

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon city

Fifteenth Congress
Third Regular Session



COMMITTEE REPORT NO. 2279

Submitted by the Committee on National Cultural Communities on 30 JUL 2012

Re: House Bill No. **6419**

Recommending its approval in substitution of House Bill Nos. 4701 and 5184

Sponsors: Representatives Teddy Brawner Baguilat, Jr., Luzviminda C. Ilagan and Rufus B. Rodriguez

Mr. Speaker:

The Committee on National Cultural Communities to which were referred **House Bill No. 4701**, introduced by Representatives Rodriguez (R.), Rodriguez, (M.), Bagasina, Mercado-Revilla, Vergara, Catamco and Climaco, entitled:

“AN ACT PROVIDING FOR THE FREE BIRTH REGISTRATION OF INDIGENOUS PEOPLES”

and **House Bill No. 5184** introduced by Representatives Ilagan, De Jesus, Baguilat Jr., Sarmiento, Zamora-Apsay, Umali (R.), Casiño, Palatino and Vergara, entitled:

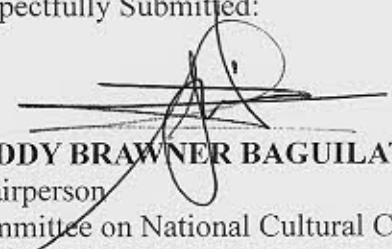
“AN ACT PROVIDING FOR A FREE AND CULTURE-SENSITIVE CIVIL REGISTRATION SYSTEM FOR INDIGENOUS PEOPLES AND FOR OTHER PURPOSES”

has considered the same and recommends that the attached House Bill No. **6419** entitled:

“AN ACT PROVIDING FOR A FREE AND CULTURE-SENSITIVE SYSTEM OF REGISTRATION CONCERNING THE CIVIL STATUS OF INDIGENOUS PEOPLES AND FOR OTHER PURPOSES”

be approved, in substitution of House Bill Nos. 4701 and 5184, with Reps. Rodriguez (R.), Rodriguez (M.), Ilagan, De Jesus, Bagasina, Mercado-Revilla, Baguilat, Sarmiento, Vergara, Catamco, Zamora-Apsay, Umali (R.), Climaco, Casiño, Palatino and Padilla as authors thereof.

Respectfully Submitted:


TEDDY BRAWNER BAGUILAT, JR.
Chairperson
Committee on National Cultural Communities

The Honorable Speaker
House of Representatives
Quezon City

FACT SHEET

House Bill No. **6419**
(As Approved on June 4, 2012)

“AN ACT PROVIDING FOR A FREE AND CULTURE-SENSITIVE SYSTEM OF REGISTRATION CONCERNING THE CIVIL STATUS OF INDIGENOUS PEOPLES AND FOR OTHER PURPOSES”

Introduced by: Representatives Rodriguez (R.), Rodriguez (M.), Ilagan, De Jesus, Bagasina, Mercado-Revilla, Baguilat, Sarmiento, Vergara, Catamco, Zamora-Apsay, Umali (R.), Climaco, Casiño, Palatino and Padilla

Committee Referral: Committee on National Cultural Communities

Committee Chairperson: Rep. Teodoro Brawner Baguilat Jr.

OBJECTIVES:

- To encourage the participation of the country's indigenous peoples (IPs) in the civil registration system
- To recognize and validate indigenous cultural practices on birth, marriage, dissolution of marriage and death

KEY PROVISIONS:

- Provides for a culture-sensitive civil registration system for IPs
- Provides that both timely and late registration of acts and events concerning the civil status of indigenous peoples, particularly on birth, marriage, dissolution of marriage and death, be rendered free of charge
- Provides that the reports by the IPs themselves or their parent/s or by the concerned tribal priest/elder/leader/doctor/midwife concerning birth, marriage, dissolution of marriage and death, which were attended to or were conducted following their traditional cultural practices be acceptable upon the Local Civil Registry Office without requiring for any additional documents
- Mandates that the National Statistics Office (NSO) shall issue for free a Certificate of Registration of Authority to Solemnize Marriage (CRASM) to IPs who are recognized by their respective indigenous communities as competent persons to solemnize marriage
- Amends the existing civil registry forms to ensure uniformity of all civil registry documents

RELATED LAWS:

- Republic Act No. 3753, otherwise known as the Civil Registry Law
- Republic Act No. 8371, otherwise known as the Indigenous Peoples Rights Act of 1997

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
Third Regular Session

House Bill No. 6419
(Substitute to HB Nos. 4701 and 5184)

