

# Questionnaire relating to the *Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters (Service Convention)*

Responding State:

Philippines

## I. General Feedback

1. How does your State rate the general operation of the Service Convention?  
(b) Good.
2. How does your State rate the useability of the HCCH [Practical Handbook on the Operation of the Service Convention](#)?  
(b) Good.
3. Does your State's Central Authority have a manual or electronic case management register or system that is used to track incoming requests under the Service Convention?  
(d) Yes – manual for incoming and outgoing.
4. If your State's Central Authority has oversight for all outgoing requests, please indicate if there is a system used to track the progress of these.  
(b) Yes – manual.

## II. Scope of the Convention

5. In the previous five years\*, has your State experienced any difficulties in interpreting the scope of the Service Convention?

\*If your State has become a Party to the Convention during the previous five years, responses to this questionnaire should reflect the period of time, commencing from when the Convention entered into force in your State.

(d) No.

### A. Extrajudicial documents

6. Is the concept of "extrajudicial documents" (Art. 17) defined in the internal law of your State?  
(a) Yes.

7. What types of extrajudicial documents are **transmitted** under the Service Convention by your State?

*“Title I, Item 5(g) of Administrative Order (A.O.) 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) dated 11 September 2020 defines ‘extrajudicial document’ as one referring 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 (citing 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).”*

### III. Operation of the Convention

Requesting State refers to the State from which a request for service is, or will be, issued.

Requested State refers to the State to which a request for service is, or will be, addressed.

8. As the **requested State**, does your State provide assistance to locate a person to be served under the Service Convention?

*(The Special Commission, at its 2014 meeting, encouraged Contracting Parties to provide such assistance consistent with their legal and structural capabilities, when able to do so, see C&R No 23.)*

- (a) Yes.

*“Limited assistance only. For instance, if the sheriff or the process server can identify the new location of the intended party, the former may locate the latter in its new address, and serve the documents.”*

9. As the **requesting State**, how would your State transmit a document for service upon another State, a State official, or a State-owned company?

- (c) Other.

*“The Service Convention may apply. Service upon another State, a State official, or a State-owned company should observe the proper diplomatic channels. In addition, in situations where there is a Treaty entered into between the Philippines and another State, the same may be preferred.”*

10. As the **requested State**, how is a request for service on your State, State official or State-owned company executed?

*“A request for service on the State, State official, or State-owned company should be coursed through the proper diplomatic channels. Should the circumstances warrants, the service may be executed through the Service Convention or request for judicial assistance (letters rogatory).”*

11. Does your State serve judicial and extrajudicial documents in the same way?

- (c) Unknown.

*“The Integrated Bar of the Philippines, the additional Central Authority designated to serve extrajudicial documents, has yet to issue its guidelines to establish the rules on the said service.”*

## A. Main Channel of Transmission (Art. 5)

12. In your State, what are the authorities or who are the persons competent to forward a request for service to a foreign Central Authority?

(a) Courts / Tribunals.

(g) Other.

*"Title I, Item 5(d) of A.O. No. 251-2020 defines "forwarding authority" as one referring to the authority or judicial officer of the Requesting State competent to forward the request for service. All Justices and Clerks of Court of collegiate courts, and Judges of lower courts are designated as Forwarding Authorities in the Philippines."*

13. Do outgoing requests for service have to be transmitted through your State's Central Authority?

(a) Yes.

14. As the **requested State**, when no particular method is requested by the applicant, what is the primary / default method of service? (Art. 5(1)(a))

(b) Personal service.

15. In the previous five years\*, as the **requested State**, has your State **received** a request with a particular method of service requested by the applicant? (Art. 5(1)(b))

\*If your State has become a Party to the Convention during the previous five years, responses to this questionnaire should reflect the period of time, commencing from when the Convention entered into force in your State.

(a) Yes.

*"Request for Service through Publication by the Registrar of the High Court, Hong Kong Special Administrative Region in the year 2021."*

15.1. If yes, what method of service was requested?

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15.2. If yes, was the requested method of service able to be executed?

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16. In the previous five years\*, as the **requesting State**, has your State's forwarding authorities requested a particular method of service? (Art. 5(1)(b))

\*If your State has become a Party to the Convention during the previous five years, responses to this questionnaire should reflect the period of time, commencing from when the Convention entered into force in your State.

(b) No.

16.1. If yes, what particular method of service was requested?

N/A

16.2. If yes, was the requested method of service able to be executed?

N/A

16.3. If yes, were there costs associated with this method of service?

N/A

## B. Alternative Channels of Transmission (Arts 8, 9 & 10)

State of origin refers to the State in which proceedings are commenced and where the document to be served originates.

