



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

OCA CIRCULAR NO. 163-2020

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

SUBJECT: SUPREME COURT ADMINISTRATIVE ORDER NO. 251-2020, DATED 11 SEPTEMBER 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)

For the **information, guidance and strict observance** of all concerned, appended herein as Annex "A" is Supreme Court Administrative Order No. 251-2020, dated 11 September 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).

Particular attention should be given to the effectivity clause of the said Administrative Order which states that it will take effect on 1 October 2020. Also attached herein as Annexes "B" and "C" are the flowcharts for both Inbound and Outbound Requests for Service.

1 October 2020


JOSE MIDAS P. MARQUEZ
Court Administrator



Republic of the Philippines
Supreme Court
Manila

EN BANC

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**

WHEREAS, the Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters (Hague Service Convention), concluded on November 15, 1965, establishes a streamlined transmission of judicial and extrajudicial documents from One State Party to Another, and provides transnational litigants with methods for the service of documents abroad, simplifies and expedites the service of documents abroad, and guarantees that service will be brought to the notice of the recipient in sufficient time;

WHEREAS, in a Resolution dated December 4, 2018, the Supreme Court of the Philippines designated the Office of the Court Administrator (OCA) as the Central Authority in the Philippines for purposes of Article 2 of the Hague Service Convention;

WHEREAS, on March 4, 2020, the Republic of the Philippines deposited its Instruments of Accession to the Hague Service Convention at the Peace Palace, The Hague, Netherlands, which Convention shall enter into force in the Philippines on October 1, 2020;

WHEREAS, in accordance with Article II, Section 2, 1987 Constitution, the Philippines adopts the generally accepted principles of international law as part of the law of the land;

WHEREAS, in accordance with Article VIII, Section 5, 1987 Constitution, the Supreme Court shall have the power to promulgate rules concerning pleading, practice, and procedure in courts;

NOW THEREFORE, the Court resolves to approve the following Guidelines on the implementation of the Hague Service Convention for judicial documents in the Republic of the Philippines:

I. General Provisions

1. *Scope.* — These Guidelines shall govern the operation and implementation of the Hague Service Convention in the Philippines, insofar as they concern judicial documents in civil or commercial matters.

2. *Application of the Hague Service Convention.*¹ — The Hague Service Convention shall apply in the Philippines, provided the following conditions are present:

- a. A document is to be transmitted from one State Party for service to another State Party;
- b. The address of the intended recipient in the receiving State Party is known;
- c. The document to be served is a judicial document; and
- d. The document to be served relates to a civil or commercial matter.

3. *Grounds for Objecting to Requests.* — The Central Authority may decline the request for service if it does not comply with the provisions of the Hague Service Convention, or when compliance with the request would infringe upon its sovereignty or security.²

4. *Objectives of the Hague Service Convention.*³ —

- a. To establish a system which, to the extent possible, brings actual notice of the document to be served to the recipient in sufficient time;
- b. To simplify the method of transmission of these documents from the requesting State to the requested State; and
- c. To facilitate proof that service has been effective abroad, by means of certificates contained in a uniform model.

5. *Definition of Terms.* —

a. "*Hague Conference on Private International Law (HCCH)*" is an intergovernmental organization established "to work for the progressive unification of the rules of private international law."⁴ The Philippines became a member of the HCCH on July 14, 2010;

b. "*Service*" refers to the transmission and formal delivery of documents that is legally sufficient to charge the defendant with notice of a

¹ Article 1. The present Convention shall apply in all cases, in civil or commercial matters, where there is occasion to transmit a judicial or extrajudicial document for service abroad.

This Convention shall not apply where the address of the person to be served with the document is not known.

² Hague Service Convention, Art. 13.

³ *Practical Handbook on the Operation of the Hague Service Convention*, (Third Edition, 2006), par. 6.

⁴ Statute of the Hague Conference, Art. 1.

pending action; *Provided*, that it shall not be interpreted to comprise substantive rules relating to the actual service of process, nor shall it determine the conditions or formalities of that service;⁵

c. "*Central Authority*" refers to the receiving authority in charge of receiving requests for service from Requesting States and executing them or causing them to be executed.⁶ The OCA is the designated Central Authority for the Philippines for judicial documents;

d. "*Forwarding Authority*" refers to the authority or judicial officer of the Requesting State competent to forward the request for service.⁷ All Justices and Clerks of Court of collegiate courts, and Judges of lower courts are designated as Forwarding Authorities in the Philippines;

e. "*Competent Authority*" refers to the authority in Article 6, Hague Service Convention, in addition to the Central Authority, designated to complete the Certificate in accordance with the Model Form annexed to the Hague Service Convention.⁸ All judges are designated as Competent Authorities under Article 6 in the Philippines.

f. "*Judicial Document*" refers to orders, resolutions, judgments, and other official documents issued by courts in relation to civil or commercial proceedings, as well as pleadings and other court submissions by parties to such civil or commercial proceedings;

g. "*Extrajudicial Document*" refers 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;⁹

h. "*Model Form*" refers to the form annexed to the Hague Service Convention consisting of three (3) parts:

- 1) *Request for service*, which is sent to the Central Authority of the Requested State seeking assistance in the service of documents,
- 2) *Certificate*, which confirms whether or not the documents have been served, and
- 3) *Summary of the Document to be Served*, which is delivered to the addressee and preceded by a *Warning* relating to the legal nature, purpose and effects of the document to be served.

