



August 19, 2019

REGIONAL ADVISORY

No. 108, s. 2019

APOSTILLE CONVENTION TAKES EFFECT IN THE PHILIPPINES ON 14 MAY 2019

TO: TO ALL SCHOOLS DIVISION SUPERINTENDENTS
This Region

1. Attached is a letter with the Text and Outline of the Apostille Convention on the implementation of the authentication of documents from **Director Margarita Consolacion C. Ballesteros**, Director IV of the Department of Education, Central Office.
2. Please take note on the List of Contracting Parties of the Hague Apostille Convention.
3. Immediate dissemination of this communication is hereby enjoined.

for *Francis Cesar B. Bringas*
FRANCIS CESAR B. BRINGAS
Schools Division Superintendent
Officer-In-Charge
Office of the Regional Director



2019-08-11916

ASD/ggb →
08/19/2019

DCC No.

DepEdRO13-F-REC-008/R0/5-7-2019

Document Tracking No.



(085) 342 - 8207



caraga@deped.gov.ph



www.caraga.deped.gov.ph



REPUBLIKA NG PILIPINAS
REPUBLIC OF THE PHILIPPINES
KAGAWARAN NG EDUKASYON
DEPARTMENT OF EDUCATION
DepED Complex, Meralco Ave., Pasig City



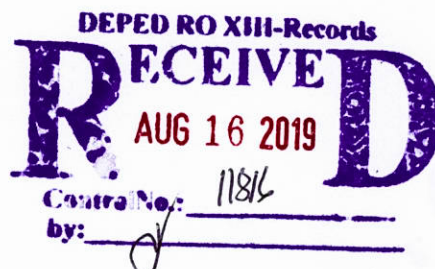
Tanggapan ng Direktor
Office of the Director

INTERNATIONAL COOPERATION OFFICE

Direct Line : (+632) 637-6463
Fax : (+632) 637-6462
Email : ico@depd.gov.ph

MEMORANDUM

FOR : UNDERSECRETARIES
ASSISTANT SECRETARIES
BUREAU AND SERVICES DIRECTORS
CENTRAL OFFICE – DIVISION CHIEFS
ALL REGIONAL DIRECTORS
ALL OTHERS CONCERNED



FROM : 
MARGARITA CONSOLACION C. BALLESTEROS
Director IV

SUBJECT : APOSTILLE CONVENTION TAKES EFFECT IN THE PHILIPPINES ON 14
MAY 2019

DATE : 5 August 2019

This pertains to the letter received by this Office dated 6 June 2019 from the Department of Foreign Affairs (DFA) regarding the implementation of the Apostille Convention on authentication of documents.

In this regard, DepED Central Office would like to inform you that the Department of Foreign Affairs – Office of Consular Affairs will no longer issue Authentication Certificates starting on 14 May 2019 to Hague Apostille Convention Contracting Parties as shown in Annex A of this memorandum.

The Convention entitles the Philippines to abolish the need for authentication or the requirement of diplomatic or consular legalization for foreign public documents by the concerned Foreign Embassies or Consulates General if the country or territory of destination of the authenticated document is already a member of the Apostille Convention.

For further details, kindly refer to the attached *Text* and *Outline of the Convention*.

Should you have questions regarding this matter, please do not hesitate to contact us through our electronic mail ico@depd.gov.ph or landline number (+63 2) 637-6462 to 63.

For your reference.

Attachments:

1. Letter from DFA-OCA dated 30 May 2019;
2. Hague Apostille Convention Contracting Parties (Annex A);
3. Text of the Apostille Convention; and
4. Outline of the Apostille Convention.

