

## 7. Request for OSG’s Assistance in the Transmittal of an Application or Claim by a Filipino Citizen for Child Support from a Foreigner under the United Nations (UN) Convention on the Recovery Abroad of Maintenance<sup>1</sup>

Filipino citizens with children from foreign spouses may request for the OSG’s assistance to apply or claim child support from a foreigner pursuant to the United Nations Convention on the Recovery Abroad of Maintenance. The UN Convention allows individuals to enforce judicial decisions regarding child support and alimony extraterritorially. <sup>2</sup>

<b>Office or Division:</b>	Docket Management Service, Legal Division, Secretariat	
<b>Classification:</b>	Highly Technical	
<b>Type of Transaction:</b>	Government to Citizens	
<b>Who may avail:</b>	Filipino citizens with children from foreign spouses	
<b>CHECKLIST OF REQUIREMENTS</b>		<b>WHERE TO SECURE</b>
Letter of Request and/or Endorsement plus personally filled out application form		Availing Party

<sup>1</sup> Pursuant to the **Convention on the Recovery Abroad of Maintenance**, the Office of the Solicitor General (OSG) acts as the Central Authority, which transmits and receives communications under this Convention.

On June 22, 2022 the Philippines deposited its instrument of ratification to the **Child Support Convention**, formally known as the “*Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance*.” Pursuant to the new Child Support Convention, the Supreme Court promulgated the “*Rules on Action for Support and Petition for Recognition and Enforcement of Foreign Decisions or Judgments on Support (A.M. No. 21-03-02- SC)*.” Under these new Rules, a petition for recognition and enforcement of foreign decisions may be filed by the Public Attorney’s Office (PAO).

For those countries that have not acceded/succeeded/ratified the Child Support Convention, but were already members to the prior Convention on the Recovery Abroad of Maintenance, the OSG still fulfills its role as Central Authority.

<sup>2</sup> The Office of the Solicitor General (OSG) collects some of your personal data when you transact with its employees and authorized representatives. The OSG will use this information solely for documentation and processing purposes relative to your transaction/s with the Office. By submitting your data to the OSG, you are expressly consenting and authorizing the OSG to collect, process, and store such personal and/or sensitive information as may be needed in the course of your transaction/s.

In all instances, the OSG shall ensure that processing your personal data shall strictly comply with the provisions of the Data Privacy Act and its Implementing Rules and Regulations and shall be consistent with the general data privacy principles of transparency, legitimate purpose, and proportionality.

<p>under UN Convention of June 20 1956 on the Recovery of Maintenance</p> <p>The Letter Request should include the following details:</p> <ol style="list-style-type: none"> <li>1. Contact Details of Applicant (Mobile Phone Number and Email Address); and</li> <li>2. Local bank account no details for deposit plus the bank's swift code / routing numbers of the bank to ensure deposit</li> </ol> <p>(one original copy)</p>				
<p>Birth Certificate of Child (one original copy)</p>		<p>Availing Party (from Philippine Statistics Authority)</p>		
<p>Proof of acknowledgment of filiation (Affidavit of Acknowledgment / Pictures with parent with child / testimony of witnesses) (one original copy)</p>		<p>Availing Party</p>		
<p>Proof of identification of the putative parent (Foreigner) (ie: proof previously wired money to claimant / amount requested and List of Expenses / basis for child support claim / school record) (one original copy)</p>		<p>Availing Party</p>		
<p>Other documentary requirement to support the application for Child Support (ie: proof previously wired money to claimant / amount requested and List of Expenses / basis for child support claim / school record)<sup>3</sup> (one original copy)</p>		<p>Availing Party</p>		
<p><b>CLIENT STEPS</b></p>	<p><b>AGENCY ACTIONS</b></p>	<p><b>FEES TO BE PAID</b></p>	<p><b>PROCESSING TIME</b></p>	<p><b>PERSON RESPONSIBLE</b></p>

<sup>3</sup> Kindly take note that these are the documents or information usually requested by counterpart agency to prove their relationship and amount of claims requested.

<p>1. Applicant files a request and/or endorsement with the OSG for assistance in the transmittal of an application for child support.</p>	<p>1.1. The application or endorsement received shall be forwarded by DMS personnel to the OSG Secretariat for assignment to a Legal Division.</p>	<p>None</p>	<p>1 Working Day</p>	<p><i>Docket Management Service Personnel, OSG Building Lobby</i></p> <p>Immediate Supervisor in Charge of Designating Personnel - Director IV, DMS</p>
	<p>1.2. The OSG Secretariat will assign the case to a Legal Division</p>	<p>None</p>	<p>1 Working Day</p>	<p><i>Secretariat Personnel</i></p> <p>Immediate Supervisor in Charge of Designating Personnel for Secretariat - Head of Secretariat</p>
	<p>1.3. The Assistant Solicitor General will assign the case to a Solicitor</p>	<p>None</p>	<p>1 Working Day</p>	<p><i>Assistant Solicitor General</i></p>
	<p>1.4. The Solicitor will evaluate the propriety and merits of the application/ claim for child support.</p>	<p>None</p>	<p>7 Working Days</p>	<p><i>Solicitor</i></p> <p>Immediate Supervisor in Charge of Designating Personnel for Legal Division - Assistant Solicitor General</p>

<p>2. The applicant will discuss with the Solicitor on filling out the application for child support.</p>	<p>2.1. The Solicitor will confer with the applicant, either through email or phone call if contact number is provided, to assist him/her in filling out the application for child support. The Solicitor will explain the requirements needed and allow the applicant ample time to submit the same.</p>	None	6 Working Days	<p><i>Solicitor</i></p> <p>Immediate Supervisor in Charge of Designating Personnel for Legal Division - Assistant Solicitor General</p>
	<p>2.2. The Solicitor will prepare his/her recommendation whether to refer the case to the appropriate government agency or Foreign Embassy or deny the request for lack of sufficient documents</p>	None	1 Working Day	<p><i>Solicitor</i></p> <p>Immediate Supervisor in Charge of Designating Personnel for Legal Division - Assistant Solicitor General</p>

	<p>2.3. The Solicitor will prepare a letter addressed to the appropriate embassy concerned with the application and its attached complete documentary requirements, or if the applicant fails to provide sufficient and complete documents despite being given ample time to do so, the Solicitor will prepare a letter to the applicant denying the request for assistance due to failure of completion of the requirements.</p> <p>If the letter is delivered through registered mail, it will take about 20 days before the party concerned will receive it.</p> <p>If the letter is delivered through courier, it will take 1 or 2 working days before the party concerned will receive it.</p>	None	1 Working Day	<p>Solicitor</p> <p>Immediate Supervisor in Charge of Designating Personnel for Legal Division - Assistant Solicitor General</p>
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	<i>(The requester may send a pre-paid pouch from reputable private couriers if the requester prefers to use the services of a private courier instead of that of PHLPost.)</i>			
<b>TOTAL:</b>		None	18 Working Days	