⁵ *Supra* note 3, par. 46.

⁶ *Id.*, par. 83.

⁷ Hague Service Convention, Art. 3.

⁸ Hague Service Convention, Art. 6.

⁹ *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.*

The Model Form (attached as Annex A) and the Guidelines for Filling up the Model Form (attached as Annex B) are available in, and may be downloaded from the HCCH and the OCA websites.

5. *Interpretation and Suppletory Application of the Rules of Court.* — These Guidelines shall be interpreted with the end in view of expeditiously granting requests for transmission or service abroad of judicial documents. Where applicable, the provisions of the Rules of Court, as amended, and other pertinent laws and rules, shall apply suppletorily to these Guidelines.

II. Requests for Extraterritorial Service of Judicial Documents from the Philippines to Other State Parties (Outbound Requests for Service)

1. *Application.* — Upon motion for leave of court of a party in a civil or commercial proceeding, the court shall determine whether extraterritorial service through the Hague Service Convention is necessary, in accordance with Rules 13 and 14 of the Rules of Court, as amended. The motion shall be accompanied, in duplicate, by the following documents:

- a. A copy of the Model Form, including the Request, Certificate, Summary of Documents to be Served, and Warning;
- b. The original documents to be served or certified true copies thereof, including all annexes;
- c. Certified translations of the Model Form and all accompanying documents, where necessary;
- d. An undertaking to pay in full any fees associated with the service of the documents; and
- e. Any other requirements of the Requested State, taking into account its reservations, declarations and notifications, which may be found in the HCCH website.¹⁰

2. *Order granting extraterritorial service.* — If the court finds that extraterritorial service under the Hague Service Convention is warranted, it shall issue an Order to that effect. The Order shall include a directive to the requesting party to procure and submit a prepaid courier pouch which shall be used for the transmission of documents from the court to the Central Authority of the Requested State.

The Judge, in the case of lower courts, or the Justice or the Clerk of Court, in the case of collegiate courts, as forwarding authorities, shall accomplish and sign the Request using the Model Form, check the completeness of documents, and ensure compliance with the requirements of the Hague Service Convention and that of the Requested State.

¹⁰ <https://www.hcch.net/en/instruments/conventions/status-table/?cid=17>.

Section 3. Fees and costs. — When the request for service entails costs and fees, the party, in accordance with his/her undertaking, shall settle the payment and submit the required proof of payment to the clerk of court.

Any assessment after the execution, including any deficiency assessment, shall still be paid by the party at the appropriate time. Proof of payment of the costs and fees shall be immediately sent to the clerk of 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, as amended.

4. Transmission of documents abroad. — Once all the requirements are submitted by the party requesting the extraterritorial service through the Hague Service Convention, the court shall coordinate with the Central Authority of the Requested State and transmit the following:

- a. The Order granting the extraterritorial service;
- b. The filled-out Request and Summary of Document to be Served with Warning;
- c. The blank Certificate (to be completed by the Central Authority of the Requested State);
- d. The documents sought to be served; and
- e. Certified translations of the Model Form and all accompanying documents, where necessary

The court shall also furnish the OCA with a copy of the request and shall update the OCA on the status of its request.

7. Execution of request. — The Central Authority of the Requested State shall then process the request and attempt service in accordance with its domestic laws. It shall thereafter provide formal confirmation whether the service was successful or unsuccessful, using the Certificate annexed to the Hague Service Convention. The completed Certificate shall thereafter be transmitted back to the requesting court, and shall form part of the records of the case.

III. Requests for Extraterritorial Service of Judicial Documents in the Philippines from Other State Parties (Inbound Requests for Service)

1. Requests for Service of Documents from other State Parties. — All inbound requests for service of judicial documents originating from other state parties shall be referred to the OCA.

2. Requirements for Requests for Service of Documents from other State Parties. —

- a. The documents sought to be served are judicial;
- b. The Request conforms to the Model Form;
- c. The document sought to be served is attached to the Request;
- d. The Request and its attachments are accomplished/translated in English or Filipino;
- e. The Request and its attachment/s are filed in duplicate; and
- f. The address of the intended recipient is indicated with sufficient specificity. As much as practicable, it shall include the house number, building, street name, barangay, municipality/city, province, and zip code. Post office boxes shall not be allowed.

3. Payment of Costs. — All 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. For multiple recipients residing in the same address, only one fee shall be paid. Should cost for the service of document exceed the said amount, the OCA shall send an updated Statement of Cost to the Forwarding Authority of the Requesting State for payment. Payment methods shall be posted on the OCA website and official receipts shall be issued upon verification of payment and a copy shall be sent to the applicant immediately.

