



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

OCA CIRCULAR NO. 243-2025

TO : ALL JUSTICES AND CLERKS OF COURT OF COLLEGIATE COURTS, AND JUDGES OF THE FIRST AND SECOND LEVEL COURTS

SUBJECT : A.M. NO. 25-02-17-SC (RULES ON THE TRANSMISSION AND EXECUTION OF LETTERS OF REQUEST FOR TAKING OF EVIDENCE IN CIVIL OR COMMERCIAL MATTERS UNDER THE 1970 HAGUE EVIDENCE CONVENTION) DATED MARCH 4, 2025

For the **information, guidance, and strict observance** of all the concerned, appended herein as Annex "A" is the *Resolution* dated March 4, 2025 of the Honorable Court *En Banc* in A.M. No. 25-02-17-SC (Rules on the Transmission and Execution of Letters of Request for Taking of Evidence in Civil or Commercial Matters Under the 1970 Hague Evidence Convention) which **took effect on July 5, 2025**.

Particular attention should be given to the following salient provisions of the subject Rules:

**Part 2. Issuance and Transmission
of Letters of Request to Foreign States
(Outbound Requests)**

Section 4. *Request for the Issuance of a Letter of Request.* —
A Requesting Party may move for the taking of evidence abroad intended to be used in a judicial proceeding which has already been commenced (pending action) or which is contemplated (before action).

For *requests pending action*, a Requesting Party in a civil or commercial proceeding seeking to take evidence abroad under the Hague Evidence Convention shall file the motion before the court where the action is pending, or where the proceeding has commenced.

For *requests before action or contemplated proceedings*, a Requesting Party seeking to take evidence abroad under the Hague Evidence Convention shall file a non-litigious motion before the court where the Requesting Party has filed a petition to perpetuate testimony under the Rules of Court.

Section 5. *Motion for the issuance of a Letter of Request.* —
The motion for the issuance of a Letter of Request pending action filed before pre-trial shall be non-litigious and state the following:

- (a) The person to be examined or evidence to be taken is located in the Requested State and its purpose;
- (b) The Requested State is a party to the Hague Evidence Convention;
- (c) The Request concerns civil or commercial matters; and
- (d) The address or location of the person or entity from whom the evidence is sought is sufficiently specific.

A motion for a Letter of Request filed after pre-trial shall comply with the foregoing requirements and shall be dealt with as a litigious motion under the Rules of Court.

For Requests before action or contemplated proceedings, the grounds for the preservation of evidence or testimony shall be in accordance with the relevant provisions of the Rules of Court.

x x x

Section 9. *Special Methods or Procedures.* — If necessary, the Letter of Request shall specify any special method or procedure to be followed by the competent authority in the Requested State.

The following special methods or procedures shall be required to be included in the Letter of Request, whenever applicable:

- (a) That the person to be examined shall give evidence under oath or affirmation;
- (b) That all objections made at the time of the examination to the qualifications of the competent authority taking the evidence, or to the manner of taking it, or to the evidence presented, or to the conduct of any party, and any other objection to the proceedings, shall be noted by the competent authority;
- (c) The Requested Authority shall issue a certification that the person examined or the evidence taken was made under oath or affirmation;
- (d) The Requested Authority shall record the testimony of the person examined and prepare a verbatim transcript of the examination;
- (e) The Requested Authority shall issue a certification that the transcript is a true and accurate record of the testimony given by the person examined;
- (f) For requests involving the production or inspection of document/s, that copies thereof be made;
- (g) The Requested Authority shall issue a certification that the document/s reproduced or copies is a faithful reproduction of its original.

Section 10. *Duty of the Affected Party.* — Within 10 calendar days from receipt of the motion or the order granting the issuance of the Letter of Request, the affected parties shall manifest whether they shall participate in the taking of evidence.

Should the manner of taking of evidence be in the form of written interrogatories, the affected party shall file his/her cross-interrogatories within the same period. Failure to file cross-interrogatories may be deemed a waiver of the right to cross-examine.

Section 11. *Resolution on the Motion.* — The motion shall be resolved by the court within 15 calendar days from its receipt of the affected party's submission in the preceding Section, or upon expiration of the period granted.

If the court finds merit in the motion and the attached Letter of Request is sufficient in form and substance, it shall issue an order granting the same.

If the court finds merit in the motion but the attached Letter of Request is insufficient in form and substance, the court shall issue an order directing the Requesting Party to correct or complete the Letter of Request within five calendar days from receipt thereof. Upon submission of the Requesting Party of the corrected Letter of Request, the court shall have five calendar days to determine if the same is sufficient in form and substance. If the court finds that the Letter of Request is already sufficient in form and substance, it shall issue an order granting the same.

If the Requesting Party fails to submit a corrected or completed Letter of Request within the given period, or submits a Letter of Request which is still insufficient, the court may deny the motion. The denial of the motion shall be without prejudice to the refile of a compliant motion or Letter of Request.

For *requests before action or contemplated proceedings*, the court shall ensure that:

- (a) There is a reasonable anticipation of litigation, supported by concrete evidence of intent to initiate proceedings;
- (b) The evidence sought is specific, relevant, and at risk of being lost or destroyed if not preserved immediately;
- (c) The scope of the request is narrowly defined and necessary, with a clear explanation of how each item of evidence is linked to the anticipated issues in the litigation.

The grant of the motion for the issuance of a Letter of Request shall not be taken as a ruling on the admissibility of the evidence to be taken abroad.

Section 12. Issuance of the Letter of Request. — After the court grants the motion and finds the Letter of Request sufficient in form and substance, the Judge shall complete and sign the same.

The court shall issue the Letter of Request within 10 calendar days from the grant of the motion. The court shall attach to the Letter of Request the cross-interrogatories, if there are any filed by the affected parties pursuant to Section 10 hereof.

Section 13. Transmission to the foreign Central Authority. — The Requesting Party shall pay all expenses and costs necessary for the transmittal, service, processing, and execution of the Letter of Request. This includes, but is not limited to, fees for mailing, courier services, translations, and any administrative charges associated with the handling and execution of the Letter of Request.

The court, within five calendar days from the issuance of the Letter of Request, shall transmit two copies of the same to the Central Authority of the Requested State, either by electronic mail, postal service, or accredited private courier, to the person or office, and at the address designated by the Requested State and in accordance with the Requested State's procedures.

Once the Letter of Request is transmitted to the Central Authority of the Requested State, the court shall exert diligent efforts to monitor the progress of the Letter of Request.

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Part 3. Execution of Foreign Letters of Request in the Philippines (Inbound Requests)

Section 22. Filing of Request. — A Letters of Request shall be filed by the foreign Forwarding Authority with the OCA, as Central Authority for the Hague Evidence Convention, through either of the following means:

- (a) Digital format by electronic mail to PHCA-Evidence@judicairy.gov.ph
- (b) Print format be registered mail or courier service to:

Office of the Court Administrator
(as Central Authority for the Hague Evidence Convention)
Supreme Court of the Philippines
Third Floor, Old Supreme Court Building
Padre Faura Street, Ermita, Manila 1000
Philippines

Section 25. *Action of the OCA upon Approval or Denial of the Request.* —

(a) **Action of the OCA upon approval of the Request.** — Upon its approval of the Letter of Request, the OCA shall docket the same as follows:

HEC-(Region)-(Abbreviated Name of the Station)-(Year) No. _____.

The same docket number shall be adopted by the court in the orders and other court issuances.

Thereafter, the OCA shall promptly forward the Letter of Request and attached documents to the Executive Judge in a multiple-sala court or the Presiding Judge in a single-sala court, or the judge in the court designated by the OCA having territorial jurisdiction over the evidence sought to be taken. The OCA shall use the same format or manner that said Letter of Request was received by forwarding it through: (i) the official electronic mail of the court; and (ii) registered mail or courier service to the official postal address of the court, whichever is practical.