State of destination refers to the State where service is, or will be, effected.

### 1. Model Form

Use of the Model Form is mandatory for the main channel of transmission. The Special Commission, at its 2009 meeting, urged State Parties to widely encourage the use of the part of the Model Form containing the "Summary", accompanied by the "Warning" (see C&R No 31).

17. As the **State of origin**, does your State use the "Warning" and "Summary" sections of the Model Form when transmitting a request through alternative channels?

- (e) Not applicable, due to the objection made on the use of alternative channels.  
*"The Philippines made the following declaration/reservation/ notification: (a) Pursuant to Article 8, the Philippines objects to service of judicial documents directly through diplomatic or consular agents upon persons in its territory, unless the document is served upon a national of the State in which the documents originate; and (b) the Philippines objects to the transmission channels under paragraphs a and c as provided for in Article 10 of the Convention."*

18. As the **State of destination**, does your State use the "Certificate" section of the Model Form when informing whether documents have been served (in response to a request received through alternative channels)?

- (e) Not applicable, due to the objection made on the use of alternative channels.

### 2. Diplomatic and Consular Agents (Art. 8)

19. In the previous five years\*, have the diplomatic or consular agents of your State directly effected service of judicial or extrajudicial documents upon a person abroad? (Art. 8(1))

\*If your State has become a Party to the Convention during the previous five years, responses to this questionnaire should reflect the period of time, commencing from when the Convention entered into force in your State.

- (d) Not applicable, due to the objection made

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20. In the previous five years\*, has service by diplomatic or consular agents of your State been rejected by the addressee? (Art. 8(1))

\*If your State has become a Party to the Convention during the previous five years, responses to this questionnaire should reflect the period of time, commencing from when the Convention entered into force in your State.

(d) Not applicable, due to the objection made.

### 3. Diplomatic and Consular Channels (Art. 9)

21. In the previous five years\*, has your State used consular channels to forward documents? (Art. 9(1))

\*If your State has become a Party to the Convention during the previous five years, responses to this questionnaire should reflect the period of time, commencing from when the Convention entered into force in your State.

(a) Yes.

22. In the previous five years\*, under exceptional circumstances, has your State used diplomatic channels to forward documents? (Art. 9(2))

\*If your State has become a Party to the Convention during the previous five years, responses to this questionnaire should reflect the period of time, commencing from when the Convention entered into force in your State.

(a) Yes.

### 4. Postal Channel (Art. 10(a))

23. Has your State (as the **State of destination**) objected to service under Article 10(a)?

(a) Yes.

- 23.1. If an objection has been made under Article 10(a), does your State continue to use postal channels for service as the State of origin, despite the objection?

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- 23.2. If no objection has been made, does your State, as the **State of destination**, accept the use of postal channels for service from other States of origin that have made an objection under Article 10(a)?

N/A

- 23.3. If no objection has been made, which of the following categories does your State recognise as a "postal channel" under Article 10(a)?

N/A

23.4. If no objection has been made, more specifically, would your State consider service by e-mail to be analogous to service by postal channels under Art. 10(a)?

N/A

23.5. If no objection has been made, does your State require the documents served to be translated into one of your State's official languages?

N/A

#### **5. Judicial Officers, Officials or other Competent Persons (Art. 10(b))**

24. Has your State objected to service under Article 10(b)?

(b) No.

*"The Philippines declared its objections only to Article 10, paragraphs (a) and (c) of the 1965 Hague Service Convention."*

24.1. If no objection has been made, which of the following categories does your State recognise as a "judicial officer, official or other competent person" under Article 10(b), either for sending or receiving?

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24.2. If no objection has been made, how does this channel of transmission operate in practice?

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24.3. If no objection has been made, are there costs associated with this channel of transmission?

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#### **6. Person Interested in a Judicial Proceeding (Art. 10(c))**

25. Has your State objected to service under Article 10(c)?

(a) Yes.

25.1. If no, which of the following categories does your State recognise as "any person interested in a judicial proceeding" under Article 10(c), either for sending or receiving?

N/A

25.2. If no, how does this channel of transmission operate in practice?

N/A

25.3. If no, are there costs associated with this channel of transmission?

N/A

### C. Refusal to Execute Request (Art. 13)

26. In the previous five years\*, has your State refused a request for service on grounds of infringing “sovereignty or security”?

\*If your State has become a Party to the Convention during the previous five years, responses to this questionnaire should reflect the period of time, commencing from when the Convention entered into force in your State.

(b) No.

27. In the previous five years\*, has a request from your State been refused on grounds of infringing “sovereignty or security”?