4. Transmission of Request. — The Forwarding Authority of the Requesting State from which the documents originated shall transmit the request, together with all the documents, including proof of payment, to the OCA through any of the following modes:

- a. Electronic transmission – via email to:

PHCA-Service@judiciary.gov.ph

- b. Physical transmission – via registered mail or courier services to:

Central Authority
Office of the Court Administrator
Supreme Court of the Philippines
Third Floor, Old Supreme Court Building
Padre Faura Street, Ermita, Manila 1000
Philippines

5. Failure to comply with requirements. — Should the request, upon evaluation of the OCA, fails to comply with any of the above-mentioned requirements, or there are objections for the execution of the request, the OCA shall inform the Forwarding Authority, specifying the objection/s thereto. If the objections are resolved, the processing of the request shall proceed.

Otherwise, the request shall be denied, and all documents relating thereto shall be returned to the Forwarding Authority, along with a notice of objection or denial, stating the reasons therefor.

6. Forwarding to Executive Judge/Presiding Judge. — When the request is sufficient in form, the OCA shall forward the request to the court having jurisdiction over the area where the intended recipient resides. Requests sent via email shall be transmitted to the official e-mail accounts of the court concerned.

7. Duties of Executive/Presiding Judge. — The Executive Judge in multiple-sala courts, or the Presiding Judge in single-sala courts, shall immediately assign a sheriff, process server, or any other competent personnel to serve the document in accordance with the Rules of Court. Requests transmitted via email shall be printed by the court concerned. The judge shall ensure that service is done in accordance with these Guidelines and the Rules of Court.

8. Return on the Service. — The officer assigned to serve the document shall execute a return on the service in accordance with the Rules of Court, and submit the same to the judge of the court who directed the service of the document within five (5) days from service. The return shall state that the document and attachment/s have been served, and shall include the method, the place and the date of service, and the person to whom the document was delivered.

If the document was not delivered successfully, the return shall state the reasons which prevented the successful service. The officer assigned shall deliver the unserved document to the court, so that it may later be returned to the Forwarding Authority.

9. Certificate. — As soon as the return on the service is submitted, whether the service is successful or not, the judge shall immediately accomplish and sign the Certificate, following the Model Form annexed to the Hague Service Convention. In cases of unsuccessful service, the documents sought to be served shall be attached to the Certificate.

10. Transmission to the Requesting State. — Within thirty (30) calendar days from receipt of the request, the judge shall transmit the duly-accomplished Certificate and the Return of Service to the Forwarding Authority of the Requesting State. These shall be accompanied by a copy of the documents served, in cases of successful service, or the original documents, in cases of unsuccessful service. The judge shall furnish the OCA with a copy of all the documents transmitted, for monitoring purposes. Should compliance exceed thirty (30) calendar days, the judge shall also submit an explanation to the OCA for the delay.

IV. Reimbursement of Expenses

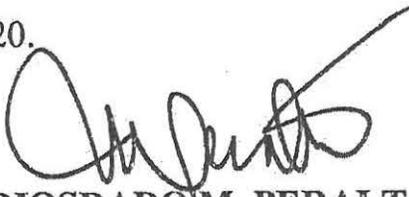
1. *Advance of expenses.* — Expenses that may be incurred in the service of judicial documents for inbound requests shall be advanced by the concerned Judge, subject to reimbursement.

2. *Request for reimbursement.* — The request for reimbursement, together with the supporting documents, shall be submitted to the OCA and processed accordingly, and charged against the Service Convention Fund.

V. Effectivity

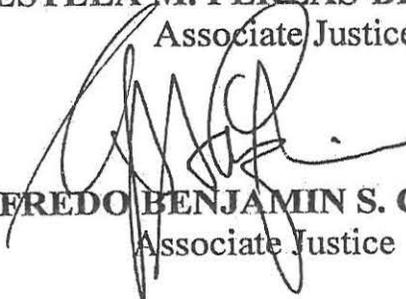
1. *Effectivity.* — This Administrative Order shall take effect on October 01, 2020, following its publication in the Official Gazette, or in two (2) newspapers of national circulation.

September 11, 2020.