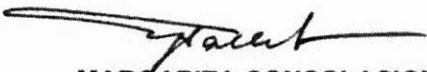


Tanggapan ng Direktor
Office of the Director

INTERNATIONAL COOPERATION OFFICE
Direct Line : (+632) 637-6463
Fax : (+632) 637-6462
Email : ico@deped.gov.ph

MEMORANDUM

FOR : UNDERSECRETARIES
ASSISTANT SECRETARIES
BUREAU AND SERVICES DIRECTORS
CENTRAL OFFICE – DIVISION CHIEFS
ALL REGIONAL DIRECTORS
ALL OTHERS CONCERNED


FROM : MARGARITA CONSOLACION C. BALLESTEROS
Director IV

SUBJECT : APOSTILLE CONVENTION TAKES EFFECT IN THE PHILIPPINES ON 14
MAY 2019

DATE : 5 August 2019

This pertains to the letter received by this Office dated 6 June 2019 from the Department of Foreign Affairs (DFA) regarding the implementation of the Apostille Convention on authentication of documents.

In this regard, DepED Central Office would like to inform you that the Department of Foreign Affairs – Office of Consular Affairs will no longer issue Authentication Certificates starting on 14 May 2019 to Hague Apostille Convention Contracting Parties as shown in Annex A of this memorandum.

The Convention entitles the Philippines to abolish the need for authentication or the requirement of diplomatic or consular legalization for foreign public documents by the concerned Foreign Embassies or Consulates General if the country or territory of destination of the authenticated document is already a member of the Apostille Convention.

For further details, kindly refer to the attached *Text* and *Outline of the Convention*.

Should you have questions regarding this matter, please do not hesitate to contact us through our electronic mail ico@deped.gov.ph or landline number (+63 2) 637-6462 to 63.

For your reference.

Attachments:

1. Letter from DFA-OCA dated 30 May 2019;
2. Hague Apostille Convention Contracting Parties (Annex A);
3. Text of the Apostille Convention; and
4. Outline of the Apostille Convention.



AIR 21
92801612128 PSG

DEPARTMENT OF FOREIGN AFFAIRS
KAGAWARAN NG UGNAYANG PANLABAS
OFFICE OF CONSULAR AFFAIRS
Authentication Division

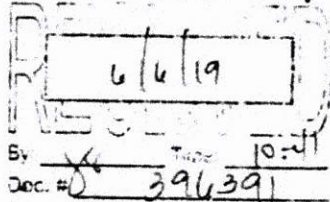
EXTREMELY URGENT

DEPARTMENT OF EDUCATION
OFFICE OF THE SECRETARY

00005334

30 May 2019

Dear Secretary Briones,



Further to our letter dated 6 May 2019 on the implementation of the Apostille Convention, the DFA Office of Consular Affairs – Authentication Division would like to update your Office of the following:

1. Documents originating from Apostille countries (except for Austria, Finland, Germany, and Greece) shall be apostillized by its designated Competent Authority. The apostillized document should be ready for use in the Philippines. Legalization by the Philippine Embassy or Consulate located in that country is no longer needed.
2. Documents originating from non-Apostille countries (including Austria, Finland, Germany, and Greece) shall be authenticated by the concerned foreign government. The authenticated document shall be legalized by the Philippine Embassy or Consulate located in that country. After legalization, the document should be ready for use in the Philippines. Beginning 15 June 2019, the Certificate of Authentication issued by Philippine Embassies/Consulates will no longer have a satin ribbon affixed thereto.

In this regard, we respectfully request your Office to disseminate this information to DepEd Regional Offices and schools to avoid situations wherein applicants are advised to have their foreign documents authenticated by the DFA.

Hoping for your usual cooperation. Thank you and best regards.

ERIC P. VALENZUELA
Acting Director

LEONOR MAGTOLIS BRIONES

Secretary

Department of Education

Meralco Avenue, 1600 Pasig City

2330 Roxas Blvd., Pasay City, 1300 Philippines

Tel. No. 834 - 4000

www.dfa.gov.ph

Hague Apostille Convention

List of Contracting Parties

A

1. Albania
2. Andorra
3. Antigua and Barbuda
4. Argentina
5. Armenia
6. Australia
7. Austria
8. Azerbaijan

B

9. Bahamas
10. Bahrain
11. Barbados
12. Belarus
13. Belize
14. Bolivia
15. Bosnia and Herzegovina
16. Botswana
17. Brazil
18. Brunei Darussalam
19. Bulgaria
20. Burundi

