

Republic of the Philippines }
FOURTEENTH CONGRESS }
First Regular Session }

SENATE

Bill No. 1308

Introduced by Senator FRANCIS G. ESCUDERO

EXPLANATORY NOTE

It is undeniably a State policy to promote and maintain a responsive civil registration system equipped with efficient and simple sets of procedure for the listing of vital occurrences and characteristics of a person such as birth, marriage, death and judicial and administrative orders.

This bill is but in accord with the above State policy. It provides for a comprehensive registration system of an individual's civil status. Such comprehensiveness involves a detailed enumeration of the powers and functions of Civil Registrars as well as the procedures involved in registration.

In view of the foregoing, the undersigned earnestly seeks the immediate passage of this bill.



FRANCIS G. ESCUDERO

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Introduced by Senator FRANCIS G. ESCUDERO

AN ACT
PROVIDING FOR A MORE RESPONSIVE CIVIL REGISTRATION SYSTEM

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. Short Title. - This Act shall be known as the "Civil Registration Act of 2007".

SEC. 2. Declaration of Policy. - The State shall promote and maintain a more responsive civil registration system. Towards this end, standardization and modernization of registration procedures is necessary to establish the identity of the individual for administrative and legal purposes. Moreover, efficient and simplified procedures in recording vital events must be applied in civil registration for the benefit of the general public.]

SEC. 3. Coverage. - This law shall embrace all acts affecting the civil status of persons in the Philippines and all Filipinos abroad.

SEC. 4. Definition of Terms. - (a) "Civil Registration" refers to the continuous, permanent and compulsory documentation of occurrence and characteristics of vital events, including any modifications thereof during the lifetime of a person, namely births, deaths, marriages, judicial and administrative orders and legal instruments.

- (b) "Civil Register" refers to the various civil registry books where events and judicial decrees concerning the civil status of persons are recorded, and to related certificates and documents kept in the archives of the Local Civil Registry Office, Philippine Consulates, National Statistics Office and Shari'a District or Circuit Courts.
- (c) "Civil Registry Documents" refers to all certificates and documents relating to civil status of persons which are recorded and kept in the archives of the Local Civil Registry Office, Philippine Consulates, National Statistics Office and Shari'a District or Circuit Courts.
- (d) "Civil Registrar General" refers to the head of the National Statistics Office.
- (e) "Civil Registrar" refers to the head of the Local Civil Registry Office (LCRO) or the City or Municipal Civil Registrar (C/MCR), the Consul General, Consul or Vice Consul and the Clerk of Shari'a District or Circuit Courts.

- (f) "District or Circuit Registrar" refers to the Clerk of Shari'a District or Circuit Court performing civil registration functions with regard to Muslim marriages, divorces, revocations of divorce and conversions under Title VI, Book Two of Presidential Decree No. 1083, otherwise known as the Code of Muslim Personal Laws.
- (g) "Barangay Civil Registration System" refers to a strategy to facilitate civil registration at the barangay level where all the barangay officials shall assist the C/MCR in civil registration work, as provided for under Section 394(d)(5), Republic Act No. 7160, otherwise known as the Local Government Code of the Philippines.
- (h) "Legal Instruments" refers to the affidavits/affirmations pertaining to civil registration.

SEC. 5. Duties and Functions of the Civil Registrar General. - The Civil Registrar General shall have the following duties and functions:

- (a) Enforce the provisions of this Act;
- (b) Prepare and issue rules and regulations pertaining to civil registration;
- (c) Exercise technical direction and supervision over the C/MCRs and other local civil registry officers;
- (d) Give orders and instructions to the C/MCRs on civil registration;
- (e) Endorse for investigation any complaint for violation of this Act and all irregularities to the local chief executive and other duly authorized agencies;
- (f) Reproduce and issue documents under its custody and prepare and order the printing of necessary forms; and
- (g) Determine and prescribe standard fees for civil registry documents.