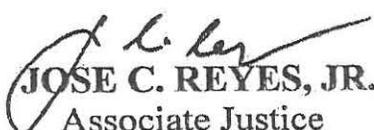

DIOSDADO M. PERALTA
Chief Justice

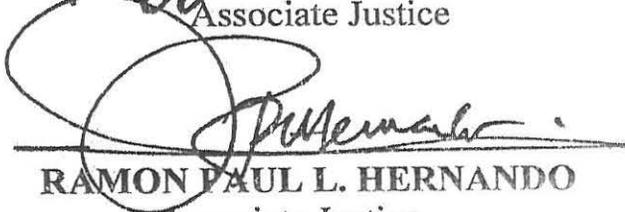

ESTELA M. PERLAS-BERNABE
Associate Justice


MARVIC M.V.F. LEONEN
Associate Justice


ALFREDO BENJAMIN S. CAGUIOA
Associate Justice


ALEXANDER G. GESMUNDO
Associate Justice


JOSE C. REYES, JR.
Associate Justice

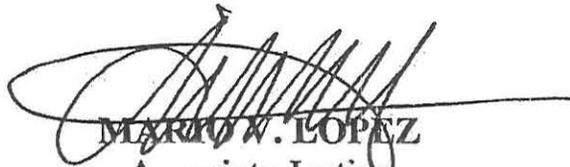

RAMON PAUL L. HERNANDO
Associate Justice


ROSMARIE D. CARANDANG
Associate Justice


AMY C. LAZARO-JAVIER
Associate Justice


HENRI JEAN PAUL B. INTING
Associate Justice


RODIL V. ZALAMEDA
Associate Justice



MARIO W. LOPEZ
Associate Justice



EDGARDO L. DELOS SANTOS
Associate Justice



SAMUEL H. GAERLAN
Associate Justice

On leave
PRISCILLA J. BALTAZAR-PADILLA
Associate Justice

**REQUEST
FOR SERVICE ABROAD OF JUDICIAL OR
EXTRAJUDICIAL DOCUMENTS**
DEMANDE AUX FINS DE SIGNIFICATION OU DE NOTIFICATION À L'ÉTRANGER
D'UN ACTE JUDICIAIRE OU EXTRAJUDICIAIRE

**Convention on the Service Abroad of Judicial and Extrajudicial Documents in
Civil or Commercial Matters, signed at The Hague, the 15th of November 1965.**
Convention relative à la signification et à la notification à l'étranger des actes judiciaires ou extrajudiciaires en
matière civile ou commerciale, signée à La Haye le 15 novembre 1965.

Identity and address of the applicant Identité et adresse du requérant	Address of receiving authority Adresse de l'autorité destinataire

The undersigned applicant has the honour to transmit – in duplicate – the documents listed below and, in conformity with Article 5 of the above-mentioned Convention, requests prompt service of one copy thereof on the addressee, i.e.:

Le requérant soussigné a l'honneur de faire parvenir – en double exemplaire – à l'autorité destinataire les documents ci-dessous énumérés, en la priant, conformément à l'article 5 de la Convention précitée, d'en faire remettre sans retard un exemplaire au destinataire, à savoir :

(identity and address) (identité et adresse)

<input type="checkbox"/>	a) in accordance with the provisions of sub-paragraph a) of the first paragraph of Article 5 of the Convention* selon les formes légales (article 5, alinéa premier, lettre a))*
<input type="checkbox"/>	b) in accordance with the following particular method (sub-paragraph b) of the first paragraph of Article 5)*: selon la forme particulière suivante (article 5, alinéa premier, lettre b))* :
<input type="checkbox"/>	c) by delivery to the addressee, if he accepts it voluntarily (second paragraph of Article 5)* le cas échéant, par remise simple (article 5, alinéa 2)*

The authority is requested to return or to have returned to the applicant a copy of the documents - and of the annexes* - with the attached certificate.

Cette autorité est priée de renvoyer ou de faire renvoyer au requérant un exemplaire de l'acte - et de ses annexes* - avec l'attestation ci-jointe.

List of documents / Énumération des pièces

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* if appropriate / s'il y a lieu

Done at / Fait à	Signature and/or stamp Signature et / ou cachet
The / le	

CERTIFICATE

ATTESTATION

The undersigned authority has the honour to certify, in conformity with Article 6 of the Convention,
L'autorité soussignée a l'honneur d'attester conformément à l'article 6 de ladite Convention,

- 1. that the document has been served***
que la demande a été exécutée*

– the (date) / le (date):	
– at (place, street, number): à (localité, rue, numéro) :	

– in one of the following methods authorised by Article 5: dans une des formes suivantes prévues à l'article 5 :	
<input type="checkbox"/>	a) in accordance with the provisions of sub-paragraph a) of the first paragraph of Article 5 of the Convention* selon les formes légales (article 5, alinéa premier, lettre a))*
<input type="checkbox"/>	b) in accordance with the following particular method*: selon la forme particulière suivante* :
<input type="checkbox"/>	c) by delivery to the addressee, if he accepts it voluntarily* par remise simple*

The documents referred to in the request have been delivered to:
Les documents mentionnés dans la demande ont été remis à :

Identity and description of person: Identité et qualité de la personne :	
Relationship to the addressee (family, business or other): Liens de parenté, de subordination ou autres, avec le destinataire de l'acte :	

- 2. that the document has not been served, by reason of the following facts*:**
que la demande n'a pas été exécutée, en raison des faits suivants*:

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- In conformity with the second paragraph of Article 12 of the Convention, the applicant is requested to pay or reimburse the expenses detailed in the attached statement*.**
Conformément à l'article 12, alinéa 2, de ladite Convention, le requérant est prié de payer ou de rembourser les frais dont le détail figure au mémoire ci-joint*.

