

RESOURCE PAGE ON LEGAL PROCEDURE (PHILIPPINES)¹

A. Resolution of Cross-Border Disputes Involving Children – An Overview

PHILIPPINES

Article XV, Section 3(2) of the Constitution of the Philippines mandates the special protection of children from all forms of neglect, abuse, cruelty, exploitation, and other conditions prejudicial to their development.

1. Court System

Consistent with the Constitution and pursuant to the Family Courts Act of 1997 (Republic Act No. 8369), **Family Courts** were established in every province and city in the country, and where the city is the capital of the province, in the municipality with the highest population (Section 3). These Family Courts created pursuant to the Family Courts Act of 1997 are called **Statutory Family Courts**.

The Philippines also have **Designated Family Courts**, or those designated by the Supreme Court from among the branches of Regional Trial Courts or courts of general jurisdiction to handle cases falling within the jurisdiction of Family Courts pending the establishment of a Statutory Family Court in the particular city or municipality (Section 17 of the Family Courts Act of 1997) ([A.M. No. 99-11-07-SC](#), Re: Designation of certain branches of the Regional Trial Courts as Family Courts)

Meanwhile, there are also **Regional Trial Courts**, either single-sala or multi-sala, that handle family court cases, in the absence of a Statutory or Designated Family Court within the territorial jurisdiction of the Regional Trial Court.

¹ Information is updated as of Oct 2025. Your attention is drawn to the disclaimers herein.

Appeals from the judgment or ruling of the Statutory Family Courts, Designated Family Courts, and Single-Sala or Multi-Sala Regional Trial Courts shall be filed before the **Court of Appeals** (in cases involving questions of fact or a mix of questions of fact and law) or the **Supreme Court** (in cases involving pure questions of law).

Further appeal from the ruling of the Court of Appeals may be instituted with the **Supreme Court**.

2. Courts that Resolve Cross-Border Family Disputes Involving Children

Cases on cross-border disputes involving children are cognizable by the **Family Courts, both Statutory and Designated, and Single-Sala and Multi-Sala Regional Trial Courts handling family court cases** in the Philippines pursuant to Section 5 of the Family Courts Act of 1997, and other rules of procedure promulgated by the Supreme Court such as the Rule on Custody of Minors and Writ of Habeas Corpus in Relation to Custody of Minors ([A.M. No. 03-04-04-SC](#)), 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](#)), Rule on International Child Abduction Cases ([A.M. No. 22-09-15-SC](#)).

3. The Role of Other Government Agencies

The **Department of Social Welfare and Development (DSWD)** (<https://www.dswd.gov.ph/>) is primarily responsible for promoting, strengthening, and enhancing the well-being of Filipino families by providing integrated, comprehensive and developmental services in a fair, just, and peaceful society (Section 8 of [Republic Act No. 11908](#)), and the special protection of children ([Executive Order No. 53, Series of 2011](#)).

Under Section 9 of the Family Courts Act of 1997, a Social Services and Counselling Division (SSCD) shall be established in each judicial region, under the guidance of the DSWD. Pending the operationalization of the SSCD, the DSWD designates and assigns qualified, trained, and accredited social workers of the local government units to handle juvenile and family cases in the Family Courts and Regional Trial Courts handling family cases.

These social workers under the Regional Offices of the DSWD coordinate with the Family Courts and the Regional Trial Courts coordinate to provide support services to children, and other parties in need of such services such as physical or psychological services and counselling in family and juvenile cases. There are also social workers in the Local Government Units (city, province, municipality) that coordinate with the courts in providing these support services.

For cross-border disputes involving children relating to the 1980 Hague Convention on the Civil Aspects of International Child Abduction (Child Abduction Convention), the **Department of Justice (DOJ)** serves as the Philippines' [Central Authority](#). In its [Department Circular No. 010](#), Series of 2022, the DOJ created the Hague Child Abduction Convention Unit (HCAC Unit), headed by the Chief State Counsel which shall perform the functions of the Philippine HCAC Central Authority, and set forth the Procedure for Processing Applications under the Child Abduction Convention. The HCAC Unit coordinates with relevant government departments, agencies, instrumentalities and bureaus, as well as institutions and organizations, in the performance of its functions as provided under Section 7 of the Circular.

However, in actions for support and petition for recognition and enforcement of foreign judgments on support, the Philippines' Central Authority is the DSWD. This is pursuant to the Department of Foreign Affairs (DFA) Letter of February 28, 2022 recommending the designation of the DSWD as Central Authority and DSWD's Letter of March 31, 2022 accepting the DFA's recommendation.

4. Whether lawyers are required

Lawyers are **generally** not required in cases of cross-border disputes involving children. However, the parties are **strongly advised** to secure the assistance of a lawyer to fully protect their rights in the proceedings.

5. Existence of Alternative Dispute Resolution Mechanism

On November 4, 2024, the Supreme Court promulgated the **Rule on Family Mediation** ([A.M. No. 24-02-06-SC](#)). Under [OCA Circular No. 282-2025](#), the Supreme Court clarified that there are two types of family mediation under the Rule on Family Mediation: (1) out-of-court dispute resolution process (Section 5); and (2) mandatory court-annexed family mediation (Section 7). However, since the Rules of Court, at present, do not require dispute resolution as a condition prior to filing a case before the court, Section 5 of the Rule on Family Mediation is not yet in force and effect.

