Global Privilege and Professional Secrecy Guide - Philippines

01 - Discovery

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# What disclosure/discovery is required in litigation?

Under the Philippine Rules of Civil Procedure, where a party has not been served with interrogatories, they generally cannot be compelled by the other party to give testimony in court or a deposition pending appeal. The exception to this is where a court allows the testimony or deposition for good cause and to prevent a failure of justice.

The Philippine Supreme Court has issued guidelines requiring litigants to make use of interrogatories to parties, requests for admission by adverse parties, and depositions. In civil cases, within one day from receipt of the complaint, the court should issue an order requiring the parties to avail themselves of: (i) interrogatories to parties; and (ii) requests for admission by the adverse party of the genuineness of any material and relevant document and the truth of any material and relevant matter of fact; or (iii) at their discretion, make use of depositions or other measures. Such other measures may include the production or inspection of documents or things upon the motion of any party showing good cause, or the examination of the physical or mental condition of a party where this is an issue in controversy.

In practice, however, these rules are not strictly enforced by Philippine courts.

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