Annexes / Annexes

Documents returned: Pièces renvoyées :	
In appropriate cases, documents establishing the service: Le cas échéant, les documents justificatifs de l'exécution :	

* if appropriate / s'il y a lieu

Done at / Fait à The / le	Signature and/or stamp Signature et / ou cachet
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WARNING
AVERTISSEMENT

Identity and address of the addressee
Identité et adresse du destinataire

IMPORTANT

THE ENCLOSED DOCUMENT IS OF A LEGAL NATURE AND MAY AFFECT YOUR RIGHTS AND OBLIGATIONS. THE 'SUMMARY OF THE DOCUMENT TO BE SERVED' WILL GIVE YOU SOME INFORMATION ABOUT ITS NATURE AND PURPOSE. YOU SHOULD HOWEVER READ THE DOCUMENT ITSELF CAREFULLY. IT MAY BE NECESSARY TO SEEK LEGAL ADVICE.

IF YOUR FINANCIAL RESOURCES ARE INSUFFICIENT YOU SHOULD SEEK INFORMATION ON THE POSSIBILITY OF OBTAINING LEGAL AID OR ADVICE EITHER IN THE COUNTRY WHERE YOU LIVE OR IN THE COUNTRY WHERE THE DOCUMENT WAS ISSUED.

ENQUIRIES ABOUT THE AVAILABILITY OF LEGAL AID OR ADVICE IN THE COUNTRY WHERE THE DOCUMENT WAS ISSUED MAY BE DIRECTED TO:

TRÈS IMPORTANT

LE DOCUMENT CI-JOINT EST DE NATURE JURIDIQUE ET PEUT AFFECTER VOS DROITS ET OBLIGATIONS. LES « ÉLÉMENTS ESSENTIELS DE L'ACTE » VOUS DONNENT QUELQUES INFORMATIONS SUR SA NATURE ET SON OBJET. IL EST TOUTEFOIS INDISPENSABLE DE LIRE ATTENTIVEMENT LE TEXTE MÊME DU DOCUMENT. IL PEUT ÊTRE NÉCESSAIRE DE DEMANDER UN AVIS JURIDIQUE.

SI VOS RESSOURCES SONT INSUFFISANTES, RENSEIGNEZ-VOUS SUR LA POSSIBILITÉ D'OBTENIR L'ASSISTANCE JUDICIAIRE ET LA CONSULTATION JURIDIQUE, SOIT DANS VOTRE PAYS, SOIT DANS LE PAYS D'ORIGINE DU DOCUMENT.

LES DEMANDES DE RENSEIGNEMENTS SUR LES POSSIBILITÉS D'OBTENIR L'ASSISTANCE JUDICIAIRE OU LA CONSULTATION JURIDIQUE DANS LE PAYS D'ORIGINE DU DOCUMENT PEUVENT ÊTRE ADRESSÉES À :

It is recommended that the standard terms in the notice be written in English and French and where appropriate also in the official language, or in one of the official languages of the State in which the document originated. The blanks could be completed either in the language of the State to which the document is to be sent, or in English or French.

Il est recommandé que les mentions imprimées dans cette note soient rédigées en langue française et en langue anglaise et le cas échéant, en outre, dans la langue ou l'une des langues officielles de l'État d'origine de l'acte. Les blancs pourraient être remplis, soit dans la langue de l'État où le document doit être adressé, soit en langue française, soit en langue anglaise.

SUMMARY OF THE DOCUMENT TO BE SERVED ÉLÉMENTS ESSENTIELS DE L'ACTE

Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, signed at The Hague, the 15th of November 1965 (Article 5, fourth paragraph).

Convention relative à la signification et à la notification à l'étranger des actes judiciaires ou extrajudiciaires en matière civile ou commerciale, signée à La Haye le 15 novembre 1965 (article 5, alinéa 4).

Name and address of the requesting authority: Nom et adresse de l'autorité requérante :	
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Particulars of the parties*: Identité des parties* :	
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* If appropriate, identity and address of the person interested in the transmission of the document
S'il y a lieu, identité et adresse de la personne intéressée à la transmission de l'acte

JUDICIAL DOCUMENT**
ACTE JUDICIAIRE**

Nature and purpose of the document: Nature et objet de l'acte :	
Nature and purpose of the proceedings and, when appropriate, the amount in dispute: Nature et objet de l'instance, le cas échéant, le montant du litige :	
Date and Place for entering appearance**: Date et lieu de la comparution** :	
Court which has given judgment**: Jurisdiction qui a rendu la décision** :	
Date of judgment**: Date de la décision** :	
Time limits stated in the document**: Indication des délais figurant dans l'acte** :	

** if appropriate / s'il y a lieu

EXTRAJUDICIAL DOCUMENT**
ACTE EXTRAJUDICIAIRE**

Nature and purpose of the document: Nature et objet de l'acte :	
Time-limits stated in the document**: Indication des délais figurant dans l'acte** :	

** if appropriate / s'il y a lieu

GUIDELINES FOR COMPLETING THE MODEL FORM

These guidelines will help you complete the Model Form annexed to the *Hague Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters*.