(b) **Action of the OCA upon denial of the Request.** — Upon its denial of the Letter of Request, the OCA shall promptly inform the Forwarding Authority of the denial and the reasons therefor. The OCA shall retain a copy of the denied Request for its records.

Section 26. *Execution of the Request by the Relevant Regional Trial Court.* — The Executive Judge or the Presiding Judge having territorial jurisdiction over the evidence sought to be taken shall cause the execution of the Letter of Request in accordance with: (i) the provisions of the Hague Evidence Convention, specifically its Articles 6 to 11; and (ii) relevant and applicable provisions of the Rules of Court and other rules of procedure for obtaining evidence or performance of the requested judicial acts.

(a) Subject to this Section, the Executive Judge or the Presiding Judge shall have the power, by order, to make such provision for obtaining evidence as may appear to the court to be appropriate for the purpose of giving effect to the Letter of Request. This includes the power to issue an order requiring a person specified there to take such steps as the court considers appropriate for that purpose.

(b) Without prejudice to the provisions of this Rules, the Executive Judge or Presiding Judge, whenever practicable and feasible, shall have discretion to issue an order for:

- (i) the examination of a person by any means, including by way of videoconferencing;
- (ii) the production of documents;
- (iii) the inspection, photographing, preservation, custody or detention of any property;
- (iv) the taking of samples of any property and the carrying out of any experiments on or with any property; and
- (v) the medical examination of any person.

(c) The Executive Judge or Presiding Judge may deputize the Clerk of Court, Sheriff, or other Court Officers for the purpose of performing non-discretionary tasks necessary for the execution of the Letter of Request, such as the collection of documents, service of notices, and facilitation of interviews. Deputized officers shall act solely in accordance with the specific instructions of the court, without exercising any judicial discretion or interpretative authority.

(d) The requesting court in the Forwarding Authority may include in its Letter of Request a call for the Request to be executed in accordance with a special method or procedure provided for in its national law. The court shall execute the Letter of Request in accordance with the special procedure unless doing so is incompatible with Philippine law or it is unable to do so because of insurmountable practical difficulties. If the court is unable to comply with the request for a special method or procedure, it shall state its reasons and notify the foreign Forwarding Authority.

Section 27. *Action of the Executive Judge or Presiding Judge after the implementation of the Request.* — Upon receipt of the evidence sought to be taken or upon performance of the judicial act sought, the Executive Judge or Presiding Judge shall immediately forward the evidence taken or proof of the performance of the judicial act to the foreign Forwarding Authority through the same manner that the said Request was received by sending it through: (i) electronic mail to the official electronic mail address of the foreign Forwarding Authority; or (ii) registered mail or courier service to the official postal address of the foreign Forwarding Authority, whichever is more practical.

Within 10 calendar days from forwarding the evidence taken or proof of the performance of the judicial act to the foreign Forwarding Authority, the Executive Judge or the Presiding Judge shall submit a report to the OCA regarding the execution of the Letter of Request.

If the evidence or proof of performance of the judicial act is not forwarded to the foreign Forwarding Authority within 30 calendar days from the court's receipt of the Letter of Request, the Executive Judge

or Presiding Judge shall submit an explanation for the delay to the OCA.

Part 4. Taking of Evidence through Videoconferencing

Section 28. *Policy and Scope on the Taking of Evidence through Videoconference.* — The conduct of videoconferencing shall closely resemble in-court hearings. The dignity and solemnity required in an in-court hearing, as well as the rules and practices on proper court decorum, shall be strictly observed. Perjury and contempt laws shall apply.

Laws, rules, and regulations on data privacy and security shall apply. Participants to the videoconference proceedings hereby consent to the collection, processing, storage, retention, sharing, and disposal of their personal and sensitive personal information, including all necessary data for the conduct of the videoconference proceedings, in accordance with Philippine privacy laws, rules, and regulations. All data and information collected in connection with the videoconference proceedings shall be handled with utmost confidentiality pursuant to the applicable data privacy laws, rules, and regulations.

The Rules of Court shall continue to be observed during the videoconferencing, except with regard to the requirement that the persons examined shall give testimony in open court under Rule 132, Section 1, of the Rules of Court, as well as other special rules or issuance of the Supreme Court.

Section 29. *Conduct of Videoconference Proceedings.* —

(a) **Authority for the use of videoconferencing in the taking of evidence.** — The Requested Authority may allow the taking of evidence via videoconference if expressly requested in the Letter of Request. The conduct of videoconferencing shall not be allowed if in the discretion of the Requested Authority, it will be unlawful, unjust, or impractical under the specific circumstances.

(b) **Indirect taking of evidence for inbound request.** — For inbound requests the court may only allow indirect taking of evidence through videoconferencing. The Requesting Authority must specify in the Letter of Request as a special method or procedure to take evidence through videoconference.

The Letter of Request shall state the following special method or procedure:

- (i) Request for the representatives or judicial personnel of the requesting State to be present via videoconference during the taking of testimony;
- (ii) Requirements for the videoconference, including whether additional assistance, equipment, or facilities are available and/or required (*i.e.*, a document camera to facilitate the real-time transmission of documents between locations);
- (iii) Technical parameters of the videoconference device; brand, type of endpoint or multipoint control unit, network type, address and/or hostname, type of encryption used; and
- (iv) Full contact details of the technical person.

(c) **Venue for videoconference proceedings.** — The taking of evidence through videoconference shall be conducted in the courtroom. The foregoing rule, notwithstanding, the person examined may be permitted to attend the videoconference proceedings from a remote location under the following circumstances:

- (i) Physical incapacity or illness of the person examined or other physical condition that renders the person examined physically or medically incapable of attending the videoconference proceedings from the courtroom;
- (ii) *Force majeure*; and
- (iii) Other analogous circumstances.

(d) **Liaison Officer.** — For purposes of this Section, the Clerk of Court shall, subject to the supervision and control of the Executive Judge in a multiple-sala court or Presiding Judge in a single-sala court, be designated as the point person with whom the Requesting Authority may liaise on the day of the hearing.

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Part 5. Final Provisions

Section 32. Measures of Compulsion and Sanctions. — The Court executing a Letter of Request shall exercise the appropriate measures under the Rules of Court to secure the attendance of the person sought to be examined or production of the evidence requested. The failure of the person sought to be examined or custodian of the evidence requested without adequate cause to obey the order or process of the Court shall be deemed a contempt of such court.


Section 33. Privileges. — In the execution of a Letter of Request, the person examined may refuse to give evidence insofar as he or she has a privilege or duty to refuse to give the evidence:

- (a) under Philippine Law, Rules, or regulation; or
- (b) under the law of the Requesting Authority, and the privilege or duty has been specified in the Letter of Request.

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Also Attached herein as Annexes “B” and “C” are the flowcharts for both the Outbound and Inbound Requests for the Taking of Evidence under the subject Rules.

July 18, 2025


LILIAN C. BARRIBAL-CO
Assistant Court Administrator
and Officer-in-Charge
Office of the Court Administrator
(Per Memorandum Order No. 62-2025 dated June 13, 2025)



Republic of the Philippines
Supreme Court
Manila

EN BANC

A.M. No. 25-02-17-SC

**RULES ON THE TRANSMISSION AND
EXECUTION OF LETTERS OF REQUEST FOR
TAKING OF EVIDENCE IN CIVIL OR
COMMERCIAL MATTERS UNDER THE 1970
HAGUE EVIDENCE CONVENTION**

Part 1. General Provisions

Section 1. *Scope and Applicability.* – This Rules shall govern the request, preparation, transmission, execution, and return of Letters of Request under Chapter I of the Hague Evidence Convention¹ involving civil or commercial matters for the purpose of obtaining evidence, or the performance of some other related judicial act,² provided that the Hague Evidence Convention has entered into force between the Philippines and the other Contracting States.

