



Republic of the Philippines
NATIONAL STATISTICS OFFICE

J. BACAN
file

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MEMORANDUM CIRCULAR No. 2009 - 03

To : ALL CITY/MUNICIPAL CIVIL REGISTRARS (C/MCRs),
REGIONAL DIRECTORS (RDs), PROVINCIAL
STATISTICS OFFICERS (PSOs), and OFFICERS IN
CHARGE (OICs)

Subject : Documents to be submitted in lieu of the required
Certificate of Finality involving Court Decrees/
Decisions/Orders

A Certificate of Finality is prepared and issued, upon proper request, by the clerk of court of the court which rendered the decision, after having thoroughly examined the records of the case and after finding that the subject decision has indeed become final and executory, no appeal thereto having been seasonably filed. Under such circumstance, the issuance of the said certificate is purely ministerial devolving upon the clerk of court, in which the extraordinary writ of *mandamus* can be availed of in case of refusal to issue the same for no valid reasons at all.

Such extraordinary remedy, need not be taken when the finality, existence and content of a judgment or final resolution may still be proven by documents other than the certificate of finality or a copy of the decision itself, to wit:

1. A copy of the entry of judgment.

This entry of judgment certifies that a decision has been rendered, as well as sets out its dispositive portion or *falla*, referring to that part of judgment which actually settles and declares the rights and obligations of the parties and is the subject of execution. This document likewise indicates the date of finality or the date when the decision was entered in the book of entries of judgments.

2. An official publication of the decision, in case the same was issued by the Court of Appeals or the Supreme Court.



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Court decisions, being public documents, may be evidenced not only by certified copies but also by official publications (Rule 132, Sec. 24, Revised Rules on Evidence). Final decisions and resolutions of the CA are published in the *Official Gazette*, while those of the Supreme Court are officially published in the *Philippine Reports*.

3. Writ of Execution.

Execution is a remedy afforded by law for the enforcement of a judgment. Its object is to attain satisfaction of the judgment on which the writ is issued. The court issues the writ on motion of the winning party upon the finality of the judgment or order sought to be enforced. The only portion of the decision that becomes the subject of execution is that ordained/decreed in the dispositive part.

4. Certificate of No Opposition/Appeal issued by the Office of the Solicitor General (OSG), Court of Appeals (CA) or the Supreme Court (SC).

These certificates show that no appeal has been taken on the decision/resolution issued by the lower court after the expiration of the period allowed by law when appeal may be perfected. Hence, the decision/resolution has become final and executory by mere lapse of time.

Take for instance the case of Adoption of Liza de Leon-Profeta and Nestor de Leon in 1982, securing a Certificate of Finality proved to be unavailing since the Pasay City Court which rendered the judgment had been gutted by fire as a result of which all the records pertaining to the case involving their adoption were destroyed and beyond reconstruction.

For said reason the adopters instead of a Certificate of Finality submitted certifications from the CA and OSG proving that the decision involving the de Leon children had not been appealed. These Certifications are considered substantial compliance with the requirement of the law on registration of court decrees including but not limited to adoptions.

Furthermore, under Administrative Order No. 1, Series of 1993, otherwise known as the implementing Rules and Regulations of Act No. 3753 and Other Laws on Civil Registration, Rule 50 thereof, "In case of court decree/order concerning the status of a person, it shall be the duty of the clerk of court to advise the successful petitioner to have the decree/order registered in the civil registrar's office where the court is functioning, within ten (10) days after the decree/order has become final."


In view of the aforementioned provision, clearly a Certificate of Finality is not indispensable that in the absence thereof annotation of the decision/decreed is no longer possible. A certificate of finality is required only for purposes of determining if the court order/decision/decreed has already attained finality. However, the law did not specifically require the submission of said certificate for the simple reason that the decision/order/decreed's finality may be proven by other documents/certifications from concerned agencies of the government.

However, in order that the Certifications from the CA and OSC can be accepted in lieu of the required Certificate of Finality, the following must be present:

1. The certified true copy of the court order/decreed/decision signed by the judge can be presented;
 2. The court order/decreed/decision was promulgated atleast ten years or so ago; and
 3. The Certificate of Finality could no longer be issued for causes beyond human control such as destruction of court files due to fire, flood, typhoon and other occurrences of similar nature.
5. Reproduced copy of the court order/decreed/decision duly certified by the Records Management and Archives Office with regard to those rendered by the defunct Juvenile and Domestic Relations Court (JDRC).

Submission/presentation of any of the enumerated documents shall be accepted as substantial compliance with the requirements of this Office in the registration of court decrees.

For the guidance and immediate implementation of all parties concerned.


CARMELITA N. ERICITA
Administrator

October 5, 2009

MCP/MCP/IDF