

RULES ON ACTION FOR SUPPORT AND PETITION FOR RECOGNITION AND
ENFORCEMENT OF FOREIGN DECISIONS OR JUDGMENTS ON SUPPORT

(approved on March 23, 2021)

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RULE III

*Procedure for Petition for Recognition and Enforcement of Foreign Decisions or
Judgments on Support*

SECTION 17. *Who May File.* — As authorized by law, any person entitled to support may file a petition for recognition and/or enforcement of a foreign decision or judgment on support with the court.

The petition may be filed by the Public Attorney's Office (PAO) on behalf of a petitioner. The PAO shall provide legal assistance to the petitioner upon proper request or application made pursuant to its mandate under the law.

For purposes of this Rule, a foreign judgment or decision means a conclusion reached regarding an issue involving support rendered by a judicial or administrative authority of another State. It shall include a settlement or agreement in writing relating to the payment of support concluded before, or approved by, a judicial or administrative authority. An administrative authority means a government or public body whose decision has the same force and effect as a decision rendered by a court or a judicial authority.

SECTION 18. *Where to File.* — A petition for recognition and/or enforcement of a foreign judgment or decision for support may be filed in the court which has territorial jurisdiction over the place where the petitioner or respondent actually resides, at the election of the petitioner. It may also be filed in the court having territorial jurisdiction over the place where any of the properties of the respondent is located, if said respondent does not reside in the Philippines or his or her whereabouts are unknown.

SECTION 19. *What and How to File.* — The recognition and/or enforcement of a foreign judgment or decision for support shall be commenced by the filing of a verified petition, which must allege the following:

- (a) The names and respective contact details, including addresses, email addresses, and dates of birth of the petitioner and the respondent;
- (b) The name and date of birth of the person for whom support is sought;
- (c) Basis of the petition;
- (d) The enforceability of the decision or judgment in the State where it was rendered;
- (e) Financial circumstances of the petitioner;
- (f) Financial circumstances of the respondent, including the name and address of the employer, nature and location of the assets of the respondent; and
- (g) Any other information that may assist in the location of the respondent.

SECTION 20. *Attachments to the Petition.* — The verified petition shall be accompanied by the following:

- (a) The complete text of the judgment or decision and related supporting documents duly authenticated or *apostilled* by the authorized official of the State where the judgment or decision was rendered. If the judgment or decision and other documents are not written in the English language, the same shall be accompanied by an English or Filipino translation, duly verified by the Philippine Consular office in the State where the judgment or decision was rendered. The cost of translation shall be borne by the petitioner;
- (b) A certification from the appropriate judicial or administrative authority stating that the judgment or decision is enforceable in the State where it was rendered;
- (c) A verified statement that the respondent had proper notice of the proceedings in the State where the judgment or decision

- was rendered and an opportunity to be heard and challenge or appeal the decision on fact and law;
- (d) Where applicable, a document showing the amount of any arrears and the date such amount was computed; and
 - (e) Where the decision provides for automatic adjustment, a document providing the information necessary to make the appropriate computations.

SECTION 21. Procedure When Filed. —

- (a) Within five (5) calendar days from receipt of the petition, the court shall set the case for hearing not later than thirty (30) calendar days from the filing of the petition and cause reasonable notice to be given to the petitioner and respondent and their respective counsels, if any. The notice shall include an order directing the respondent to file a verified comment within five (5) calendar days from receipt thereof.
- (b) The court may, *motu proprio*, dismiss the petition if the same is not sufficient in form and substance, or if the judgment or decision sought to be enforced is manifestly contrary to law or public policy.
- (c) The court shall deny the petition if the bases for recognition and enforcement of the judgment or decision in Section 23 of this Rule do not exist; if there are grounds for refusing recognition and enforcement as stated in Section 24 of this Rule; or, from the face of the documents submitted, there are concerns relating to their authenticity or integrity.
- (d) The court may likewise deny the petition if support has already been given and fulfilled, or the obligation has been extinguished under Philippine law.

SECTION 22. Notice and Hearing. — Notices shall be sent to the parties through the means available under Rule 13, 2019 Amendments to the 1997 Revised Rules on Civil Procedure. The physical presence of the child or the applicant for support is not required at any stage of the proceedings.

SECTION 23. *Bases for Recognition and Enforcement.* — The foreign judgment or decision for support shall be recognized and enforced if it meets any of the following criteria:

- (a) Either the petitioner or the respondent was a habitual resident in the State where the decision was rendered at the time proceedings were instituted; or
- (b) The respondent had submitted to the jurisdiction of the judicial or administrative authority of another State, either expressly or by defending on the merits without objecting to the jurisdiction at the first available opportunity. Partial recognition or enforcement can be applied for, and the court may recognize or enforce such severable parts of the foreign judgment or decision which can be so recognized or enforced.

SECTION 24. *Grounds for Refusing Recognition and Enforcement.* — The court, after hearing, may refuse recognition and/or enforcement in any of the following circumstances:

- (a) The foreign judgment or decision sought to be recognized or enforced is contrary to law or public policy;
- (b) The foreign judgment or decision was obtained through fraud in connection with a matter of procedure;
- (c) Proceedings between the same parties and for the same purpose were first instituted and still pending before another court;
- (d) The decision is incompatible with a decision rendered by another court between the same parties and having the same purpose;
- (e) The respondent was neither notified of nor represented in the proceedings in the court or administrative authority of the State which rendered the decision sought to be enforced and recognized;
- (f) The respondent did not have proper notice of the decision and an opportunity to challenge or appeal the same; or

- (g) The respondent adduces competent evidence showing the fulfilment of his or her obligation to the extent that the recognition and enforcement relates to payments that fell due in the past.

SECTION 25. *Decision.* —

- (a) A decision granting a petition for recognition and/or enforcement of a foreign decision or judgment shall be rendered by the court after the respondent has been duly and promptly notified of the proceedings and both parties have been given an adequate opportunity to be heard.
- (b) The court shall not review the merits of the foreign decision or judgment of a judicial or administrative authority. It shall also be bound by the findings of fact on which the said judicial or administrative authority based its jurisdiction.
- (c) The court shall act expeditiously in conducting the proceedings and render a decision within thirty (30) calendar days from the oral offer of evidence in accordance with Sections 34 to 40, Rule 132, 2019 Amendments to the 1989 Revised Rules on Evidence.
- (d) The decision becomes final upon the expiration of fifteen (15) calendar days from notice to the parties. No motion for reconsideration or new trial shall be entertained. Entry of judgment shall be made if no appeal is filed by any of the parties.

SECTION 26. *Appeal.* — An aggrieved party may appeal from the decision by filing a Notice of Appeal within fifteen (15) calendar days from notice of the decision and serving a copy thereof on the adverse party.

An appeal may only be founded on the following:

- (a) Absence of bases for recognition and enforcement as enumerated in Section 23 of this Rule;

- (b) Grounds exist for refusing recognition and enforcement as set out in Section 24 of this Rule;
- (c) There are questions or issues regarding the authenticity or integrity of the foreign judgment or decision or any of documents required under Section 19 hereof; or
- (d) On the ground of fulfilment of the obligation.

SECTION 27. *Judgment Not Stayed by Appeal.* — Any appeal shall not stay the enforcement of the decision, unless a restraining order has been issued by the appellate court.

SECTION 28. *Execution of Judgments, How Enforced.* — A final and executory judgment shall be promptly enforced without the need of further action by the petitioner, pursuant to the execution and enforcement measures under Section 16 of these Rules.