This Rules shall not preclude the filing of requests for deposition under the Rules of Court to be taken in foreign countries which are not Contracting States to the Hague Evidence Convention.

Section 2. *Definition of Terms.* – As used in this Rules, the following terms shall have the meaning given to them below:

- (a) **“Central Authority”** refers to an entity authorized by a State to receive Letters of Request coming from a judicial authority of another Contracting State and cause its transmittal to an authority competent to execute the same. The Office of the Court Administrator (OCA) is designated as the Philippine Central Authority for the Hague Evidence Convention.³
- (b) **“Evidence”** that may be obtained under the Hague Evidence Convention and this Rules shall cover testimonial, documentary, or object evidence, and the like taken pursuant to a Letter of Request in civil or commercial matters, intended for use in judicial proceedings.

¹ Chapter I comprises Articles 1 to 14 of the Hague Evidence Convention.

² Hague Evidence Convention, Art. 1.

³ Hague Evidence Convention, Art. 2.

- (c) ***“Expense Statement”*** refers to a statement of the expenses associated with the execution of a Letter of Request, including fees for interpreters, expert witnesses, or other necessary services.
- (d) ***“Forwarding Authority”*** refers to the authority which is authorized to transmit the Letter of Request from one Contracting State to the Central Authority of another Contracting State.
- (e) ***“Hague Conference on Private International Law”*** or the HCCH is an intergovernmental organization established to work for the progressive unification of the rules of private international law. The Philippines became a member of the HCCH on July 14, 2010.
- (f) ***“Hague Evidence Convention”*** refers to the *Convention of March 18, 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters*.
- (g) ***“Hearing”*** under this Rules, refer to any kind of examination of a person from whom evidence is to be taken as part of a proceeding in court.⁴
- (h) ***“Inbound Request”*** refers to a Letter of Request made by a judicial authority in a foreign Contracting State directed to a Philippine court and transmitted through the OCA, to take evidence or perform a judicial act in the Philippines for use in a civil or commercial matter pending before a foreign court.
- (i) ***“Indirect taking of evidence”*** refers to the procedure of taking of evidence whereby the competent authority in the Requested State conducts the examination.⁵
- (j) ***“Letter of Request”*** refers to a formal request issued by a judicial authority in a Contracting State, seeking to take evidence or the performance of a judicial act in another Contracting State for use in judicial proceedings.⁶
- (k) ***“Model Form”*** refers to the template Letter of Request developed and recommended by the Special Commission, which has been designed to facilitate the preparation and timely execution of Letters of Request. A copy of the Model Form in the English Language is attached as **Annex A** of this Rules and may be downloaded from the websites of the OCA

⁴ See Guide on Use of Video-Link under Evidence Convention, available at HCCH website (<https://assets.hcch.net/docs/569cfb46-9bb2-45e0-b240-ec02645ac20d.pdf>).

⁵ See Guide on Use of Video-Link under Evidence Convention, available at HCCH website (<https://assets.hcch.net/docs/569cfb46-9bb2-45e0-b240-ec02645ac20d.pdf>).

⁶ Hague Evidence Convention, Art. 3.

and the Hague Conference on Private International Law under the Section on the Hague Evidence Convention.

- (l) ***“Model Form Guidelines”*** refers to the document titled *“Guidelines for Completing the Model Form,”* including its section titled *“Notes on the Model Form,”* a copy of which is attached as **Annex B** of this Rules and may be downloaded from the websites of the OCA and the Hague Conference on Private International Law under the Section on the Hague Evidence Convention.
- (m) ***“OCA”*** refers to the Office of the Court Administrator, the Central Authority of the Philippines under the Hague Evidence Convention.
- (n) ***“Other interpreters”*** refers to foreign language, local dialect, and sign-language interpreters, other than court official interpreters.⁷
- (o) ***“Other judicial act”*** shall not cover the service of judicial documents or the issuance of any process by which judgments or orders are executed or enforced, or orders for provisional or protective measures.
- (p) ***“Outbound Request”*** refers to a Letter of Request made by a Philippine Court directed to the Central Authority of a Contracting State to take evidence or perform a judicial act abroad for use in a civil or commercial matter pending before said court.
- (q) ***“Participants”*** refer to litigants and/or their representatives, their counsels, persons examined, the Executive Judge or Presiding Judge, essential court staff, and other interpreters, when necessary.⁸
- (r) ***“Person examined”*** includes both parties to the proceedings and third parties, from whom testimony is to be taken.⁹ This includes both ordinary and expert witnesses as classified or described under the Revised Rules of Evidence.¹⁰
- (s) ***“Privileged Matters”*** refer to matters protected by a legal privilege or duty recognized under the laws of either the Requesting or Requested State, which allows the person examined to refuse to give evidence.
- (t) ***“Request”*** refers to an application for the taking of evidence in a foreign State.

⁷ Taken, with modifications, from Part I, 2 (g) of the Guidelines on the Conduct of Videoconferencing under OCA Circular No. 209-2020.

⁸ Taken, with modifications, from Part I, 2 (b) of the Guidelines on the Conduct of Videoconferencing under OCA Circular No. 209-2020.

⁹ See Guide on Use of Video-Link under Evidence Convention, available at HCCH website (<https://assets.hcch.net/docs/569cfb46-9bb2-45e0-b240-ec02645ac20d.pdf>).

¹⁰ See Sections 51 and 52, Rule 130 of the Revised Rules of Evidence.

- (u) ***“Requested Authority”*** refers to the authority of the Requested State that is competent to execute a Letter of Request.¹¹ For Inbound Requests, the Philippines designates the Executive Judge in a multiple-sala court, or the Presiding Judge in a single-sala court having territorial jurisdiction over the evidence sought to be taken as the authority competent to execute the Letter of Request.
- (v) ***“Requesting Authority”*** refers to the judicial authority that issues a Letter of Request.¹² For Outbound Requests, the Requesting Authority shall refer to the Philippine court in which the civil or commercial proceeding is pending and a Request has been made.
- (w) ***“Requesting Party”*** refers to a natural or juridical person who requests for the issuance of a Letter of Request for taking of evidence in another Contracting State under the Hague Evidence Convention.
- (x) ***“Requested State”*** refers to a Contracting State to the Hague Evidence Convention to which a Letter of Request is, or will be, addressed.
- (y) ***“Requesting State”*** refers to a Contracting State to the Hague Evidence Convention from which a Letter of Request is, or will be, issued.
- (z) ***“Taking of Evidence”*** refers to the manner of obtaining evidence, or the performance of some other related judicial act as allowed by the Hague Evidence Convention and the governing laws and rules of the Requested State.
- (aa) ***“Transmission/Transmit”*** refers to the process/act of sending or forwarding a Letter of Request from the Requesting State to the Central Authority of the Requested State.
- (bb) ***“Videoconferencing technology”*** refers to technology that allows two or more locations to interact simultaneously by two-way video and audio transmission. For the purposes of this Rules, the term “videoconference” shall encompass the various technologies employed to enable videoconferencing, remote appearances, or any other form of video presence.¹³
- (cc) ***“Videoconferencing”*** refers to court hearings and proceedings, including the taking of testimony, conducted through videoconferencing technology, or the use of video, audio, and data transmission devices to allow participants in different physical locations to simultaneously communicate by seeing and hearing each other.

¹¹ Hague Evidence Convention, Arts. 1 and 9.

¹² Hague Evidence Convention, Art. 1.

¹³ See Guide on Use of Video-Link under Evidence Convention, available at HCCH website (<https://assets.hcch.net/docs/569cfb46-9bb2-45e0-b240-ec02645ac20d.pdf>).

