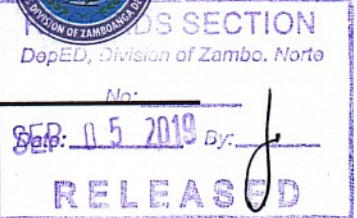




Republic of the Philippines  
Department of Education  
Region IX, Zamboanga Peninsula  
**SCHOOLS DIVISION OF ZAMBOANGA DEL NORTE**  
Dipolog City 7100



**ADVISORY**

TO : Public Schools District Supervisors  
Public Elementary and Secondary School Heads and Principals  
All Others Concerned

FROM : The Office of the Schools Division Superintendent

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

DATE : August 30, 2019

1. This is in reference to the letter from Margarita Consolacion C. Ballesteros, Director IV, DepEd Central Office dated August 5, 2019 re Apostille Convention Takes Effect in the Philippines on May 2019.
2. For information, guidance and dissemination.

  
**PEDRO MELCHOR M. NATIVIDAD, Ph.D, CSEE**  
Schools Division Superintendent

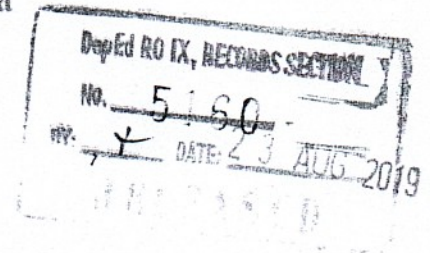




Republic of the Philippines  
**DEPARTMENT OF EDUCATION**  
Regional Office IX, Zamboanga Peninsula

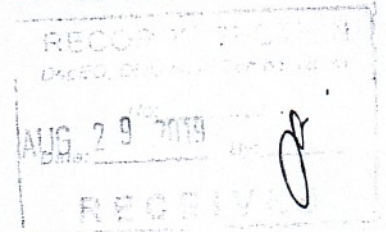
August 22, 2019

To: All Schools Division Superintendents  
This Region



Enclosed is a letter from Margarita Consolacion C. Ballesteros, Director IV, DepED Central Office dated August 5, 2019 re: Apostille Convention Takes Effect in the Philippines on May 2019, for information and dissemination.

Thank you very much.



For the Regional Director:

  
CRISOLOGO L. SINGSON  
Chief Administrative Officer

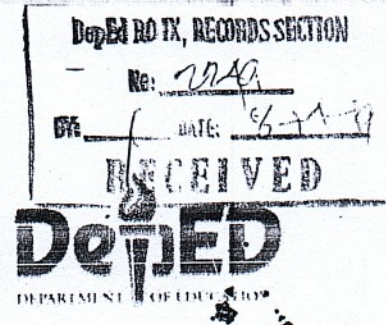
ADMIN-REC-L-2009-007  
RJT

Airport Road, Tiguwa, Pagadian City





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

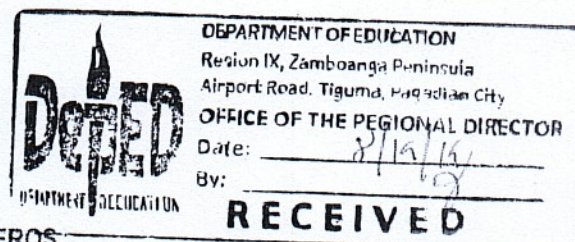


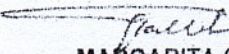
**Tanggapan ng Direktor**  
*Office of the Director*

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





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

92801612128 FSC

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**EXTREMELY URGENT**

30 May 2019

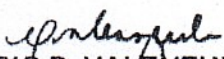
Dear Secretary Briones,

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](http://www.dfa.gov.ph)



## 12. CONVENTION ABOLISHING THE REQUIREMENT OF LEGALISATION FOR FOREIGN PUBLIC DOCUMENTS<sup>1</sup>

(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

<sup>1</sup> This Convention, including related materials, is accessible on the website of the Hague Conference on Private International Law ([www.hcch.net](http://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.).





## 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.<sup>1</sup> 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).<sup>2</sup> 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, 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.<sup>3</sup> 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.<sup>4</sup> **The Permanent Bureau (Secretariat) of the Hague Conference on Private International Law (HCCH) does not issue Apostilles.**

- <sup>1</sup> 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](http://www.hcch.net) >.
- <sup>2</sup> 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.
- <sup>3</sup> 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.
- <sup>4</sup> 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 (1<sup>st</sup> 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.<sup>5</sup> In light of the success of the Program, the word "Pilot" was removed from the title of the e-APP in January 2017, 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](http://www.hcch.net) > or contact the Permanent Bureau of the HCCH.

<sup>5</sup> 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.