For mandatory court-annexed family mediation under Section 7, it is estimated that by November 2025, the first batch of family mediators will receive accreditation from the Supreme Court. Under Section 3(c) of the Rule on Family Mediation, cross-border disputes in international child abduction, support, custody and visitation, guardianship, and other civil cases involving children filed in the Philippines between a Filipino residing in the Philippines or temporarily residing abroad and a citizen of a member-country of the Council of ASEAN Chief Justices (CACJ) **shall** be referred to family mediation or shall undergo mandatory court-annexed family mediation.

B. Legal procedures for applications concerning cross-border disputes involving children

Type of application	Brief description of application (e.g., typical scenario)	Legal procedure
<p>1. Permanent custody over a minor</p>	<p>An application for the award of permanent custody over the child by any person claiming the rightful custody of the said child.</p> <p>A common scenario is where Parent A, resident of Malaysia, for example, who does not have legal custody over the child who presently resides with Parent B in the Philippines, seeks to obtain such custody, believing that the award of legal custody in his or her favor is within his or her right as a parent and that it is for the child’s best interests.</p>	<p>A parent or any person (petitioner) who claims rightful custody of a child may file a Petition for Custody of Minor against the respondent, who has physical custody of the child, with the Family Court of the province or city in the Philippines where the petitioner resides or where the minor may be found.</p> <p>In awarding custody, the court shall consider the best interests of the minor and shall give paramount consideration to his or her material and moral welfare. The best interests of the minor refers to the totality of the circumstances and conditions as are most congenial to the survival, protection, and feelings of security of the minor encouraging to his physical, psychological, and emotional development.</p> <p>Reference: Rule on Custody of Minors and Writ of Habeas Corpus in Relation to Custody of Minors (A.M. No. 03-04-04-SC) April 22, 2003</p>
<p>2. Return of a child to his or her lawful custodian</p>	<p>An application to produce the child in court during a hearing on a specified date and time where the</p>	<p>Any person (petitioner) claiming rightful custody over a child may file a verified Petition for a Writ of</p>

	<p>rightful custody of the child was withheld from the person legally entitled to such custody.</p> <p>An illustration of this is where the child’s parents are not married, hence, the legal custody over the child is vested solely to Parent A, the mother. The father, Parent B, a Filipino, for example, while in physical custody over the child in the Philippines, refuses to allow the child to return to Parent A who resides in Brunei, for instance. In such a case, Parent A may file a Petition for <i>Habeas Corpus</i> in Relation to Custody of Minors.</p>	<p><i>Habeas Corpus involving Custody of Minors</i> with the Family Court in the Philippines where petitioner resides or where the minor may be found. In the absence of any Family Courts, the petition may be filed with the regular courts. The writ issued by the Family Court or the regular court shall be enforceable in the judicial region where they belong. The petition may likewise be filed with the Supreme Court, Court of Appeals, or with any of its members and, if so granted, the writ shall be enforceable anywhere in the Philippines.</p> <p>If granted, the court shall issue a writ of <i>habeas corpus</i>, which shall compel the respondent to produce the minor before the court. Upon return of the writ, the court shall decide the issue on custody of minors.</p> <p>Reference: Rule on Custody of Minors and Writ of Habeas Corpus in Relation to Custody of Minors (A.M. No. 03-04-04-SC) April 22, 2003</p>
<p>3. Support for a child</p>	<p>An application to enforce the right to receive support for a child.</p> <p>A common situation is where the child lives with Parent A, a Thai, for example, while Parent B, a Filipino, resides and works in the Philippines. Parent B refuses to give support for the child despite demands. In such a case, Parent A may file an action for support on behalf of the child against Parent B.</p>	<p>An action for support shall be filed in the court in the Philippines which has territorial jurisdiction over the place where the plaintiff or defendant actually resides, at the election of the plaintiff. If the defendant does not reside in the Philippines or his or her whereabouts are unknown, the action shall be filed in the court where the plaintiff resides, or where any property of the defendant is located in the Philippines.</p> <p>In determining support <i>pendente lite</i> and in the judgment, the court may be guided by the factors</p>

		<p>enumerated under Section 12A of the Rules on Action for Support.</p> <p>If the action is granted, the judgment of the court is immediately executory.</p> <p>Reference: 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) March 23, 2021</p>
<p>4. Recognition and Enforcement of Foreign Decisions or Judgments on Support</p>	<p>An application to have a foreign decision or judgment on support rendered by a judicial or administrative authority of another State recognized in the Philippines.</p>	<p>A petition for recognition and/or enforcement of a foreign judgment or decision for support may be filed in the court in the Philippines 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.</p> <p>The petition must be accompanied by (i) the complete text of the judgment or decision and related supporting documents duly authenticated or <i>apostilled</i> by the authorized official of the State where the judgment or decision was rendered, (ii) a certification from the appropriate judicial or administrative authority stating that the judgment or decision is enforceable in the State where it was rendered, (iii) that respondent had proper notice of the proceedings abroad, among others.</p>