SEC. 6. Duties of the City/Municipal Civil Registrar (C/MCR). - The appointment of the C/MCRs shall be mandatory for city and municipal governments. The C/MCR shall be responsible for the civil registration programs in the local government unit (LGU) concerned pursuant to this Act and other pertinent laws and implementing rules and regulations. The C/MCR shall develop plans and strategies and upon approval thereof by the governor or mayor, as the case may be, implement the same, particularly those which have to do with civil registry programs and projects which the mayor is empowered to implement and which the sanggunian is empowered to provide for. The C/MCR shall:

- (a) Register all registrable events occurring within their jurisdiction;
- (b) File registrable certificates and documents presented to them for entry;

- (c) Compile the registrable certificates and documents monthly and prepare and send any information required of them by the Civil Registrar General;
- (d) Issue certified transcripts or copies of any certificate or document registered upon payment of the proper fees;
- (e) Order the binding, properly classified, of all certificates or documents registered during the year;
- (f) Send to the Civil Registrar General, within the first ten (10) days of each month, a copy of entries made during the preceding month;
- (g) Index all entries to facilitate search and identification in case any information is required;
- (h) Administer oaths for civil registry purposes free of charge;
- (i) Accept all registrable documents and judicial decrees/orders affecting the civil status of persons;
- (j) File, keep and preserve in a secured place the books required by law;
- (k) Transcribe and enter immediately upon receipt all registrable documents and judicial decrees affecting the civil status of persons in the appropriate civil registry books;
- (l) Receive applications for the issuance of a marriage license and, after determining that the requirements, supporting certificates and publication thereof for the prescribed period have been complied with, issue the license upon payment of the authorized fee to the treasurer;
- (m) Coordinate with the Office of the Civil Registrar 1 General (OCRG) in conducting educational campaigns for vital registration and assist in the preparation of demographic and other statistics for the LGU concerned;
- (n) Recommend to the Civil Registrar General systems and procedures relative to the formulation of policies, rules and regulations on civil registration;
- (o) Submit status reports on the condition of civil registry documents filed in the civil registry office whenever there are changes in the previous status of files;
- (p) Observe faithful compliance to rules and regulations pertaining to civil registration;
- (q) Reconstruct destroyed civil registry records upon compliance with the requirements and procedures established by the OCRG; and
- (r) Make available at all times the civil registry forms in the C/MCR office.

SEC. 7. *Civil Registry Book.* – The C/MCRs shall keep and preserve in their offices the following books in which they shall accordingly enter the proper record concerning the civil status of persons: (1) Register of Births; (2) Register of Foundlings; (3) Register of Deaths; (4) Register of Marriages; (5) Register of Court Decrees or Orders; (6) Register of Legal Instruments; (7) Register of Applications for Marriage License; (8) Register of Conversions to Islam; (9) Register of Muslim Divorces; (10) Register of Revocations of Muslim Divorces; (11) Register of Indigenous Cultural Communities or Indigenous Peoples (ICCs/IPs) Marriage Dissolutions; (12) Register of ICCs/IPs Revocations of Marriage Dissolutions; and (13) Register of Administrative Orders.

SEC. 8. *Registration and Certification of Birth.* – The declaration of the physician, midwife, nurse, attendant at birth, or in default thereof, the declaration of either or both parents or any person who has knowledge of the facts of birth of the newborn child shall be sufficient for the registration of birth in the civil register. The duly accomplished Certificate of Live Birth (COLB) containing the above declaration shall be submitted for registration to the C/MCR of the place where the birth occurred within thirty (30) days from the date of birth by the person making the declaration. The COLB shall declare the following: (a) name of the child; (b) sex; (c) date of birth; (d) place of birth; (e) name of mother; (f) name of father; (g) citizenship of the mother; (h) citizenship of the father; (i) date of marriage of parents; (j) place of marriage of parents; and (k) such other data as required in the regulation to be issued.

Abandoned children or foundlings whose parents, guardians or relatives are unknown, or children committed to an orphanage or a charitable institution with unknown facts of birth and parentage, shall be registered by the finder or charitable institution concerned within thirty (30) days from the date of finding or commitment of the child with the C/MCR of the place where the child was found. A person who has not been registered with the C/MCR of the place where such person was born within the prescribed period of thirty (30) days may be allowed delayed registration.

A deceased person's birth may also be registered on a delayed registration basis by his/her nearest kin. However, the informant and affiant must show authentic proof of the identity of the person registered, the facts of his/her birth and parentage, and other relevant data.

Out-of-town registration of birth may be allowed.

The record of a person's birth shall be kept strictly confidential and no information relating thereto shall be issued except upon request by any of the following:

- (a) The concerned person or any person authorized by him/her;
- (b) The person's spouse, parent/s or direct descendants, or guardian or institution legally in-charge of him/her, if such person is a minor;
- (c) The court or proper public officials, when deemed absolutely necessary in administrative, judicial or other official proceedings to determine the identity of the person's parents or other circumstance surrounding his/her birth; or

(d) The nearest kin, in the case of deceased persons.

