



REPUBLIC OF THE PHILIPPINES
PHILIPPINE STATISTICS AUTHORITY

Reference No. 21CRS02-02-0210

MEMORANDUM CIRCULAR NO. 2021-04

TO : ALL CITY/MUNICIPAL CIVIL REGISTRARS/OICs
ALL PHILIPPINE FOREIGN SERVICE POST
OFFICIALS AND STAFF
ALL CONCERNED PSA OFFICIALS AND
EMPLOYEES

SUBJECT : Local or Philippine Notarization of Affidavits
in lieu of Certificates of Legal Capacity to
Contract Marriage

Date : 26 March 2021

It has come to our attention that most of the foreign embassies and consular offices in the Philippines have suspended notarization of the issued affidavits in lieu of Certificates of Legal Capacity to Contract Marriage due to the threat of the Coronavirus disease 2019 (COVID-19) pandemic. As a result, most of the foreign citizens who wish to marry in the Philippines cannot process their application for marriage license.

The Family Code of the Philippines requires a Certificate of Legal Capacity to Contract Marriage for foreign citizens who wish to marry in the Philippines, viz:

Art. 21. When either or both of the contracting parties are citizens of a foreign country, it shall be necessary for them before a marriage license can be obtained, to submit a certificate of legal capacity to contract marriage, issued by their respective diplomatic or consular officials.

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Also, the Philippine government has generally accepted affidavits (samples are hereto attached) which attest that the foreign citizens are legally capable of entering into marriage since they are sufficient compliance with the requirement provided by the above-mentioned provision of the Family Code.

In this regard, what is only required by the Philippine law is for a Certificate of Legal Capacity to Contract Marriage to be issued directly by the diplomatic or consular officials. There is no express mandate under any law and/or rule that the said Certificate should only be notarized before the diplomatic or consular offices. Therefore, the same rule should be applied for affidavits in lieu of Certificates of Legal Capacity to Contract Marriage.

Furthermore, the Anti-Red Tape Authority (ARTA) emphasizes the necessity of streamlining and simplifying the procedural and documentary requirements for government transactions under the new normal.

With the current situation and in compliance with the existing laws, rules and regulations, notarization locally or in the Philippines of these affidavits is now allowed during the pandemic.

For your information and strict compliance.



DENNIS S. MAPA, Ph.D.

Undersecretary

National Statistician and Civil Registrar General

LBM/MBG/RDF

**AFFIDAVIT IN LIEU OF CERTIFICATE OF LEGAL CAPACITY TO
CONTRACT MARRIAGE FOR U.S. CITIZENS**

Republic of the Philippines

Before me, _____ (Notary Public) personally appeared the undersigned who, being duly sworn, states:

1. My name is _____, of legal age, and I am a citizen of the United States of America;

2. I hold U.S. passport# _____, issued on _____; issued at U.S. Department of State;

3. I am a legal resident of (state) _____;

4. My address while in the Philippines is _____;

5. _____ I have never been married; OR

_____ I have been married _____ times previously. All previous marriages have been legally terminated.

(Signature)

SUBSCRIBED AND SWORN to before me on _____ (DATE).

Notary Public

Notary SEAL

AFFIDAVIT OF MARITAL STATUS

I, *(name and surname)*, make oath and say as follows:

The following is information about myself:

Surname

All forenames
(as shown on passport)

Male/Female

Date of Birth

Place of Birth

Usual Address

Occupation

All forenames and surname of Father

All forenames and surname of Mother

Mother's maiden name

British passport number

Date and place of issue of passport

Marital Status

If divorced, date and place of issue of decree absolute

If widowed, date and place of death of previous spouse

I am not under 18 years of age or [I am under 18 years of age but the consent of the persons whose consent to the marriage is required by law has been obtained] or [I am under 18 years of age but there is no person whose consent to the marriage is required by law]

A marriage is proposed to be solemnised between me and *(name and surname of partner)* of *(usual address)* a *(nationality of partner)* National at *(place of marriage)* on *(date of marriage)*.

I am free to enter into this proposed marriage and believe that there is not any impediment by reason of kindred or alliance, or other lawful hindrance, to this proposed marriage.

Sworn at *British Embassy Manila*)

This day of 20.....)

Before me *(name of witness)*.....)

.....
(Signature of deponent)

Consular Officer at *British Embassy Manila*

.....
Signature and official seal of witness