C

21. Cape Verde
22. Chile
23. People's Republic of China
(Hong Kong and Macao Only)
24. Colombia
25. Cook Islands
26. Costa Rica
27. Croatia
28. Cyprus
29. Czech Republic

D

30. Denmark
31. Dominica
32. Dominican Republic

E

33. Ecuador
34. El Salvador
35. Estonia

F

36. Fiji
37. Finland
38. France

G

39. Georgia
40. Germany
41. Greece
42. Grenada
43. Guatemala
44. Guyana

H

45. Honduras
46. Hungary

I

47. Iceland
48. India
49. Ireland
50. Israel
51. Italy

J

52. Japan

K

53. Kazakhstan
54. Republic of Korea
55. Kosovo
56. Kyrgyzstan

L

57. Latvia
58. Lesotho
59. Liberia
60. Liechtenstein
61. Lithuania
62. Luxembourg

M

63. Malawi
64. Malta
65. Marshall Islands
66. Mauritius
67. Mexico
68. Republic of Moldova
69. Monaco
70. Mongolia
71. Montenegro
72. Morocco

N

73. Namibia
74. Netherlands
75. New Zealand
76. Nicaragua
77. Niue
78. Republic of North Macedonia
79. Norway

O

80. Oman

P

81. Panama
82. Paraguay
83. Peru
84. Philippines
85. Poland
86. Portugal

R

87. Romania
88. Russian Federation

S

89. Saint Kitts and Nevis
90. Saint Lucia
91. Saint Vincent and the
Grenadines
92. Samoa
93. San Marino
94. Sao Tome and Principe
95. Serbia
96. Seychelles
97. Slovakia
98. Slovenia
99. South Africa
100. Spain
101. Suriname
102. Swaziland
103. Sweden
104. Switzerland

T

105. Tajikistan
106. Tonga
107. Trinidad and Tobago
108. Tunisia
109. Turkey

U

110. Ukraine
111. United Kingdom of Great
Britain and Northern Ireland
112. Uruguay
113. Uzbekistan

V

114. Vanuatu
115. Venezuela

12. CONVENTION ABOLISHING THE REQUIREMENT OF LEGALISATION FOR FOREIGN PUBLIC DOCUMENTS¹

(Concluded 5 October 1961)

The States signatory to the present Convention,
Desiring to abolish the requirement of diplomatic or consular legalisation for foreign public documents,
Have resolved to conclude a Convention to this effect and have agreed upon the following provisions:

Article 1

The present Convention shall apply to public documents which have been executed in the territory of one Contracting State and which have to be produced in the territory of another Contracting State.

For the purposes of the present Convention, the following are deemed to be public documents:

- a) documents emanating from an authority or an official connected with the courts or tribunals of the State, including those emanating from a public prosecutor, a clerk of a court or a process-server (*"huissier de justice"*);
- b) administrative documents;
- c) notarial acts;
- d) official certificates which are placed on documents signed by persons in their private capacity, such as official certificates recording the registration of a document or the fact that it was in existence on a certain date and official and notarial authentications of signatures.

However, the present Convention shall not apply:

- a) to documents executed by diplomatic or consular agents;
- b) to administrative documents dealing directly with commercial or customs operations.

Article 2

Each Contracting State shall exempt from legalisation documents to which the present Convention applies and which have to be produced in its territory. For the purposes of the present Convention, legalisation means only the formality by which the diplomatic or consular agents of the country in which the document has to be produced certify the authenticity of the signature, the capacity in which the person signing the document has acted and, where appropriate, the identity of the seal or stamp which it bears.

Article 3

The only formality that may be required in order to certify the authenticity of the signature, the capacity in which the person signing the document has acted and, where appropriate, the identity of the seal or stamp which it bears, is the addition of the certificate described in Article 4, issued by the competent authority of the State from which the document emanates.