The Model Form is comprised of three (3) parts:

Part 1 – Request

The Request form (Part 1) is a detailed form with multiple sections for providing information about the requesting party, the document to be served, and the requested State. It includes fields for name, address, and contact information, as well as sections for describing the document and the reasons for its service.

Part 2 – Certificate

The Certificate form (Part 2) is a form used to certify the service of the document. It includes fields for the date and place of service, the name and address of the person who served the document, and a section for the signature and name of the person who served the document.

Part 3 – Summary + Warning

The Summary + Warning form (Part 3) consists of two parts: a Warning form and a Summary of the Document to be Served form. The Warning form includes a section for the recipient to acknowledge receipt of the document and a section for the recipient to indicate if they are a party to the proceedings. The Summary of the Document to be Served form includes a section for the recipient to provide information about the document and the proceedings.

Which parts to complete?

If you are using
the *main channel of transmission*...



The use of the Model Form is *mandatory*.

Complete Part 1 (**Request**) and Part 3 (**Summary + Warning**). The use of the **Warning** is recommended (but not mandatory)

Do *not* complete Part 2, which will be completed later by the Central Authority or other competent authority in the requested State.

If you are using
an *alternative channel of transmission*...



The use of the Model Form is *recommended* (but not mandatory).

Complete Part 3 *only* (**Summary + Warning**).

Do *not* complete Part 1 and Part 2.

Choosing a bilingual or trilingual Model Form: The Permanent Bureau has developed several bilingual and trilingual fillable forms in both Word and PDF formats, which can be easily completed and saved (available on the Service Section of the Hague Conference website (< www.hcch.net >)). Check if there is a bilingual or trilingual form that would suit your needs. In the absence of a trilingual form in the desired language, use the bilingual forms (English/French or French/English).

Filling out the fields: Complete the Model Form electronically using a word processor. Use plain, understandable language and avoid unnecessary legal or technical language. Do not change or rearrange the items in the Model Form. Write out dates in full (e.g., 1 January 2014). If a particular item does not apply, insert “not applicable” or “n/a” or otherwise indicate that this item is not applicable. The **notes** accompanying this form provide further information on filling out each field.

Language: The fields in the Model Form must be filled out in English, French, or (one of) the official language(s) of the requested State (Art. 7(2)).

Copies: Part 1 of the Model Form (Request for service) and the document to be served must be furnished in *duplicate* (Art. 3(2)), except if service is made in electronic form.

No legalisation: The Request does not need to be legalised (or apostilled) (Art. 3(1)). This exemption also applies to the documents to be served.

Translation of the documents to be served: The requested State may require that the documents to be served be translated into (one of) its official language(s) (Art. 5(3)). To find out the requirements of the requested State, check the practical information chart for that State or contact the Central Authority of that State.

Costs: Although services rendered by the Central Authority are free of charge, you may be required to reimburse the costs occasioned by the employment of a judicial officer or other competent person to effect service, or for the use of a particular method of service requested by you (Art. 12(2)). To find out whether service in the requested State gives rise to these costs, and whether the requested State requires reimbursement of them, check the practical information chart for that State.

Terminology: In this Form:

Applicant means the forwarding authority (see below).

Central Authority means the authority designated by a Contracting State to receive requests for service from the requesting State and to execute them or cause them to be executed.

C&R of the SC refers to the Conclusions & Recommendations of the Special Commission.

Convention means the *Hague Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters*, the full text of which is available on the Service Section of the Hague Conference website.

Forwarding authority means the authority or judicial officer competent under the law of the requesting State to forward requests for service to the Central Authority of the requested State.

Hague Conference on Private International Law (or *Hague Conference*) means the intergovernmental organisation under whose auspices the Convention was negotiated and adopted.

Model Form means the form annexed to the Service Convention.

Practical information chart means the chart for a given Contracting State, which is available on the Service Section of the Hague Conference website under "Central and other Authorities".

Requested State means the State to which the request for service is addressed.

Requesting authority means the forwarding authority (see above).

Requesting State means the State from which the request for service is issued.

Further information: For further information on serving documents abroad under the Convention, visit the Service Section of Hague Conference website, at < www.hcch.net >.

NOTES ON THE MODEL FORM

Note 1: The blanks of the Model Form must be filled out in English or in French or in the language of the requested State.

Note 2: Where service is to be effected on multiple persons, a separate request for service may need to be issued for each person. If in doubt, contact the Central Authority of the requested State to check whether separate Requests for Service are needed.

NOTES ON PART 1 – REQUEST

Item 1: The name of the plaintiff, or of the counsel representing the plaintiff (when different from the forwarding authority), should *not* be included in this box. A current list of forwarding authorities is available on the Service Section.

Item 2: A comprehensive and updated list of contact details of Central Authorities is available on the Service Section.

Item 3: Fill out this field *carefully*. The Convention does not apply if the address of the person to be served with the document is not known (Art. 1(2)). Where available, insert the addressee's date of birth (C&R No 30 of the 2009 SC). For Requests addressed to Contracting States that use a writing system other than the Latin alphabet, it might also be helpful to include the name and address of the recipient in (one of) the official language(s) of that State.