Section 3. *Interpretation and Suppletory Application of the Rules of Court.*

– This Rules shall be interpreted with the aim of ensuring the prompt and efficient transmission, preparation, processing, execution, and return of Letters of Request for the purpose of taking of evidence in civil or commercial matters under the Hague Evidence Convention.

In all matters not specifically covered by this Rule, the Rules of Court and other procedural rules shall apply suppletorily.

**Part 2. Issuance and Transmission
of Letters of Request to Foreign States
(Outbound Requests)**

Section 4. *Requests for the Issuance of a Letter of Request.* – A Requesting Party may move for the taking of evidence abroad intended to be used in a judicial proceeding which has already been commenced (pending action) or which is contemplated (before action).

For *requests pending action*, a Requesting Party in a civil or commercial proceeding seeking to take evidence abroad under the Hague Evidence Convention shall file the motion before the court where the action is pending, or where the proceeding has commenced.

For *requests before action or contemplated proceedings*, a Requesting Party seeking to take evidence abroad under the Hague Evidence Convention shall file a non-litigious motion before the court where the Requesting Party has filed a petition to perpetuate testimony under the Rules of Court.

Section 5. *Motion for the issuance of a Letter of Request.* – The motion for the issuance of a Letter of Request pending action filed before pre-trial shall be non-litigious and state the following:

- (a) The person to be examined or evidence to be taken is located in the Requested State and its purpose;
- (b) The Requested State is a party to the Hague Evidence Convention;
- (c) The Request concerns civil or commercial matters; and
- (d) The address or location of the person or entity from whom the evidence is sought is sufficiently specific.

A motion for a Letter of Request filed after pre-trial shall comply with the foregoing requirements and shall be dealt with as a litigious motion under the Rules of Court.

For Requests before action or contemplated proceedings, the grounds for the preservation of evidence or testimony shall be in accordance with the relevant provisions of the Rules of Court.

Section 6. Attachments. – The motion shall be accompanied by the following documents:

- (a) A Letter of Request using the Model Form duly accomplished in accordance with the Rules, the Hague Evidence Convention, and the Model Form Guidelines;
- (b) Certified translations of the Letter of Request and all accompanying documents, where necessary;
- (c) An undertaking to pay in full any fees or expenses associated with the transmission of the request and the execution of the request abroad, where applicable;
- (d) Any other requirements of the Requested State as specified in its Country Profiles, taking into account its reservations, declarations, and notifications, which may be found in the website of the Hague Conference on Private International Law – Conférence de La Haye de droit international privé; and
- (e) Prepaid courier pouch, if available, for sending printed copies of the Letter of Request and attached documents to the Central Authority of the Requested State, if printed copies are required by such Central Authority.

Section 7. Contents of the Letter of Request. – A Letter of Request shall use the Model Form prescribed under the Hague Evidence Convention and shall include the following information to be indicated in the designated portions in the Model Form, among others:

- (a) The name and address of the Central Authority in the Requested State receiving the Letter of Request (*Item 2 of the Model Form*);
- (b) The name, branch, and address of the Philippine court requesting the evidence (*Item 5.a of the Model Form*);
- (c) The title of the case and docket number (*Item 5.c of the Model Form*);
- (d) The names and addresses of the parties and their representatives, if any, and/or counsels of record (*Item 6 of the Model Form*);
- (e) The nature of the proceedings for which the evidence is to be taken, including a brief summary of the case and the relevant facts (*Item 7 of the Model Form*);
- (f) The date by which the Philippine court requires receipt of the response to or action on the Letter of Request from the foreign Central Authority and the reasons for urgency, if any (*Item 4 of the Model Form*);
- (g) A description of the evidence to be obtained or judicial act to be performed, including where appropriate:
 - (i) The names and addresses of persons to be examined (*Item 9 of the Model Form*);
 - (ii) The questions to be asked or subject matter of the examination (*Item 9 of the Model Form*);
 - (iii) The documents or property to be inspected (*Item 11 of the Model Form*);

- (iv) Any requirement for the evidence to be given under oath or affirmation (*Item 12 of the Model Form*);
- (h) Any special method or procedure to be followed (*Item 13 of the Model Form*);
- (i) No legalization or other like formality, *i.e.*, notarization, apostille, etc., shall be required of the Letter of Request.¹⁴

Section 8. *Language of Requests and Translations.* – The Letter of Request and accompanying documents shall be in English and if required by the Requested State shall be accompanied by a certified translation into one of the Requested State's official language or languages.

The translation shall be certified as correct, by a sworn translator or by any other person so authorized in either State.¹⁵

The Requesting Party shall be responsible for obtaining a certified translation of the Letter of Request and to ensure the accuracy and completeness of the translation. Any associated costs shall be borne by the Requesting Party.

Section 9. *Special Methods or Procedures.* – If necessary, the Letter of Request shall specify any special method or procedure to be followed by the competent authority in the Requested State.

The following special methods or procedures shall be required to be included in the Letter of Request, whenever applicable:

- (a) That the person to be examined shall give evidence under oath or affirmation;
- (b) That all objections made at the time of the examination to the qualifications of the competent authority taking the evidence, or to the manner of taking it, or to the evidence presented, or to the conduct of any party, and any other objection to the proceedings, shall be noted by the competent authority;
- (c) The Requested Authority shall issue a certification that the person examined or the evidence taken was made under oath or affirmation;
- (d) The Requested Authority shall record the testimony of the person examined and prepare a verbatim transcript of the examination;
- (e) The Requested Authority shall issue a certification that the transcript is a true and accurate record of the testimony given by the person examined;
- (f) For requests involving the production or inspection of document/s, that copies thereof be made;
- (g) The Requested Authority shall issue a certification that the document/s reproduced or copied is a faithful reproduction of its original.

¹⁴ Hague Evidence Convention, Art. 3.

¹⁵ Hague Evidence Convention, Art. 4.

Section 10. *Duty of the Affected Party.* – Within 10 calendar days from receipt of the motion or the order granting the issuance of the Letter of Request, the affected parties shall manifest whether they shall participate in the taking of evidence.

Should the manner of taking of evidence be in the form of written interrogatories, the affected party shall file his/her cross-interrogatories within the same period. Failure to file cross-interrogatories may be deemed a waiver of the right to cross-examine.

Section 11. *Resolution on the Motion.* – The motion shall be resolved by the court within 15 calendar days from its receipt of the affected party's submission in the preceding Section, or upon expiration of the period granted.

If the court finds merit in the motion and the attached Letter of Request is sufficient in form and substance, it shall issue an order granting the same.

If the court finds merit in the motion but the attached Letter of Request is insufficient in form and substance, the court shall issue an order directing the Requesting Party to correct or complete the Letter of Request within five calendar days from receipt thereof. Upon submission of the Requesting Party of the corrected Letter of Request, the court shall have five calendar days to determine if the same is sufficient in form and substance. If the court finds that the Letter of Request is already sufficient in form and substance, it shall issue an order granting the same.

If the Requesting Party fails to submit a corrected or completed Letter of Request within the given period, or submits a Letter of Request which is still insufficient, the court may deny the motion. The denial of the motion shall be without prejudice to the refile of a compliant motion or Letter of Request.

For *requests before action or contemplated proceedings*, the court shall ensure that:

- (a) There is a reasonable anticipation of litigation, supported by concrete evidence of intent to initiate proceedings;
- (b) The evidence sought is specific, relevant, and at risk of being lost or destroyed if not preserved immediately;
- (c) The scope of the request is narrowly defined and necessary, with a clear explanation of how each item of evidence is linked to the anticipated issues in the litigation.

The grant of the motion for the issuance of a Letter of Request shall not be taken as a ruling on the admissibility of the evidence to be taken abroad.

Section 12. *Issuance of the Letter of Request.* – After the court grants the motion and finds the Letter of Request sufficient in form and substance, the Judge shall complete and sign the same.