SEC. 9. *Registration and Certification of Death.* - No human body shall be buried unless the proper death certificate has been presented and recorded with the C/MCR. The physician who attended to the deceased or, in his default, the health officer concerned, or in default of the latter, any member of the family of the deceased, or any person having knowledge of the death, shall report the same to the local health authorities who shall issue a death certificate and shall order the same to be recorded with the C/MCR. The death certificate shall be accomplished by the attending physician or, in his default, by the proper health officer. It shall contain the following data which may be furnished by the person reporting the death: (a) full name of the deceased; (b) sex; (c) age; (d) civil status; (e) nationality; (f) date of death; (g) place of death; (h) cause of death; and (i) such other data that may be required.

The surname used by the deceased person, when still living, will be the surname to be used in the death certificate. Registration shall be made within thirty (30) days from the time of death with the C/MCR of the place where the death occurred.

In the absence of the health officer or his authorized representative in the place of registration, or when it is a nonworking day and the health officer or his authorized representative is not expected to be in his/her office, the death should be reported within forty-eight (48) hours after its occurrence by the nearest kin of the deceased or by any person having knowledge of the death to the mayor, any member of the sangguniang bayan, or the municipal secretary, who shall issue and sign the medical certification portion of the Certificate of Death for burial and registration purposes.

When the death is under medico-legal examination, or where a case of death is under investigation by the National Bureau of Investigation (NBI) or other investigative agency of the government, and where the body of the deceased is subjected to an autopsy or examination by the medico-legal officers and the deceased has not been registered in the place of death, the head of the NBI or other investigative agency or their authorized representative shall cause the registration of such death through the health officer of the city or municipality where the death occurred. The medico-legal officer shall accomplish and sign the medical certification of the Certificate of Death.

Registration of fetal death shall follow the same procedures in the registration of death. A death not registered within the prescribed thirty (30) day period may be allowed delayed registration with the C/MCR of the place where the death occurred.

Out-of-town registration of death may also be allowed.

SEC. 10. *Registration of Marriage License.* - The local civil registrar concerned shall enter all applications for marriage licenses filed with him/her in a registry book strictly in the order in which the same are received. He/she shall record in said book the names of the applicants, the date on which the marriage license was issued and such other data as may be necessary.

SEC. 11. *Application for Marriage License.* – All applications for marriage license shall be governed by the pertinent provisions of Executive Order No. 209, otherwise known as the Family Code of the Philippines, as amended.

SEC. 12. *Registration and Certification of Marriage.* – All civil officers, priests, ministers, wali, imam and tribal leaders authorized to solemnize marriage shall send four copies of the Certificate of Marriage for registration with the C/MCR of the place where the marriage was solemnized within fifteen (15) days after the marriage. Marriages exempt from the license requirement shall be registered within thirty (30) days after the marriage in the city or municipality where it was solemnized.

A person whose marriage has not yet been registered with the C/MCR of the place where the marriage was solemnized or celebrated may be allowed delayed registration.

Out-of-town registration of marriage may also be allowed.

SEC. 13. *Multiple Registration.* – In cases of multiple registration of birth, marriage or death, the first duly registered document shall prevail. However, in cases of multiple marriages occurring to the same parties, it shall be the first valid marriage that shall prevail.

SEC. 14. *Registration of Solemnizing Officers.* – Except as may otherwise be provided by law or existing rules, all solemnizing officers shall be registered with the Office of the Civil Registrar General. The C/MCRs may assist the local chief executive in determining documents pertaining to the existence of religious sects.

SEC. 15. *Registration of Court Orders.* – In case a court issues an 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 order registered with the C/MCR of the place where the court is functioning. If a person other than the petitioner shall register the order, the C/MCR shall verify if the copy of the order is authentic. Unverified copies shall be refused registration. The LCRO where the event of the order was registered shall forward a certified true copy of the order to the C/MCR where the event affected was originally registered. The latter shall make the proper annotations in the document and in the applicable registry book. He/she shall likewise send a certified true copy of the annotated document and the registered court order to the OCRG. Each corrected document shall be reported to the OCRG during the usual reporting month. All court orders shall be registered within fifteen (15) days after its finality. Registration after the prescribed period shall be considered delayed registration.

All court orders shall be effected through annotations in the civil registry document except in adoption cases where the child shall be entitled to the issuance of an amended birth certificate.

