



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