Option a): Select this option (by checking the corresponding box) if you would like the documents to be served by a method prescribed by the internal law of the requested State (formal service) **and chosen by that State**. The most common methods of service are personal service or service by post. Costs may be incurred if a **judicial officer or a person competent** under the law of the State of destination is employed to effect service (Art. 12(2)(a)).

Option b): Select this option (by checking the corresponding box) if you would like the documents to be served by a particular method. Describe the specific method requested in the field. Note that costs may be incurred when a particular method is chosen (Art. 12(2)(b)).

Option c): Select this option (by checking the corresponding box) if you would like the documents to be served by delivery to an addressee who **accepts it voluntarily** (informal delivery). The available methods of effecting informal delivery vary among Contracting States and may include postal service, personal service in court in response to summons to attend for service, or service by procedural agents or police.

NOTES ON PART 2 – CERTIFICATE

Note 1: The Certificate is to be completed by the Central Authority or other competent authority of the requested State (Art. 6). As such, the forwarding authority should leave the Certificate blank.

Note 2: Properly completed Certificates should be returned to the forwarding authority (C&R No 26 of the 2014 SC).

The Certificate contemplates two main options depending on whether or not the documents have been served:

Option 1: Select this option (by checking the corresponding box) if the documents have been served and proceed to answer items 1-4.

Option 2: Select this option (by checking the corresponding box) if the documents have not been served and proceed to answer item 5. Do not complete items 1-4.

Item 1: The date of service is important to both plaintiff and defendant. Write out the date in full.

Item 2: The place where service has occurred should be indicated here. If your State uses a writing system other than the Latin alphabet, it might also be helpful to include the address in the Latin alphabet if this is used in the requesting State.

Option a): Select this option (by checking the corresponding box) if the documents have been served by a method prescribed by the internal law of your State (formal service). Specify the provisions in the law of your State under which service was effected or include them by way of an attachment (C&R No 30 of the 2009 SC).

Option b): Select this option (by checking the corresponding box) if the documents have been served by a particular method requested by the forwarding authority. If necessary, describe the specific method requested in this field.

Option c): Select this option (by checking the corresponding box) if the documents have been served by delivery to an addressee who accepts them voluntarily (informal delivery).

Item 5: The facts/reasons why service failed are of great importance, because they will determine the course of action that the plaintiff/court will take. Where the defendant cannot be physically located, some States proceed to effect substituted service (e.g., service by publication or by electronic means). Indicate in this field if the address of the defendant was no longer valid, fictitious or incorrect, or if the defendant could not otherwise be found. If informal delivery was attempted, specify if service failed because the defendant did not accept the documents voluntarily.

Item on costs: The requested State may require the forwarding authority to pay the costs associated with effecting service whether or not the document has been served in accordance with Article 12(2) of the Convention. Select this option if any costs need to be reimbursed and attach a statement with a breakdown of such costs if need be.

NOTES ON PART 3 – SUMMARY + WARNING

For the Warning

Item 1: When the document is not sent to or served upon the addressee in his or her private capacity, the addressee should be informed that he or she is receiving it in an alternative capacity (e.g., as director of a company, tutor, representative of an estate, trustee, receiver in bankruptcy, etc.).

Item 2: Examples of authorities or organisations that may be qualified to give details on the availability of legal aid or advice include the court seised, legal aid bureau, or law society.

For the Summary

Note: *The Summary distinguishes between judicial documents and extrajudicial documents. Any document relating to litigation, including summary proceedings or uncontested proceedings, e.g., summons, judgment, order or application, is regarded as a judicial document. Any other legal document is to be classified as an extrajudicial document.*

Item 3: If you are using an *alternative channel of transmission*, insert the name, address, telephone number and e-mail address of the authority or person who caused the document to be issued.

Item 4: Where an *extrajudicial document* is concerned, the name and address of the person interested in the transmission of the document should be indicated. In the case of a judgment, the names of the person/party entitled to the judgment, and the person/party against whom the judgment is rendered, should be entered.

For requests to serve judicial documents

Item 5: The *nature and purpose of the document* refers to the legal classification of the document, for example, writ of summons, judgment, order, etc. A brief summary of the contents of the document (e.g., claim or judgment for divorce, alimony or maintenance, or for damages) falls under the "purpose of the document". When the document relates to legal proceedings, the reference to the purpose of the document may be expressed very briefly, since the nature and purpose of the proceedings will be described more in detail under **item 6**.

Item 6: Under this item, the remedy or relief sought by the claimant should be mentioned more in detail than under the preceding item. Thus, for instance, when a sum of money is claimed, the exact sum should be mentioned as well as, where appropriate, a brief description of the grounds for the claim.

Item 7: If the recipient who is to take action on the document sent or served abroad is required to enter an appearance before a court or an authority, the exact date and place for entering the appearance should be mentioned under this item. If possible, it may be appropriate to mention the qualifications which are required for representation (e.g., a lawyer authorised by the court concerned). If there is no need for the recipient to enter appearance, insert "not applicable" or "n/a" or otherwise indicate that this item is not applicable.