The court shall issue the Letter of Request within 10 calendar days from the grant of the motion. The court shall attach to the Letter of Request the cross-interrogatories, if there are any filed by the affected parties pursuant to Section 10 hereof.

Section 13. *Transmission to the foreign Central Authority.* – The Requesting Party shall pay all expenses and costs necessary for the transmittal, service, processing, and execution of the Letter of Request. This includes, but is not limited to, fees for mailing, courier services, translations, and any administrative charges associated with the handling and execution of the Letter of Request.

The court, within five calendar days from the issuance of the Letter of Request, shall transmit two copies of the same to the Central Authority of the Requested State, either by electronic mail, postal service, or accredited private courier, to the person or office, and at the address designated by the Requested State and in accordance with the Requested State's procedures.

Once the Letter of Request is transmitted to the Central Authority of the Requested State, the court shall exert diligent efforts to monitor the progress of the Letter of Request.

Section 14. *Notification of Execution.* – The court shall coordinate with the Central Authority of the Requested State to confirm the time and place of the execution of the Letter of Request and shall relay such information to the Requesting Party.

If requested by the Philippine court through a written order or endorsement contained in the Letter of Request and if practicable and authorized by the Requested Authority, a judicial personnel of the Philippine court, the parties concerned, or their representatives may attend or assist in the execution of the request in the Requested State.

Section 15. *Costs and Reimbursement.* – Without prejudice to any agreement between the Requested State and Requesting State, the execution of the Letter of Request by the Requested State shall not give rise to any reimbursement of taxes or costs of any nature by the Philippine court.

The Requested State has the right to require the Requesting Party to reimburse:

- (a) The costs incurred by the use of experts and interpreters;
- (b) The costs incurred by the use of a special procedure requested by the Requesting Party;
- (c) The costs incurred for translation, where the Requesting Party failed to fully comply with Section 8 of this Rules without justifiable excuse; and

- (d) The costs incurred by the appointment of a suitable person where the law of the Requested State obliges the parties themselves to secure evidence, provided that the Philippine court gives prior consent to such an appointment.

The Requested State may also require the reimbursement of expenses in connection with the execution of a Letter of Request, for the service of process necessary to compel the appearance of a person to give evidence, the costs of attendance of such persons, and the cost of any transcript of the evidence because of constitutional limitations.

Whenever the consent of the Philippine court is required under this Section, the Requested State shall indicate the approximate costs resulting from this procedure. If the Philippine court gives its consent, it will direct the Requesting Party to reimburse the Requested State of any and all costs incurred. Without such consent, the Requesting Party shall not be liable for the costs.

Section 16. *Payment of Costs.* – When the court grants the motion for the issuance of a Letter of Request, the Requesting Party in accordance with the undertaking in the motion, shall be required to settle the costs and fees in accordance with this Rules even if the evidence is no longer sought or the Letter of Request is withdrawn or not executed. The Requesting Party shall submit to the court the proof of payment to the Central Authority of the Requested State.

Any assessment during or after the taking of evidence, including any deficiency assessment, shall be paid by the Requesting Party at the appropriate time. Proof of payment of the costs and fees to the Central Authority of the Requested State shall be immediately sent to the 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.

Section 17. *Transmission of Results.* – The Requested State, if practicable, shall transmit the evidence and relevant documents to the court in the same manner that it received the Letter of Request. Any partial execution or non-execution, with reasons for partial or non-compliance, shall be promptly reported to the Philippine court.

If the Requested State only partially executes the Request, the court shall document the reasons and decide on further action.

Within 10 calendar days from its receipt of the evidence and relevant documents from the Requested State, the court shall submit a report to the OCA regarding the Requested State's compliance with the Hague Evidence Convention. Within the same period, the court shall also inform the Requesting Party of its receipt of the evidence and relevant documents from the Requested State.

Section 18. *Use of Evidence Taken Abroad.* – At the trial or upon the hearing of a motion or an interlocutory proceeding, any part or all of the evidence taken abroad, so far as admissible under the Rules of Evidence, may be used against any party who was present or represented at the taking of the evidence or who had due notice thereof, in accordance with any one of the following provisions:

- (a) The evidence taken abroad may be used by any party for the purpose of contradicting or impeaching the testimony of the person examined if presented as a witness;
- (b) The evidence taken abroad of a party or of any one who at the time of the taking was an officer, director, or managing agent of a public or private corporation, partnership, or association which is a party may be used by an affected party for any purpose;
- (c) The evidence taken, may be used by any party for any purpose if the court finds: (i) that the person examined is dead; or (ii) that the person examined is out of the Philippines, unless it appears that their absence was procured by the party offering the evidence taken; or (iii) that the person examined is unable to attend or testify because of age, sickness, infirmity, or imprisonment; or (iv) that the party offering the evidence taken abroad has been unable to procure the attendance of the person examined by subpoena; or (v) upon application and notice, that such exceptional circumstances exist as to make it desirable, in the interest of justice and with due regard to the importance of presenting the testimony of the person examined orally in open court, to allow the evidence taken to be used; and
- (d) If only part of the evidence taken is offered in evidence by the Requesting Party, the affected party may require them to introduce all of it which is relevant to the part introduced.

Section 19. *Effect of Using Evidence Taken Abroad.* – The use of the evidence taken abroad or any part thereof for any purpose other than that of contradicting or impeaching the person examined makes the person the witness of the party offering it. However, this shall not apply to the use by an adverse party of the evidence taken as described in paragraph (b) of Section 18 of this Rule.

Any party may rebut any relevant evidence taken abroad whether introduced by them or by any other party.

Section 20. *Admissibility of Evidence Taken Abroad.* – In determining the admissibility of the evidence taken, the court shall consider the following:

- (a) The person from whom the evidence was taken is present in the Philippines and is reasonably able to testify in person during the hearing;
- (b) The evidence fails to meet the standards of admissibility under the Rules of Court; or
- (c) The evidence is a privileged matter or was obtained in contravention of due process, including coercive measures that are incompatible with the fair administration of justice or the procedural safeguards recognized under Philippine law.

Section 21. *Objections to the Taking of Evidence Abroad.* – Objections may be made at the hearing in which the evidence is taken abroad, subject to the following:

- (a) **As to notice.** – All errors and irregularities in the notice for the taking of evidence abroad are waived unless written objection is promptly served upon the party giving the notice.
- (b) **As to competency or relevancy of evidence.** – Objections to the competency of the person to be examined or the competency, relevancy, or materiality of the evidence taken are not waived by failure to make them before or during the taking of the evidence, unless the ground of the objection is one which might have been obviated or removed if presented at that time.
- (c) **As to oral examination and other particulars.** – Errors and irregularities occurring at the oral examination in the manner of taking, in the form of the questions or answers, in the oath or affirmation, or in the conduct of the parties and errors of any kind which might be obviated, removed, or cured if promptly prosecuted, are waived unless reasonable objection thereto is made at the time of examination.
- (d) **As to manner of preparation.** – Errors and irregularities in the manner in which the testimony is transcribed or the taking of evidence is prepared, signed, certified, indorsed, transmitted, filed, or otherwise dealt with by the Requested Authority are waived unless a motion to suppress the evidence taken is made with reasonable promptness after such defect is, or with due diligence might have been, ascertained.