\*If your State has become a Party to the Convention during the previous five years, responses to this questionnaire should reflect the period of time, commencing from when the Convention entered into force in your State.

(b) No.

## IV. Use of Information Technology

In 2019, the PB circulated a questionnaire on the use of information technology in relation to the operation of the Service Convention. That survey was concluded prior to the COVID-19 pandemic. The questions below seek information from Contracting Parties on the use of technology and in light of the pandemic.

28. Has your State taken any steps (including through legislation) to enable or increase the use of technology to facilitate the operation of the Service Convention, including in response to the COVID-19 pandemic?

(a) Yes.  
*“Use of Official Philippine Judiciary Office 365 Accounts.”*

29. Do the forwarding authorities of your State transmit requests under the Service Convention electronically?

(b) No.

- 29.1. If yes, what methods of transmission do the forwarding authorities of your State use?

N/A

30. Does your State’s Central Authority accept requests under the Service Convention transmitted electronically in circumstances where **only** an electronic copy is provided (and where a paper copy is not subsequently provided)?

(a) Yes.

- 30.1. If yes, what methods of transmission does your State accept?

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- 30.2. If no, please provide further information about why this is not yet possible.

N/A

31. Does your State permit execution of service via electronic means?

(h) No.

31.1. If no, what are your State's reasons for refusing to execute the requests for service to be performed by using information technology?

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32. What challenges, if any, has your State faced regarding the use of information technology under the Service Convention?

(d) Implementation challenges (e.g., lack of resources, lack of infrastructure).

33. In your State's opinion, what further work could the PB do on the use of information technology under the Service Convention?

(b) Development of a Guide to Good Practice.

34. In addition to the Service Convention, is your State a Party to any bilateral, regional, or multilateral agreements that provide rules for the service of documents abroad?

(a) Yes.

*"For instance, Treaty on Mutual Legal Assistance in Criminal Matters."*

*For Parties that answered "yes" to Q34 above:*

34.1. Do any of these agreements provide for the use of electronic means (e.g., e-mail) to transmit or execute requests for service?

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## V. 2023 Meeting of the Special Commission & Monitoring

35. What are the three key topics or practical issues related to the Service Convention that your State would like discussed at the 2023 meeting of the Special Commission?

1. *"Update on the Practical Information of every State's Central Authorities."*
2. *"Development of a Guide to Electronic Service."*
3. *"Development of a Guide to Good Practice."*

35.1. Please indicate whether the information provided in Q35 above may be published.

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36. Does your State have any suggestions that could assist in the promotion, implementation, or operation of the Service Convention?

(b) No.

36.1. If the answer to Q36 above is "yes", please indicate whether the information provided may be published.

N/A



37. The PB is in the process of revising the Service Handbook. Are there any specific topics, suggestions for presentation or formatting, or any other proposals you recommend for inclusion?

(a) No.

37.1. If the answer to Q37 above is “yes”, please indicate whether the information provided may be published.

N/A

## DATA & STATISTICS FOR CONTRACTING PARTIES

### I. Statistics under Main Channel of Transmission (Art. 5)

#### A. Incoming Requests

1. How many incoming requests for service did your State receive under the main channel of transmission (Art. 5) in each of the following years?

2017	"No data available"
2018	"No data available"
2019	"No data available"
2020	"Twenty-One (21) requests."
2021	"Three Hundred and Seventy-Two (372) requests."
2022	"Five Hundred and Seventy (570) requests."
Unknown – <i>please explain.</i>	
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*"Note: Pursuant to A.O. No. 251-2020, the Guidelines on the Implementation in the Philippines of the Hague Service Convention on the Service Abroad of Judicial Documents in Civil and Commercial Matters took effect on 1 October 2020."*

2. Which three States made the most requests?

Requesting State	Number
United States of America	237
Canada	202
France	91

3. If possible, please provide a breakdown of how long (in months) it took to execute incoming requests.

	< 1	1-3	3-6	6-12	> 12
2017	-	-	-	-	-
2018	-	-	-	-	-
2019	-	-	-	-	-
2020		x			
2021		x			
2022 (if data available)	x				
Unknown – <i>please explain.</i>					
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4. How many of these incoming requests for service did your State receive via **electronic transmission** in each of the following years?

2017	"No data available"
2018	"No data available"
2019	"No data available"
2020	"Eighteen (18) requests."
2021	"Two Hundred and Four (204) requests."
2022	"Two Hundred and Ninety-Six (296) requests."
Unknown - <i>please explain.</i>	
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5. How many incoming requests for service did your State **execute for service** via electronic means in each of the following years?