SEC. 16. *Registration of Adoption.* – After the court decision on an adoption has become final and executory, the Original Certificate of Live Birth shall be amended. An amended certificate of live birth of the adopted shall be issued by the C/MCR of the place where the birth of the adopted child was recorded. It

shall have the same entries as those appearing in the original records of birth, except for the following items of information:

- (a) Name of the adopted – the first name of the adopted child shall be the same as that in the original certificate of live birth unless the order of adoption carried an order changing it to another name. The middle name of the adopted child shall be the same as the middle name of the adopter, except when the husband and the wife jointly adopted the child, in which case, the middle name of the adopted shall be the surname of the adopting mother. The surname of the adopted child shall be that of the adopter. If the husband and wife jointly adopt the child, the adopted child shall use the surname of the adopting father.
- (b) Names of parents – the names of the natural parents of the adopted child shall be substituted by the names of the adopting parents whose names shall be indicated in the appropriate spaces in the amended certificate of live birth as the father or mother, as the case may be; and
- (c) Other information – other information about the adopting parents such as citizenship and religion shall be indicated in the appropriate spaces in the amended certificate of live birth, including the date and place of marriage of the adopting parents, in cases where the husband and wife jointly made the adoption. In case the adopted child is a foundling, the basis for issuance of an amended certificate of live birth shall be the court order.

SEC. 17. *Registration of Presumptive Death.* – A judicial order or decree declaring a person presumably dead shall be registered with the C/MCR of the place where the first marriage was registered. Annotations for the purpose of contracting a subsequent marriage shall be recorded in the marriage register as well as in the marriage certificate.

SEC. 18. *Registration of Court Orders Decided Abroad.* – All foreign court orders involving civil status of persons shall be registered in the LCRO of Manila.

SEC. 19. *Registration of Legal Instruments.* – As a general rule, all legal instruments shall be registered in the civil registry of the place where they were executed except the following:

- (a) Affidavit of reappearance – where the parties to the subsequent marriage are residing;
- (b) Marriage settlement – where the marriage was recorded; and
- (c) Admission of paternity, acknowledgment, legitimation, voluntary emancipation of minor, artificial insemination – where the birth of the child was recorded. All legal instruments executed abroad shall be registered in the LCRO of Manila including all legal instruments which may be executed in the Philippines if the vital events referred to in the latter instruments occurred in a foreign country and are duly registered with the Philippine Consulate. All legal instruments shall be effected through annotation in the civil registry document.

SEC. 20. *Registration of Affidavit of Reappearance.* – A sworn statement of the facts and circumstances of reappearance shall be recorded in the civil registry office of the residence of the parties to the subsequent marriage at the instance of any interested person, with due notice to the spouses of the subsequent marriage and without prejudice to the fact of reappearance being judicially determined in case such fact is disputed.

SEC. 21. *Registration of Affidavit of Acknowledgment or Affidavit of Admission of Paternity.* – It shall be the duty of the parent/s who executed the affidavit of acknowledgment or of admission of paternity to send the original copy of the affidavit to the C/MCR where the birth of the child was registered, for registration in the Register of Legal Instruments and proper annotation in the Register of Births.

SEC. 22. *Authorization or Ratification of Artificial Insemination.* – Children conceived as a result of artificial insemination of the wife with the sperm of the husband or that of a donor or both shall be considered legitimate children of the husband and wife: *Provided,* That both of them authorized or ratified such insemination in a written instrument executed and signed by both of them before the birth of the child. The instrument shall be recorded in the civil register together with the birth certificate of the child.

SEC. 23. *Option to Elect Philippine Citizenship.* – The option to elect Philippine citizenship in accordance with Section (3), Article IV of the Constitution shall be expressed in a statement to be signed and sworn to by the party concerned before any officer authorized to administer oaths, and shall be filed and registered with the C/MCR of the place where the instrument was executed. Election of Philippine citizenship executed, subscribed and sworn to before a Consular Officer of the Philippine Embassy abroad, together with the oath of allegiance, shall be registered with the LCRO of Manila.

SEC. 24. *Registration of Repatriation.* – The instrument of repatriation and the oath of allegiance to the Constitution and the government of the Philippines shall be filed with the C/MCR of the place where the instrument was executed: *Provided,* That if the Philippine citizenship is reacquired by naturalization, the order of the court granting citizenship shall be recorded in the Register of Court Order.