However, the formality mentioned in the preceding paragraph cannot be required when either the laws, regulations, or practice in force in the State where the document is produced or an agreement between

¹ This Convention, including related materials, is accessible on the website of the Hague Conference on Private International Law (www.hcch.net), under "Conventions" or under the "Apostille Section". For the full history of the Convention, see Hague Conference on Private International Law, *Actes et documents de la Neuvième session (1960)*, Tome II, *Légalisation* (193 pp.).

two or more Contracting States have abolished or simplified it, or exempt the document itself from legalisation.

Article 4

The certificate referred to in the first paragraph of Article 3 shall be placed on the document itself or on an "allonge"; it shall be in the form of the model annexed to the present Convention.

It may, however, be drawn up in the official language of the authority which issues it. The standard terms appearing therein may be in a second language also. The title "Apostille (Convention de La Haye du 5 octobre 1961)" shall be in the French language.

Article 5

The certificate shall be issued at the request of the person who has signed the document or of any bearer.

When properly filled in, it will certify the authenticity of the signature, the capacity in which the person signing the document has acted and, where appropriate, the identity of the seal or stamp which the document bears.

The signature, seal and stamp on the certificate are exempt from all certification.

Article 6

Each Contracting State shall designate by reference to their official function, the authorities who are competent to issue the certificate referred to in the first paragraph of Article 3.

It shall give notice of such designation to the Ministry of Foreign Affairs of the Netherlands at the time it deposits its instrument of ratification or of accession or its declaration of extension. It shall also give notice of any change in the designated authorities.

Article 7

Each of the authorities designated in accordance with Article 6 shall keep a register or card index in which it shall record the certificates issued, specifying:

- a) the number and date of the certificate,
- b) the name of the person signing the public document and the capacity in which he has acted, or in the case of unsigned documents, the name of the authority which has affixed the seal or stamp.

At the request of any interested person, the authority which has issued the certificate shall verify whether the particulars in the certificate correspond with those in the register or card index.

Article 8

When a treaty, convention or agreement between two or more Contracting States contains provisions which subject the certification of a signature, seal or stamp to certain formalities, the present Convention will only override such provisions if those formalities are more rigorous than the formality referred to in Articles 3 and 4.

Article 9

Each Contracting State shall take the necessary steps to prevent the performance of legalisations by its diplomatic or consular agents in cases where the present Convention provides for exemption.

Article 10

The present Convention shall be open for signature by the States represented at the Ninth Session of the Hague Conference on Private International Law and Iceland, Ireland, Liechtenstein and Turkey. It shall be ratified, and the instruments of ratification shall be deposited with the Ministry of Foreign Affairs of the Netherlands.

Article 11

The present Convention shall enter into force on the sixtieth day after the deposit of the third instrument of ratification referred to in the second paragraph of Article 10.

The Convention shall enter into force for each signatory State which ratifies subsequently on the sixtieth day after the deposit of its instrument of ratification.

Article 12

Any State not referred to in Article 10 may accede to the present Convention after it has entered into force in accordance with the first paragraph of Article 11. The instrument of accession shall be deposited with the Ministry of Foreign Affairs of the Netherlands.

Such accession shall have effect only as regards the relations between the acceding State and those Contracting States which have not raised an objection to its accession in the six months after the receipt of the notification referred to in sub-paragraph d) of Article 15. Any such objection shall be notified to the Ministry of Foreign Affairs of the Netherlands.

The Convention shall enter into force as between the acceding State and the States which have raised no objection to its accession on the sixtieth day after the expiry of the period of six months mentioned in the preceding paragraph.

Article 13

Any State may, at the time of signature, ratification or accession, declare that the present Convention shall extend to all the territories for the international relations of which it is responsible, or to one or more of them. Such a declaration shall take effect on the date of entry into force of the Convention for the State concerned.

At any time thereafter, such extensions shall be notified to the Ministry of Foreign Affairs of the Netherlands.