		<p>Reference: 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) March 23, 2021</p>
<p>5. Return of wrongfully removed or retained child</p>	<p>An Application for the prompt return of a wrongfully removed or retained child across international boundaries, where both states are Contracting States to the 1980 Hague Convention on the Civil Aspects of International Child Abduction (HCAC).</p> <p>Scenario 1: Parent A, a Japanese national, and Parent B, a Filipino, were residing in Japan with their child. Upon their separation, Parent B took the child to the Philippines without Parent A's consent and has since refused to return the child to Parent A in Japan.</p> <p>In this situation, Parent A may file a petition for the return of the child, who may have been wrongfully removed by Parent B.</p> <p>Scenario 2: Parent A, a Japanese national, has sole custody of the child. With Parent A's consent, the child traveled to the Philippines for a vacation with Parent B, a Filipino. However, Parent B eventually refused to return the child to Parent A in Japan.</p> <p>In this case, Parent A may file a petition for the return of the child, who may have been wrongfully retained by Parent B.</p>	<p>The left behind parent or the petitioner claiming that a child has been wrongfully removed or retained in breach of custody rights shall file a verified petition, which may include applications for provisional remedies and protection orders, against the taking parent or the respondent for the return of or access to the child before the Family Court in the Philippines where the child may be found or the Family Court nearest to the province or city where the child may be found, as the case may be. If the child's location is unknown, the place where the respondent or the person keeping the child may be found, shall determine the venue.</p> <p>In the event that there is no Family Court in the place where the child may be found or the Family Court nearest to the province or city where the child may be found does not have jurisdiction over the child or the respondent as the case may be, the petition shall be filed with the Regional Trial Court, applying the regular rules on venue.</p> <p>If the Family Court finds merit in the petition, it shall render judgment ordering the return of the child to his or her country of habitual residence. In the same judgment, the court may allow the taking parent to</p>

		<p>have access to the child under reasonable terms and conditions for the best interests of the child.</p> <p>Reference: Rule on International Child Abduction Cases (A.M. No. 22-09-15-SC) October 18, 2022.</p>
6. Protection Orders	<p>During the pendency of the case for the return of the child, the Family Court may, upon motion or on its own initiative, issue a Protection Order when there are indications of danger, risk of violence, abuse, neglect, or other intolerable situations involving the child, ordering the party to, among others, stay away from the child, refrain from doing harmful acts or omissions, and to prevent the respondent from changing or transferring the residence of the child without prior permission from the Family Court.</p>	<p>The protection order shall be enforceable anywhere in the Philippines.</p> <p>Reference: Rule on International Child Abduction Cases (A.M. No. 22-09-15-SC) October 18, 2022.</p>
7. Permissive Referral to Family Mediation	<p>During the pendency of the petition for the return of the child, if the parties informed the Family Court that they have agreed to undergo mediation on some aspects thereof, such as the custody of the child, or support <i>pendente lite</i>, the Family Court shall refer the case to family mediation.</p>	<p>The Family Mediator is mandated to strictly observe the mediation period of 30 days counted from receipt of the order referring the case to family mediation, unless an extension not exceeding 30 days is approved by the court as recommended by the family mediator.</p> <p>The court shall act on the family mediator's report on the result of family mediation within five days from receipt thereof.</p> <p>Reference: The Rule on Family Mediation (A.M. No. 24-02-06-SC)</p>

C. Information on legal aid and assistance

Legal aid in the Philippines may be availed of through:

1. **Public Attorney's Office (PAO)** – the agency mandated to provide free legal representation, assistance, and counselling to indigent persons in criminal, civil, labor, administrative, and other quasi-judicial cases to uphold the constitutional guarantee of free access to courts for all. To qualify for legal representation by PAO, the party must pass the **Indigency Test**.
2. **Integrated Bar of the Philippines (IBP) Legal Aid** – the official organization of all lawyers in the Philippines. IBP Legal Aid may be requested via the IBP Pro Bono Portal or by contacting the relevant IBP Chapter. The **IBP National Center for Legal Aid Department** may also be contacted.
3. **University of the Philippines Office of Legal Aid (OLA)** – administers the clinical education program of the University of the Philippines and provides free legal assistance to indigent litigants.
4. **Unified Legal Aid Service (ULAS)** - requires each lawyer to deliver at least 60 hours of free legal assistance every three years in favor of those unable to access adequate and proper legal services due to financial constraints. Only qualified beneficiaries may request legal aid under the ULAS Rules.

D. Other Resources

The Philippines does not have directories for legal representation.

E. Disclaimers

- a. The information in the above write-up is provided only for general guidance and is not intended to be taken as legal advice. Readers and/or users should refrain from acting on the above information without first seeking independent legal advice.
- b. The availability of legal aid and assistance is subject to the law and policy of each jurisdiction.
- c. No warranty is made as to the accuracy and timeliness of the information provided.