indicate the agencies involved and the processes available for the location of missing children in your country:*

For HCAC applications, we coordinate with and enlist the assistance of the following agencies:

Bureau of Immigration (BI) – to verify whether the child allegedly wrongfully taken to or retained in the Philippines is actually in the country.

National Bureau of Investigation (NBI) through its local office/s – to assist with locating the child in the last known address provided by the Left-Behind Parent.

## **III Central Authority**

*(a) The designation and contact details of the Central Authority (please note that this information will be added to the relevant webpage of the Hague Conference website):*

Office of the Chief State Counsel  
Department of Justice  
[hcac@doj.gov.ph](mailto:hcac@doj.gov.ph)  
[dojlegalstaff@doj.gov.ph](mailto:dojlegalstaff@doj.gov.ph)

*(b) Contact persons within the Central Authority, languages spoken, contact details for each (see remark at (a) above):*

Mr. DENNIS ARVIN L. CHAN  
Chief State Counsel  
Department of Justice  
[dlchan@doj.gov.ph](mailto:dlchan@doj.gov.ph)

Languages spoken: English and Filipino

*(c) Please indicate measures taken to ensure that the Central Authority is in a position to carry out the functions set out in Article 7 of the Convention:*

Department Circular No. 010 outlines the powers and functions of the Department of Justice to receive and transmit applications, request information, coordinate with competent authorities and such other functions that are implicit in the HCAC.

## **IV Judicial procedures**

*(a) Which courts/administrative bodies within your system have been given jurisdiction to consider applications for return orders (and questions of access) under the Convention?*

Under the Rule on International Child Abduction Cases, the Family Court where the child may be found or the Family Court nearest to the province or city where the child may be found, as

the case may be, is vested with the jurisdiction over petitions for the return of or access to a child wrongfully removed or retained. If the child's location is unknown, the place where the respondent or the person keeping the child may be found, shall determine the venue.

*(b) What measures exist to ensure that return applications will be dealt with expeditiously at first instance and on appeal?*

Only two (2) submissions for each party are allowed under the Rule on International Child Abduction Cases. For the Left Behind Parent, it is the *Petition* and a Position Paper, while for the Taking Parent, it is the *Comment* and a Position Paper. The parties are expressly prohibited from filing any other motions or pleadings. If no settlement is reached or no summary judgment may be rendered, the Family Court shall require the parties to submit their respective position papers within a non-extendible period of five (5) calendar days from termination of the preliminary conference.

The Family Court shall render judgment within fifteen (15) calendar days from receipt of the parties' respective position papers or the lapse of such period for submission, whichever is earlier, but in no case shall the entire proceedings exceed ninety (90) calendar days from the filing of the petition.

*(c) What facilities are available to foreign applicants to assist them in bringing their applications before the courts, and in particular is legal aid available and, if so, on what conditions?*

Foreign applicants are required to make their own arrangements for legal representation but the Central Authority may provide a list of lawyers. As far as practicable and beneficial to the fair, speedy, and efficient administration of justice, the Family Court may allow foreign applicants to attend the hearing at any stage of the proceedings via videoconference.

## **V Enforcement procedures**

*What procedures and measures exist for the enforcement of:*

*(a) a return order?*

A judgment ordering the return of the child to his/her country of habitual residence is final and immediately executory. It becomes the mandatory or ministerial duty of the court, upon motion of the prevailing party, to issue a writ of execution to a sheriff, authorizing and requiring him to execute the judgment of the court.

*(b) a contact/access order?*

The court may allow the taking parent to have access to the child under reasonable terms and conditions for the best interests of the child. It may order the respondent who wrongfully removed or retained the child, or who prevented the exercise of petitioner's rights of access to pay the petitioner reasonable and necessary expenses made for locating and returning the child.

## **VI Substantive law**

*(a) What are the legal criteria by which custody and contact determinations are made?*

The court shall consider the best interests of the child and shall give paramount consideration to his/her material and moral welfare. The best interests of the child refer to the totality of the circumstances and conditions as are most congenial to his/her survival, protection, and feelings

of security encouraging to their physical, psychological and emotional development. It also means the least detrimental available alternative for safeguarding their growth and development.

*(b) Is there a difference in the legal status of mothers and fathers in custody or contact cases?*

Under the Family Code, the father and the mother shall jointly exercise parental authority, including custody, over their common children. In case of disagreement, the father's decision shall prevail, unless there is a judicial order to the contrary. Illegitimate children shall be under the parental authority of the mother. Further, no child under seven (7) years of age shall be separated from the mother unless the court finds compelling reasons to order otherwise.

## **VII Social services and child protection services**

*Please describe the services which exist for the assessment, care and protection of children in the context of international child abduction:*

During the pendency of the case, the Family Court may issue a Protection Order when there are indications of danger, risk of violence, abuse, neglect, or other intolerable situations involving the child. The court may also issue provisional orders for the child's protection, care, support and other physical, emotional and psychological needs such as, but not limited to, counselling and therapy. To this end, it shall order the appropriate government agencies to provide such services whenever necessary, or there exists reasonable ground/s to believe that the said court's order will be breached, or the child may be injured, or there may be other acts likely to impede the implementation of the above-mentioned provisional orders, until the return proceedings is terminated or upon further orders of the court.

*Please indicate the services available for the protection (if necessary) of returning children, as well as the services available (including legal advice and representation) to a parent accompanying the child on return:*

The court has inherent power to cite in contempt disobedience or resistance to a lawful writ, process, order, or judgment of the court, such as the judgment ordering the return of the child to his/her habitual residence.

## **VIII Information and training**

*What measures are being taken to ensure that persons responsible for implementing the Convention (e.g. judges and Central Authority personnel) have received appropriate information and training?*

The development of training programmes for Central Authority lawyers and competent authorities is underway. Once finalized, implementation shall commence in 2026.

*(Note: the Permanent Bureau may be contacted for information in relation to forms of assistance which may be available for this purpose.)*