When the declaration of extension is made by a State which has signed and ratified, the Convention shall enter into force for the territories concerned in accordance with Article 11. When the declaration of extension is made by a State which has acceded, the Convention shall enter into force for the territories concerned in accordance with Article 12.

Article 14

The present Convention shall remain in force for five years from the date of its entry into force in accordance with the first paragraph of Article 11, even for States which have ratified it or acceded to it subsequently.

If there has been no denunciation, the Convention shall be renewed tacitly every five years.

Any denunciation shall be notified to the Ministry of Foreign Affairs of the Netherlands at least six months before the end of the five year period.

It may be limited to certain of the territories to which the Convention applies.

The denunciation will only have effect as regards the State which has notified it. The Convention shall remain in force for the other Contracting States.

Article 15

The Ministry of Foreign Affairs of the Netherlands shall give notice to the States referred to in Article 10, and to the States which have acceded in accordance with Article 12, of the following:

- a) the notifications referred to in the second paragraph of Article 6;
- b) the signatures and ratifications referred to in Article 10;
- c) the date on which the present Convention enters into force in accordance with the first paragraph of Article 11;
- d) the accessions and objections referred to in Article 12 and the date on which such accessions take effect;
- e) the extensions referred to in Article 13 and the date on which they take effect;
- f) the denunciations referred to in the third paragraph of Article 14.

In witness whereof the undersigned, being duly authorised thereto, have signed the present Convention.

Done at The Hague the 5th October 1961, in French and in English, the French text prevailing in case of divergence between the two texts, in a single copy which shall be deposited in the archives of the Government of the Netherlands, and of which a certified copy shall be sent, through the diplomatic channel, to each of the States represented at the Ninth Session of the Hague Conference on Private International Law and also to Iceland, Ireland, Liechtenstein and Turkey.

HCCH Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents

Purpose of the Convention

The Apostille Convention facilitates the circulation of public documents executed in one Contracting Party to the Convention and to be produced in another.¹ It replaces the cumbersome and often costly formalities of a full legalisation process (chain certification) with the mere issuance of an Apostille. The Convention has also proven very useful for countries that do not require foreign public documents to be legalised, or that do not know the concept of legalisation in their domestic law: the citizens in these countries enjoy the benefits of the Convention whenever they intend to produce a domestic public document in another Contracting Party which, for its part, requires authentication of the document concerned.

Public documents

The Convention applies only to public documents. As the Convention does not define "public document", the "public" nature of a document is left to be determined by the law of the place where the document originates (*i.e.* the State of origin).² Nonetheless, Article 1 provides some guidance as to types of documents that can be considered "public". These examples include documents emanating from an *authority or official connected with a court or tribunal* of the Contracting Party (including documents issued by an administrative, constitutional or ecclesiastical court or tribunal, a public prosecutor, a clerk or a process-server); *administrative documents*; *notarial acts*; and *official certificates* which are placed on documents signed by persons in their private capacity, such as official certificates recording the registration of a document or the fact that it was in existence on a certain date and official and notarial authentications of signatures. The main examples of public documents for which Apostilles are issued in practice include birth, marriage and death certificates; extracts from commercial registers and other registers; patents; court rulings; notarial acts and attestations of signatures; academic diplomas issued by public institutions.³ Apostilles may also be issued for certified copies of a public document. Although the Convention does not strictly apply to documents executed by diplomatic or consular agents or to administrative documents dealing directly with commercial or customs operations, these Article 1(3) exclusions are to be interpreted extremely narrowly.

Who may issue an Apostille and how to verify the origin of an Apostille?

Apostilles may only be issued by a *Competent Authority* designated by the Contracting Party from which the public document emanates.⁴ ***The Permanent Bureau (Secretariat) of the Hague Conference on Private International Law (HCCH) does not issue Apostilles.***

¹ The Apostille Convention only applies as between Contracting Parties. For a comprehensive and updated list of Contracting Parties, see the "Updated list of Contracting Parties (status table)", which is available on the "Apostille Section" of the HCCH website at < www.hcch.net >.