SEC. 25. *Registration of Muslim Filipinos, Indigenous Cultural Communities (ICCs) or Indigenous Peoples (IPs) and Children in Need of Special Protection (CNSP).* – Muslims Filipinos, ICCs/IPs and CNSP, by reason of their sociocultural, religious and peculiarities shall be registered as follows:

- (a) Muslim Filipinos civil registration shall be governed by Presidential Decree No. 1083, Executive Order No. 157 and Administrative Order No. 1, Series of 2005.
- (b) ICCs/IPs civil registration shall be governed by Republic Act No. 8371 and Administrative Order No. 3, Series of 2004.
- (c) CNSP civil registration shall follow the procedures provided under OCRG Memorandum Circular 2004-01 and other promulgations by the

OCRG in coordination with the Department of Social Welfare and Development and other concerned agencies.

SEC. 26. *Barangay Civil Registration System (BCRS).* – All elected or appointed barangay officials shall assist in the civil registration within their area of jurisdiction through the BCRS. The OCRG shall issue guidelines governing the implementation of the System.

SEC. 27. *Civil Registry Documents are Public Documents.* – The registry books making up the civil register and all documents relating thereto shall be considered public documents and shall be *prima facie* evidence of the truth of the facts therein contained. They shall be open to the public during office hours and shall be kept in a secured place that shall be furnished to the civil registrar at the expense or thru the funds of the municipality concerned. The civil registrar shall not, under any circumstances, permit any document entrusted to his/her care to be removed from his/her office, except upon lawful order of the court, in which case the proper receipt shall be secured. The civil registrar may issue certified copies of any documents filed upon payment of proper fees fixed by municipal ordinance.

SEC. 28. *Expense of the Office of the Civil Registrar.* – All expenses in connection with the establishment and operations of the civil registrar's office shall be paid out of municipal funds and for this purpose, the sanggunian of municipalities or cities concerned shall make the necessary appropriation available.

SEC. 29. *Fees.* – Registration of births, 1 foundlings, deaths and marriages is mandatory and compulsory and shall be free of charge. For registration of court orders, legal instruments and registrable administrative orders, a standard fee shall be collected. The LGU may collect reasonable service fees. For issuance of copies of civil registry documents, a standard fee shall be collected.

SEC. 30. *False Statements.* – Any person who shall knowingly make false statements in the forms furnished and present the same for entry in the civil registers shall be penalized in accordance with law.

SEC. 31. *Failure to Report and other Violations.* – Any person whose duty is to report any fact concerning the civil status of persons and who knowingly fails to perform such duty, or any person violating the provisions of this Act shall be punished in accordance with law. Any civil registrar who fails to properly perform his/her duties in accordance with the provisions of this Act or of the regulations issued there under shall be punished in accordance with law. Any violation of the preceding provisions shall be penalized by imprisonment of one year or a fine ranging from Five thousand pesos (PhP5,000.00) to Ten thousand pesos (PhP10,000.00), or both, at the discretion of the court. The attending physician, nurse, midwife, hospital administrator or any person in charge of the certificate of live birth who knowingly fails or withholds the delivery of copies of the certificate to the C/MCR shall be penalized by imprisonment of not more than six months or a fine of not more than Five thousand pesos (PhP5,000.00), or both, at the discretion of the court.

Any officer, priest or minister who: (1) Solemnizes marriage without being authorized by the Civil Registrar General; (2) Upon solemnizing marriage,

refuses to exhibit his authorization when called upon to do so by the parties, their parents or guardians; (3) Authorizes the immediate solemnization of a marriage that is subsequently declared illegal by his church, religion or sect, the regulations and practices of which require bans or publications previous to the solemnization of marriage; or (4) Solemnizes marriage in violation of the provisions of this Act, shall be punished with imprisonment ranging from six months to three years, or a fine ranging from One thousand pesos (PhP1,000.00) to Five thousand pesos (PhP5,000.00), or the revocation of his/her authority to solemnize marriage, or all three penalties or combination thereof, at the discretion of the court. Any officer, priest or minister who fails to deliver copies of the certificate of marriage to the C/MCR within the period fixed by law shall be punished by imprisonment of not more than six months, or by a fine of not more than Five thousand pesos (PhP5,000.00), or both, at the discretion of the court.

SEC. 32. *Mandatory Review.* – This Act shall undergo a mandatory review of its provisions by Congress every ten (10) years.

SEC. 33. *Separability Clause.* – If any part or provision of this Act shall be held to be invalid or unconstitutional, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

SEC. 34. *Repealing Clause.* – All laws, rules, regulations, orders, memoranda or circulars inconsistent with this Act are hereby revoked, repealed or modified accordingly.

SEC. 35. *Retroactivity.* – This Act shall have retroactive effect insofar as it does not prejudice or impair vested or acquired rights.

SEC. 36. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in any two national newspapers of general circulation.

Approved,