**Part 3. Execution of Foreign Letters of Request
in the Philippines
(Inbound Requests)**

Section 22. *Filing of Request.* – A Letter of Request shall be filed by the foreign Forwarding Authority with the OCA, as Central Authority for the Hague Evidence Convention, through either of the following means:

- (a) Digital format by electronic mail to PHCA-Evidence@judiciary.gov.ph
- (b) Print format by registered mail or courier service to:

Office of the Court Administrator
(as Central Authority for the Hague Evidence Convention)
Supreme Court of the Philippines
Third Floor, Old Supreme Court Building
Padre Faura Street, Ermita, Manila 1000
Philippines

Section 23. Review of the Inbound Request. –

(a) **Compliance Review.** – Upon its receipt of the Letter of Request, the OCA shall promptly determine whether the Request and attached documents comply with the requirements of the Hague Evidence Convention, the Model Form, and this Rules, including, but not limited to, the following requirements:

- (i) The Requesting Authority is a competent judicial or other authorized body under the Hague Evidence Convention, and the matter relates to civil or commercial matters pending before a foreign court;
- (ii) The Letter of Request follows the Model Form prescribed under the Hague Evidence Convention, available on the official website of the Supreme Court and the OCA;
- (iii) The Letter of Request and attached documents are written or translated in the English or Filipino language; and
- (iv) The Letter of Request is accompanied by proof of payment to the OCA in the amount of One Hundred U.S. Dollars (US\$ 100.00) or its equivalent, for every Request to be executed within the same territorial jurisdiction, regardless of the nature of the evidence, to cover for the expenses associated with the execution of the said request. Any additional costs in excess of the said amount shall be communicated by sending an updated Expense Statement to the foreign Forwarding Authority for settlement.

(b) **Infringement Review.** – The OCA shall also determine whether: (i) compliance with the Letter of Request will infringe upon the national sovereignty or national security of the Philippines, and (ii) the execution of the Request falls within the functions of the Philippine Judiciary or is considered a judicial act under Philippine law.

The rules on reciprocity, whenever applicable shall be determined by the OCA.

(c) The execution of the Letter of Request shall only proceed upon the OCA's confirmation of payment, without prejudice to its Compliance and Infringement Reviews.

Section 24. Actions after review by the OCA. –

(a) **Approval of the Letter of Request.** – The OCA shall approve a Letter of Request by notification through electronic mail within 10 calendar days from receipt, upon compliance with the following:

- (i) The Letter of Request and attached documents are compliant with the requirements under the Hague Evidence Convention, the Model Form, and this Rules;

- (ii) The Letter of Request will not infringe upon the national sovereignty or national security of the Philippines;
- (iii) The execution of the Letter of Request falls within the functions of the Philippine Judiciary or is considered a judicial act under Philippine law; and
- (iv) The required fees and costs have been paid.

(b) **Period to Comply.** – If the Letter of Request or attached documents do not comply with the requirements in Part 3, Section 23(a) of this Rules, the OCA shall immediately inform the foreign Forwarding Authority of the unfulfilled requirements and provide the latter a period of 30 calendar days to comply. If additional time is required, the foreign Forwarding Authority may request an extension from the OCA subject to the latter's approval.

(c) **Denial of the Request.** – The OCA shall deny a request if: (i) the Letter of Request and attached documents failed to comply with the requirements in Part 3, Section 23(a) of this Rules despite the lapse of the reasonable period of time to comply under Part 3, Section 24(b) of this Rules; or (ii) in the determination of the OCA, the compliance with the Letter of Request will infringe upon the national sovereignty or national security of the Philippines, or the execution of the same do not fall within the functions of the Philippine Judiciary or is considered a judicial act under Philippine law.

(d) **Non-resolution of Objections and Deficiencies in the Request.** – If the unfulfilled requirements are not complied with or the objections or deficiencies are not addressed and remedied after the lapse of 30 calendar days as provided under Part 3, Section 24(b) of this Rules, the Letter of Request shall be denied.

(e) **Re-submission of the Request.** – The denial of the Letter of Request that is objected to or deficient does not preclude the foreign Central Authority from submitting anew a compliant Request, unless the denial is due to infringement of national sovereignty or national security of the Philippines.

Section 25. Action of the OCA upon Approval or Denial of the Request. –

(a) **Action of the OCA upon approval of the Request.** – Upon its approval of the Letter of Request, the OCA shall docket the same as follows:

HEC-(Region)-(Abbreviated Name of the Station)-(Year) No. _____

The same docket number shall be adopted by the court in the orders and other court issuances.

Thereafter, the OCA shall promptly forward the Letter of Request and attached documents to the Executive Judge in a multiple-sala court or the Presiding Judge in a single-sala court, or the judge in the court designated by the OCA having territorial jurisdiction over the evidence sought to be taken. The OCA shall use the same format or manner that said Letter of Request was received by forwarding it

through: (i) the official electronic mail of the court; and (ii) registered mail or courier service to the official postal address of the court, whichever is practical.

(b) **Action of the OCA upon denial of the Request.** – Upon its denial of the Letter of Request, the OCA shall promptly inform the Forwarding Authority of the denial and the reasons therefor. The OCA shall retain a copy of the denied Request for its records.

Section 26. Execution of the Request by the Relevant Regional Trial Court.

– The Executive Judge or the Presiding Judge having territorial jurisdiction over the evidence sought to be taken shall cause the execution of the Letter of Request in accordance with: (i) the provisions of the Hague Evidence Convention, specifically its Articles 6 to 11; and (ii) relevant and applicable provisions of the Rules of Court and other rules of procedure for obtaining evidence or performance of the requested judicial acts.

(a) Subject to this Section, the Executive Judge or the Presiding Judge shall have the power, by order, to make such provision for obtaining evidence as may appear to the court to be appropriate for the purpose of giving effect to the Letter of Request. This includes the power to issue an order requiring a person specified therein to take such steps as the court considers appropriate for that purpose.

(b) Without prejudice to the provisions of this Rules, the Executive Judge or Presiding Judge, whenever practicable and feasible, shall have discretion to issue an order for:

- (i) the examination of a person by any means, including by way of videoconferencing;
- (ii) the production of documents;
- (iii) the inspection, photographing, preservation, custody or detention of any property;
- (iv) the taking of samples of any property and the carrying out of any experiments on or with any property; and
- (v) the medical examination of any person.

(c) The Executive Judge or Presiding Judge may deputize the Clerk of Court, Sheriff, or other Court Officers for the purpose of performing non-discretionary tasks necessary for the execution of the Letter of Request, such as the collection of documents, service of notices, and facilitation of interviews. Deputized officers shall act solely in accordance with the specific instructions of the court, without exercising any judicial discretion or interpretative authority.

(d) The requesting court in the Forwarding Authority may include in its Letter of Request a call for the Request to be executed in accordance with a special method or procedure provided for in its national law. The court shall execute the Letter of Request in accordance with the special procedure unless doing so is incompatible with Philippine law or it is unable to do so because of insurmountable practical difficulties. If the court is unable to comply with the request for a special

method or procedure, it shall state its reasons and notify the foreign Forwarding Authority.

Section 27. *Action of the Executive Judge or Presiding Judge after the implementation of the Request.* – Upon receipt of the evidence sought to be taken or upon performance of the judicial act sought, the Executive Judge or Presiding Judge shall immediately forward the evidence taken or proof of the performance of the judicial act to the foreign Forwarding Authority through the same manner that the said Request was received by sending it through: (i) electronic mail to the official electronic mail address of the foreign Forwarding Authority; or (ii) registered mail or courier service to the official postal address of the foreign Forwarding Authority, whichever is more practical.

Within 10 calendar days from forwarding the evidence taken or proof of the performance of the judicial act to the foreign Forwarding Authority, the Executive Judge or the Presiding Judge shall submit a report to the OCA regarding the execution of the Letter of Request.

If the evidence or proof of performance of the judicial act is not forwarded to the foreign Forwarding Authority within 30 calendar days from the court's receipt of the Letter of Request, the Executive Judge or Presiding Judge shall submit an explanation for the delay to the OCA.

Part 4. Taking of Evidence through Videoconferencing

Section 28. *Policy and Scope on the Taking of Evidence through Videoconference.* – The conduct of videoconferencing shall closely resemble in-court hearings. The dignity and solemnity required in an in-court hearing, as well as the rules and practices on proper court decorum, shall be strictly observed. Perjury and contempt laws shall apply.