² This approach has been confirmed in Conclusions & Recommendations No 72 of the 2009 Special Commission, and in Conclusions & Recommendations No 14 of the 2012 Special Commission.

³ Diplomas issued by private institutions may not be apostilled directly; a 'private' diploma may, however, bear an official certificate issued by any person or authority competent under the law of the State of origin of the diploma to authenticate the signature on the diploma. This official certificate is a public document under the Convention and thus may be apostilled. In such a case the Apostille does not relate to the diploma itself; instead it certifies the authenticity of the certificate on the diploma.

⁴ For more information, including the list of designated Competent Authorities, contact details of Competent Authorities and other practical information such as the price for an Apostille, see the "Apostille Section" of the HCCH website.

The Apostille is placed by the Competent Authority on the public document itself or on an *allonge*, and should conform as closely as possible to the Model annexed to the Convention. In addition, each Competent Authority is required to keep a Register in which it records the Apostilles it has issued. The Registers, which may be accessed by any interested person, are an essential tool to combat fraud and verify the origin of an Apostille in case of doubt.

The effect of an Apostille

The only effect of an Apostille is to certify the authenticity of the signature, the capacity in which the person signing the document has acted, and where appropriate, the identity of the seal or stamp which the document bears. The Apostille does not relate to the content of the underlying document itself (*i.e.*, the apostilled public document).

Handbook on the Practical Operation of the Apostille Convention (1st Edition, 2013)

The Apostille Handbook is a comprehensive reference tool that offers detailed explanations and commentary, addressing issues arising in the contemporary operation of the Convention. It is also designed to assist Competent Authorities designated by Contracting Parties with practical guidance in issuing Apostilles and performing their functions under the Convention. It is available for download from the "[Apostille Section](#)" of the HCCH website.

Monitoring of the Convention

The practical operation of the Apostille Convention was last reviewed by a Special Commission in 2016. The Special Commission has reiterated at several meetings that the spirit and letter of the Convention 'do not constitute an obstacle to the usage of modern technology' and that the Convention's application and operation can be further improved by relying on such technology. This finding was confirmed by the 2016 International Forum on the e-APP.

The e-APP (electronic Apostille Program)

In April 2006, the HCCH and the National Notary Association of the United States of America (NNA) officially launched the (then) *electronic Apostille Pilot Program*. The aim of the e-APP is to promote and assist with the implementation of low-cost, operational and secure software technology for (i) the issuance of electronic Apostilles (e-Apostilles) and (ii) the operation of electronic Registers of Apostilles (e-Registers) that can be accessed online by recipients to verify the origin of (both paper and electronic) Apostilles they have received.⁵ In light of the success of the Program, the word "Pilot" was removed from the title of the e-APP in January 2012, though the original "P" is retained in the acronym.

The e-APP is an effective tool to further enhance the secure and effective operation of the Apostille Convention; it dramatically increases security and offers a very powerful and effective deterrent to fraud. The e-APP is technology neutral and it does not privilege the use of one specific technology over another, Contracting Parties are free to choose the technology that best suits their needs. The e-APP (the e-Apostille and/or e-Register component) has been implemented in many countries around the globe, with others actively pursuing or considering implementation. The HCCH regularly organises International Fora on the e-APP to discuss and promote the implementation of the e-APP, the last of which was the 10th Forum, held in 2016 to coincide with the meeting of the Special Commission.

For any further information on the Apostille Convention and the e-APP, please visit the HCCH website at < www.hcch.net > or contact the Permanent Bureau of the HCCH.

⁵ An e-Register under the e-APP allows for easy online queries by recipients of Apostilles who wish to verify the origin of an Apostille without Competent Authorities having to answer these queries individually by phone, email or otherwise. However, it does not allow for "fishing expeditions" (*i.e.* persons do not have unlimited access to all of the information stored in the e-Register) but only enough information as is necessary to verify whether an Apostille they have received was issued by the Competent Authority purporting to have done so.