This is regardless of whether a paper copy of the documents was subsequently provided.

2017	"No data available"
2018	"No data available"
2019	"No data available"
2020	"No data available"
2021	"No data available"
2022	"No data available"
Unknown - <i>please explain.</i>	
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6. Are execution times for electronically transmitted requests for service generally faster than those transmitted by post?

(e) Not applicable.

*"Note: While the SCU does not execute a request via electronic service, A.O. No. 251-2020 did not prohibit (or is silent on) electronic service. It must be noted that, the SCU's mandate is limited to the transmission of the requests to the respective Regional Trial Court (RTC) with jurisdiction over the location of the respondent. It is the RTC which is in charge of executing the service. It is observed, however, that requests transmitted electronically to the RTC are generally executed faster than those transmitted by post."*

## B. Outgoing Requests

7. How many outgoing requests for service did your State make under the main channel of transmission (Art. 5) in each of the following years?

2017	"No data available"
2018	"No data available"
2019	"No data available"
2020	"No data available"
2021	"No data available"
2022	"No data available"
Unknown – <i>please explain.</i>	
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*"Note: Under Title II, Item 4 of A.O. No. 251-2020, it is the court (as the forwarding authority) who will transmit the outbound requests to the Central Authority of the Requested State."*

8. Which three States were the subject of the most requests?

Requesting State	Number
N/A	N/A
N/A	N/A
N/A	N/A

9. How many outgoing requests for service did your State make via electronic transmission under the main channel of transmission (Art. 5) in each of the following years?

2017	"No data available"
2018	"No data available"
2019	"No data available"
2020	"No data available"
2021	"No data available"
2022	"No data available"
Unknown – <i>please explain.</i>	
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*"Note: Under Title II, Item 4 of A.O. No. 251-2020, it is the court (as the forwarding authority) who will transmit the outbound requests to the Central Authority of the Requested State. It must be noted that the said A.O. did not prohibit (or is silent on) electronic service."*

## II. Statistics under Alternative Channels of Transmission

10. Does your State have statistics on incoming requests under alternative channels of transmission?  
*More than one answer is possible.*

- (a) Yes, Article 8.
- (b) Yes, Article 9.
- (c) Yes, Article 10(a).
- (d) Yes, Article 10(b).
- (e) Yes, Article 10(c).
- (x) No, none of the above.

10.1. If yes, how many (total) incoming requests for service did your State receive under the alternative channels of transmission in each of the following years?

N/A

## III. Refusals (Art. 13)

11. If applicable, please indicate how many incoming requests for service your State refused to comply with between 2017 and 2022?

*“There are three hundred and ninety-two (392) requests that the SCU refused to comply for failure to pay the required service fee. Under Title III, Item 3 of A.O. No. 251-2020: ‘[a]ll 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. xxx”*

12. If applicable, please indicate how many outgoing requests for service transmitted by your State were refused between 2017 and 2022?

*“As of the present, the SCU has not received any information or communication that a request was refused by the Requested State.”*

## CASE LAW, ADDITIONAL INFORMATION & SUPPORTING DOCUMENTS

### I. Case Law

Please list all your State's judicial decisions that have considered the Service Convention since 2014 and provide a link to, or upload the decisions (in PDF format only).

*“Currently, there are no Supreme Court decisions that discussed the 1965 Hague Service Convention.”*

### II. Additional Documents

Please provide links to and / or any additional information or documentation to support your response (in PDF format only). This may include:

- ⇒ resources for the general public or guidelines for Central or other Authorities' staff;
- ⇒ implementation legislations, recent legislative developments; or
- ⇒ books, articles, or other published work.

*“The following resources may be provided:*

- i. 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) dated 11 September 2020;*
- ii. OCA Circular No. 121-2022 (Requests for Extraterritorial Service of Judicial Documents from the Philippines to Other State Parties [Outbound Requests for Service] under the Hague Service Convention on the Service Abroad of Judicial Documents in Civil and Commercial Matters) dated 26 May 2022;*
- iii. OCA Circular No. 156-2022 (Return of Judicial Documents in Successful and Unsuccessful Service of Judicial Documents in the Philippines from Other State Parties [Inbound Requests for Service] under the Hague Service Convention on the Service Abroad of Judicial Documents in Civil and Commercial Matters) dated 27 June 2022;*
- iv. Practical Information (Inbound Request);*
- v. Service Convention Unit Inbound Request Flowchart; and*
- vi. Service Convention Unit Outbound Request Flowchart.”*

## PUBLICATION OF RESPONSES

Please confirm whether your responses to this questionnaire can be published on the HCCH website.

- (a) Yes.