Items 8 and 9: In some cases it may be appropriate to mention the *address* of the court, e.g., when the judgment is a default judgment and the person against whom the judgment was entered has the possibility to apply to that court for the re-opening of the judgment on the grounds of default. If no judgment has been rendered, insert "not applicable" or "n/a" or otherwise indicate that this item is not applicable.

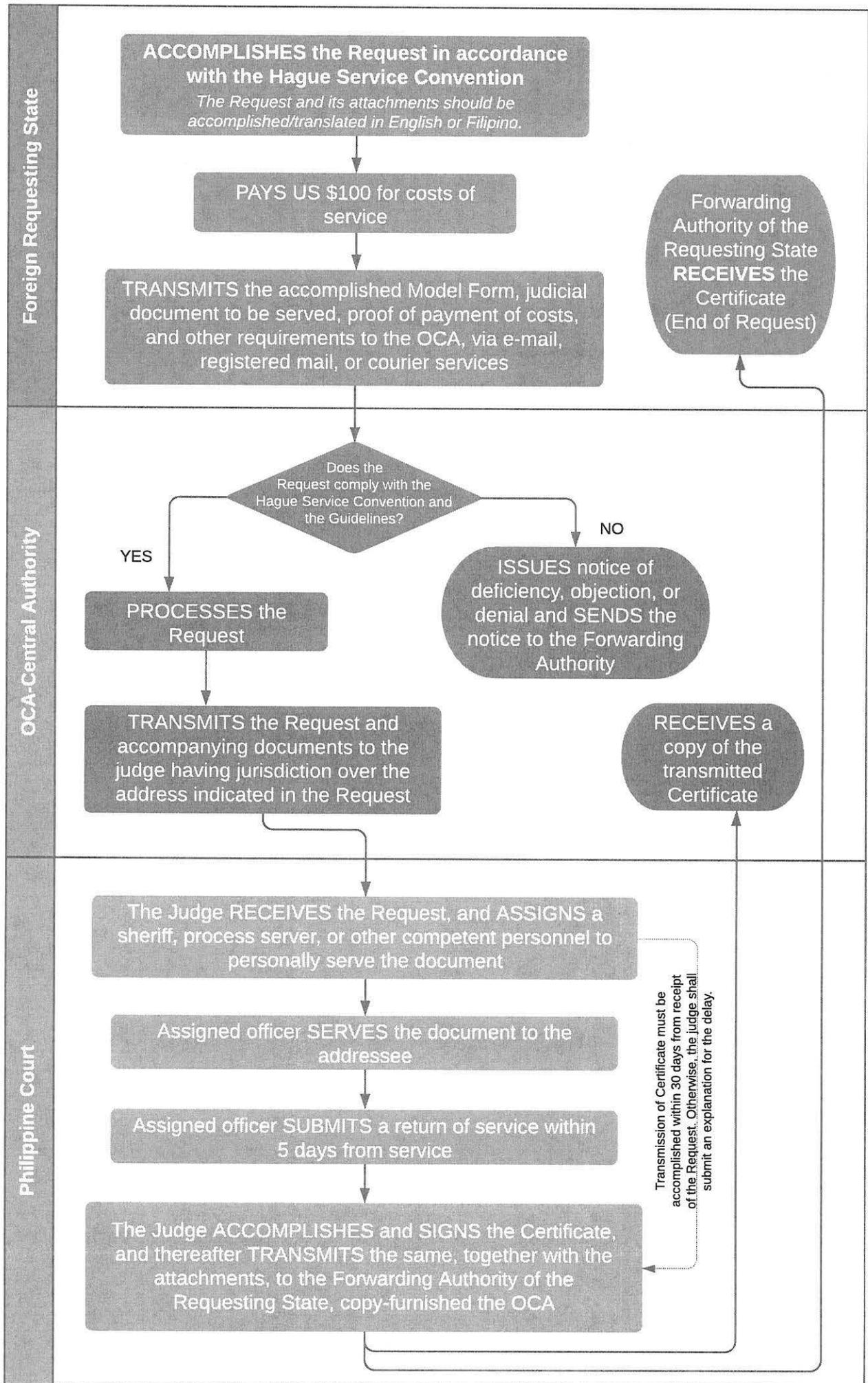
Item 10: Any time-limit stated in the document for the institution of legal proceedings, or review of a judgment or a decision, should be mentioned under this item. If there are no time-limits in the document, insert "not applicable" or "n/a" or otherwise indicate that this item is not applicable.

For requests to serve extrajudicial documents

Item 11: *The nature and purpose of the document* refers to the legal classification of the document.

Item 12: If there are no time-limits in the document, insert "not applicable" or "n/a", or otherwise indicate that this item is not applicable.

INBOUND REQUESTS FOR SERVICE OF JUDICIAL DOCUMENTS



OUTBOUND REQUESTS FOR SERVICE OF JUDICIAL DOCUMENTS