Laws, rules, and regulations on data privacy and security shall apply. Participants to the videoconference proceedings hereby consent to the collection, processing, storage, retention, sharing, and disposal of their personal and sensitive personal information, including all necessary data for the conduct of the videoconference proceedings, in accordance with Philippine privacy laws, rules, and regulations. All data and information collected in connection with the videoconference proceedings shall be handled with utmost confidentiality pursuant to the applicable data privacy laws, rules, and regulations.

The Rules of Court shall continue to be observed during the videoconferencing, except with regard to the requirement that the persons examined shall give testimony in open court under Rule 132, Section 1, of the Rules of Court, as well as other special rules or issuance of the Supreme Court.

Section 29. Conduct of Videoconference Proceedings. –

(a) **Authority for the use of videoconferencing in the taking of evidence.** – The Requested Authority may allow the taking of evidence via videoconference if expressly requested in the Letter of Request. The conduct of videoconferencing shall not be allowed if in the discretion of the Requested Authority it will be unlawful, unjust, or impractical under the specific circumstances.

(b) **Indirect taking of evidence for inbound request.** – For inbound requests the court may only allow indirect taking of evidence through videoconferencing. The Requesting Authority must specify in the Letter of Request as a special method or procedure to take evidence through videoconference.

The Letter of Request shall state the following special method or procedure:

- (i) Request for the representatives or judicial personnel of the requesting State to be present via videoconference during the taking of testimony;
- (ii) Requirements for the videoconference, including whether additional assistance, equipment, or facilities are available and/or required (*i.e.*, a document camera to facilitate the real-time transmission of documents between locations);
- (iii) Technical parameters of the videoconference device: brand, type of endpoint or multipoint control unit, network type, address and/or hostname, type of encryption used; and
- (iv) Full contact details of the technical person.¹⁶

(c) **Venue for videoconference proceedings.** – The taking of evidence through videoconferencing shall be conducted in the courtroom. The foregoing rule, notwithstanding, the person examined may be permitted to attend the videoconference proceedings from a remote location under the following circumstances:

- (i) Physical incapacity or illness of the person examined or other physical condition that renders the person examined physically or medically incapable of attending the videoconference proceedings from the courtroom;
- (ii) *Force majeure*; and
- (iii) Other analogous circumstances.

(d) **Liaison Officer.** – For purposes of this Section, the Clerk of Court shall, subject to the supervision and control of the Executive Judge in a multiple-sala court or Presiding Judge in a single-sala court, be designated as the point person with whom the Requesting Authority may liaise on the day of the hearing.

¹⁶ * Items 5-8 adopted from the Good Guide to Practice: The Use of Video-Link.

Section 30. *Costs and expenses.* – The Requesting Party shall bear all costs and expenses associated with the conduct of the videoconference proceedings before the Requested Authority, including, but not limited to internet and transmission charges, use of equipment, technical support, and other expenses incurred by the Requested Authority in the conduct of the videoconference proceedings.

Section 31. *Incorporation by reference of the Guidelines on the Conduct of Videoconferencing.* – Courts shall conduct the taking of evidence through videoconferencing using available facilities, equipment, computers, gadgets and devices, and in the manner prescribed under the Guidelines on the Conduct of Videoconferencing.

Part 5. Final Provisions

Section 32. *Measures of Compulsion and Sanctions.* – The Court executing a Letter of Request shall exercise the appropriate measures under the Rules of Court to secure the attendance of the person sought to be examined or production of the evidence requested. The failure of the person sought to be examined or custodian of the evidence requested without adequate cause to obey the order or process of the Court shall be deemed a contempt of such court.

Section 33. *Privileges* - In the execution of a Letter of Request, the person examined may refuse to give evidence insofar as he or she has a privilege or duty to refuse to give the evidence:


- (a) under Philippine Law, Rules, or regulation; or
- (b) under the law of the Requesting Authority, and the privilege or duty has been specified in the Letter of Request.

Section 34. *Interpretation* – This Rules shall be liberally construed in order to promote their objective of mutual judicial co-operation by securing a just, speedy, and inexpensive taking of evidence.

Section 35. *Repeal.* – All other issuances, orders, rules, and regulations, or parts thereof that are inconsistent with this Rules are hereby repealed or modified accordingly.

Section 36. *Effectivity.* – This Rules shall take effect 15 calendar days after its publication in the Official Gazette or in two newspapers of general circulation.

CERTIFIED TRUE COPY


MARIA LUISA M. SANTILLA
Deputy Clerk of Court
OCC-En Banc. Supreme Court

OUTBOUND REQUESTS FOR THE TAKING OF EVIDENCE

Pursuant to A.M. No. 25-02-17-SC dated March 4, 2025

START

A Requesting Party **FILES** a **MOTION** for the Taking of Evidence Abroad, accompanied by the following documents:

- A Letter of Request using the Model Form;
- Certified translations of the Letter of Request and all accompanying documents, where necessary;
- An undertaking to pay in full any fees or expenses associated with the transmission of the request and the execution of the request abroad, where applicable;
- Any other requirements of the Requested State; and
- Prepaid courier pouch, if available.

WITHIN 10 CALENDAR DAYS from receipt of the motion or the order granting the issuance of the Letter of Request, the affected parties shall **MANIFEST** whether they shall participate in the taking of evidence. Should the manner of taking of evidence be in the form of written interrogatories, the affected party shall **FILE** his/her **CROSS-INTERROGATORIES** within the **SAME PERIOD**.

The **MOTION** shall be **RESOLVED** by the court **WITHIN 15 CALENDAR DAYS** from its receipt of the affected party's submission or upon expiration of the period granted.

