

OCA CIRCULAR NO. 119-2004, September 30, 2004

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TO:

ALL JUDGES OF THE REGIONAL TRIAL COURTS, METROPOLITAN TRIAL COURTS MUNICIPAL TRIAL COURTS IN CITIES, MUNICIPAL TRIAL COURTS, MUNICIPAL CIRCUIT TRIAL COURT, SHARI'A DISTRICT COURTS AND SHARI'A CIRCUIT COURTS.

SUBJECT:

SERVICE OF WRITS AND OTHER COURT PROCESS THROUGH THE FOREIGN SERVICE PERSONNEL.

The attention of this Court has been called by the Department of Foreign Affairs that pursuant to DFA, Department Order No. 19A-95, Philippine Foreign Service personnel, as a general rule, is forbidden from servicing subpoenas, citations, complaints, or other forms of legal process in the country of their assignment in connection with cases pending in the courts of the Philippines .

"However, unless prohibited by local law, foreign service personnel may, upon the request of a clerk of court or proper Philippine court authorities, serve the following:

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Subpoena issued by a court of the Philippines commanding witness, who is a citizen of the Philippines residing in a foreign jurisdiction and who has failed or neglected to appear and give testimony in answer to letters rogatory, or who has appeared and refused to give testimony, to appear before the issuing court at a time and place designated in the subpoena.

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Subpoenas issued by a court of the Philippines at the request of the Solicitor General or assistants acting under him, to compel the attendance of a witness, who is a citizen of the Philippines residing in a foreign jurisdiction, at the trial of a criminal case.

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Order to show cause issued in contempt proceedings on a witness who has failed or neglected to appear in answer to a subpoena served.

- Documents relating to fraudulent. naturalization when such documents are forwarded by duly authorized officials of Philippine courts."

In all instances, the service of the above enumerated documents should be done through the Department of Foreign Affairs.

For your information and compliance.

30 September 2004

PRESBITERO J. VELASCO, JR.

Court Administrator

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