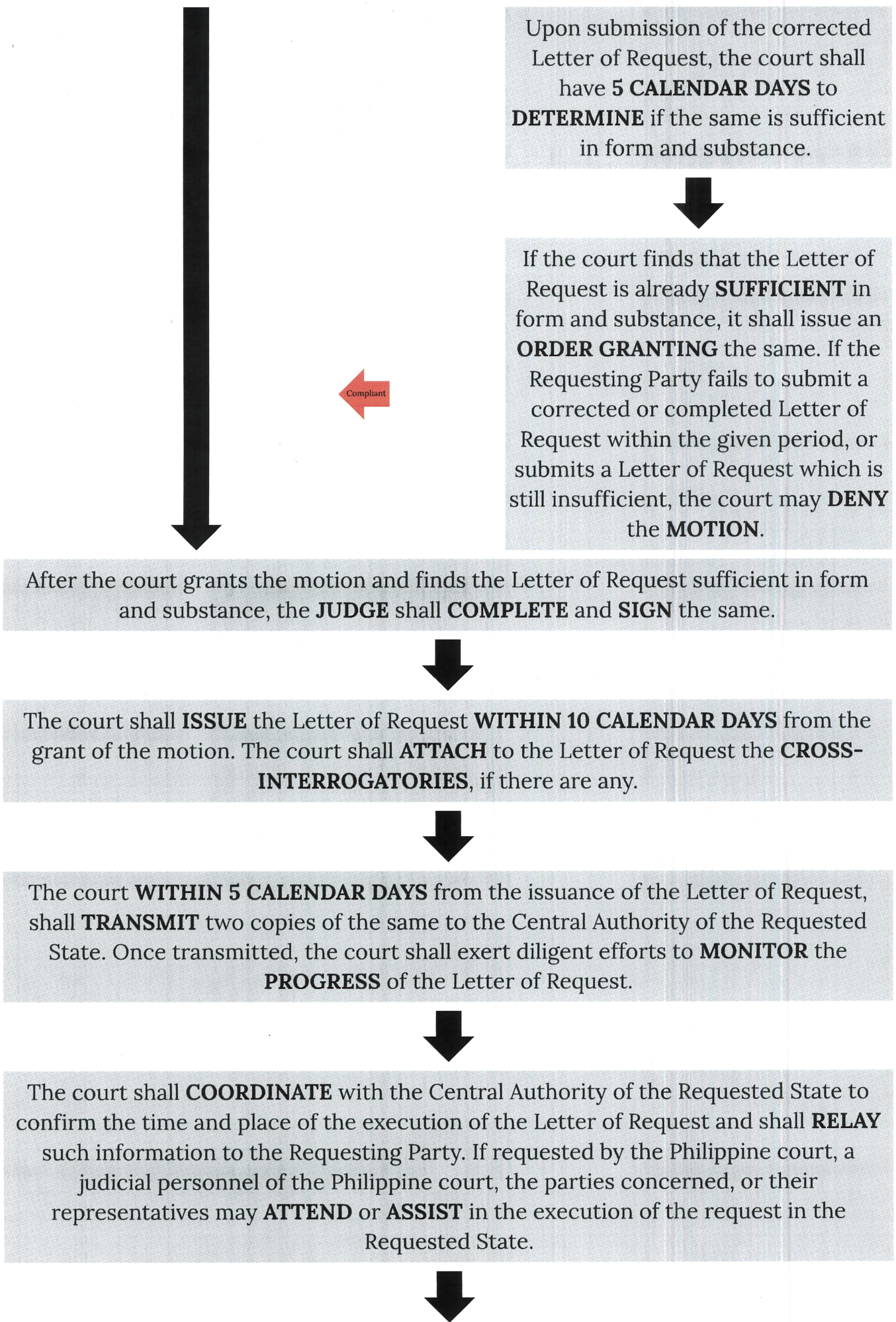
If with merit

If the court finds merit in the motion and the attached Letter of Request is sufficient in form and substance, it shall **ISSUE** an **ORDER** granting the same.

If with merit but an amendment is required

If the court finds merit in the motion but the attached Letter of Request is insufficient in form and substance, the court shall **ISSUE** an **ORDER** directing the Requesting Party to **CORRECT OR COMPLETE** the Letter of Request **WITHIN 5 CALENDAR DAYS** from receipt thereof.

OUTBOUND REQUESTS FOR THE TAKING OF EVIDENCE
Pursuant to A.M. No. 25-02-17-SC dated March 4, 2025



OUTBOUND REQUESTS FOR THE TAKING OF EVIDENCE

Pursuant to A.M. No. 25-02-17-SC dated March 4, 2025

WITHIN 10 CALENDAR DAYS from its receipt of the evidence and relevant documents from the Requested State, the court shall **SUBMIT** a report to the **OCA** regarding the Requested State's compliance with the Hague Evidence Convention. **WITHIN THE SAME PERIOD**, the court shall also **INFORM** the Requesting Party of its receipt of the evidence and relevant documents from the Requested State.



INBOUND REQUESTS FOR THE TAKING OF EVIDENCE

Pursuant to A.M. No. 25-02-17-SC dated March 4, 2025



START



A Letter of Request shall be **FILED** by the foreign Forwarding Authority with the **OCA**, as Central Authority for the Hague Evidence Convention, through either of the following means:

- Digital format by electronic mail to PHCA-Evidence@judiciary.gov.ph
- Print format by registered mail or courier service to:

Office of the Court Administrator


(as Central Authority for the Hague Evidence Convention)

Supreme Court of the Philippines


Third Floor, Old Supreme Court Building

Padre Faura Street, Ermita, Manila 1000

Philippines



Upon its receipt of the Letter of Request, the OCA shall promptly **DETERMINE** whether the Request and attached documents comply with the requirements of the Hague Evidence Convention, the Model Form, and with A.M. No. 25-02-17-SC dated March 4, 2025 (compliance review), including, but not limited to, the following requirements:

- The Requesting Authority is a competent judicial or other authorized body under the Hague Evidence Convention, and the matter relates to civil or commercial matters pending before a foreign court;
 - The Letter of Request follows the Model Form prescribed under the Hague Evidence Convention;
 - The Letter of Request and attached documents are written or translated in the English or Filipino Language; and
 - The Letter of Request is accompanied by proof of payment to the OCA in the amount of One Hundred U.S. Dollars (US\$ 100.00) or its equivalent, for every Request to be executed within the same territorial jurisdiction, subject to the determination of any additional costs in excess of the said amount which shall be communicated by sending an updated Expense Statement to the foreign Forwarding Authority for settlement.
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INBOUND REQUESTS FOR THE TAKING OF EVIDENCE

Pursuant to A.M. No. 25-02-17-SC dated March 4, 2025

The OCA shall **ALSO DETERMINE** whether: (i) compliance with the Letter of Request will infringe upon the national sovereignty or national security of the Philippines, and (ii) the execution of the Request falls within the functions of the Philippine Judiciary or is considered a judicial act under Philippine law (infringement review).

If compliant

The OCA shall **APPROVE** a Letter of Request by notification through electronic mail **WITHIN 10 CALENDAR DAYS** from receipt.

If non-compliant

If the Letter of Request or attached documents do not comply with the requirements, the OCA shall immediately **INFORM** the foreign Forwarding Authority of the unfulfilled requirements and provide the latter a period of **30 CALENDAR DAYS** to comply, without prejudice to a request for an extension subject to approval by the OCA.

The OCA shall **DENY** a request if: (i) the Letter of Request and attached documents failed to comply with the requirements despite the lapse of the reasonable period of time to comply; or (ii) in the determination of the OCA, the request fails the infringement review.

If the unfulfilled requirements are not complied with or the objections or deficiencies are not addressed and remedied after the lapse of **30 CALENDAR DAYS**, the Letter of Request shall be **DENIED**.

Upon its denial of the Letter of Request, the OCA shall promptly **INFORM** the Forwarding Authority of the denial and the reasons therefor. The OCA shall **RETAIN** a copy of the denied Requests for its records.

INBOUND REQUESTS FOR THE TAKING OF EVIDENCE

Pursuant to A.M. No. 25-02-17-SC dated March 4, 2025

Upon its approval of the Letter of Request, the OCA shall **DOCKET** the same as follows:

HEC-(Region)-(Abbreviated Name of the Station)-(Year) No. ____.

The same docket number shall be **ADOPTED** by the court in the orders and other court issuances.



The OCA shall promptly **FORWARD** the Letter of Request and attached documents to the Executive Judge in a multiple-sala court or the Presiding Judge in a single-sala court, or the judge in the court designated by the OCA having territorial jurisdiction over the evidence sought to be taken.



The Executive Judge or the Presiding Judge having territorial jurisdiction over the evidence sought to be taken shall **CAUSE THE EXECUTION** of the Letter of Request in accordance with: (i) the provisions of the Hague Evidence Convention, specifically its Articles 6 to 11; and (ii) relevant and applicable provisions of the Rules of Court and other rules of procedure for obtaining evidence or performance of the requested judicial acts.



Upon receipt of the evidence sought to be taken or upon performance of the judicial act sought, the Executive Judge or Presiding Judge shall immediately **FORWARD** the evidence taken or proof of the performance of the judicial acts to the foreign Forwarding Authority.



WITHIN 10 CALENDAR DAYS from forwarding the evidence taken or proof of the performance of the judicial act to the foreign Forwarding Authority, the Executive Judge or the Presiding Judge shall **SUBMIT A REPORT** to the **OCA** regarding the execution of the Letter of Request.

If the evidence or proof of performance of the judicial act is not forwarded to the foreign Forwarding Authority **WITHIN 30 CALENDAR DAYS** from the court's receipt of the Letter of Request, the Executive Judge or Presiding Judge shall **SUBMIT AN EXPLANATION** for the delay to the **OCA**.