Introduced by Representatives Rodriguez (R.), Rodriguez (M.), Ilagan, De Jesus,
Bagasina, Mercado-Revilla, Baguilat, Sarmiento, Vergara, Catamco, Zamora-
Apsay, Umali (R.), Climaco, Casiño, Palatino and Padilla

**AN ACT PROVIDING FOR A FREE AND CULTURE-SENSITIVE
SYSTEM OF REGISTRATION CONCERNING THE CIVIL
STATUS OF INDIGENOUS PEOPLES AND FOR OTHER
PURPOSES**

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

1 **SECTION 1. *Short Title.***- This Act shall be known as the "Free and Culture-
2 Sensitive Indigenous Peoples Civil Registration System Act of 2012."

3 **SEC. 2. *Coverage.***- This Act shall apply to all indigenous peoples (IPs) defined
4 in Section 3 hereof, regardless of their present religion, including those who have
5 converted to Islam.

6 **SEC. 3. *Definition of Indigenous Peoples.***- Indigenous Peoples refer to a group
7 of people or homogeneous societies identified by self-ascription and ascription by
8 others, who have continuously lived as organized community on communally bounded
9 and defined territory, and who have, under claims of ownership since time immemorial,
10 occupied, possessed and utilized such territories, sharing common bonds of language,
11 through resistance to political, social and cultural inroads of colonization, non-
12 indigenous religions and cultures, became historically differentiated from the majority

1 of Filipinos. The IPs shall likewise include peoples who are regarded as indigenous on
2 account of their descent from the populations which inhabited the country, at the time of
3 conquest or colonization, or at the time of inroads of non-indigenous religions and
4 cultures, of the establishment of present state boundaries, who retain some or all of their
5 own social, economic, cultural and political institutions, but who may have been
6 displaced from their traditional domains or who may have resettled outside their
7 ancestral domains.

8 **SEC. 4. *Culturally-sensitive Civil Registration System.***- Within one (1) month
9 from the effectivity of this Act, the National Statistics Office (NSO), in collaboration
10 with the National Commission for Indigenous Peoples (NCIP), Philippine Association
11 of Civil Registrars, National Commission on Culture and the Arts (NCCA), and
12 distinguished anthropologists and selected elders and leaders of IPs, shall establish an
13 Indigenous Peoples Civil Registration System (IPCRS) that is sensitive and appropriate
14 to the unique cultural practices and identification systems of IPs: *Provided*, That the
15 IPCRS shall be harmonized with existing laws and systems on civil registry.

16 **SEC. 5. *Ethnicity details in the civil registry documents.***- The IPCRS shall take
17 into account the various ethnic affiliations of the IPs in the country. For this purpose,
18 the NSO Administrator, acting as the Civil Registrar General, instead of issuing separate
19 forms for the IPCRS, shall cause the amendment of the existing civil registry forms, for
20 uniformity of all civil registry documents to ensure acceptability by end-user agencies
21 or institutions of the facts and information contained in said documents and ease of
22 establishing filial bonds between or among parent or parents and child.

23 **SEC. 6. *Free Civil Registration for Indigenous Peoples.***- Any provision of law
24 to the contrary notwithstanding, IPs shall be exempted from the payment of all fees in
25 connection with the recording of their birth, marriage and death at the Local Civil

1 Registry Office and such exemption shall extend to any fine or fee for late registration.
2 They are likewise exempted from the payment of notarial fees and documentary stamp
3 tax in cases where the recording of the birth, marriage or death requires the execution of
4 affidavits or sworn statements and similar documents.

5 **SEC. 7. Report of birth by the parents or tribal doctor or tribal midwife**
6 **conclusive upon the Local Civil Registrar.-** In recording the birth of IPs delivered in
7 the traditional customs and practices of the indigenous community, the report as to the
8 circumstances of the birth by any of the parents or by the tribal doctor or tribal midwife
9 who attended to the delivery shall be conclusive upon the Local Civil Registrar (LCR)
10 without need for further proof. The procedures and requirements set forth in Section 5
11 of Act No. 3753, or the Civil Registry Law, shall apply only in cases where the child
12 was delivered in a hospital or birthing center and was attended to by a physician or
13 midwife.

14 **SEC. 8. Report of marriage performed in accordance with customary**
15 **indigenous laws and practices and dissolution of marriage.-** The report of marriage
16 among and between IPs solemnized in accordance with customary laws, rites, traditions
17 and practices by the person duly authorized to perform the ritual or ceremony and by the
18 parties to the marriage shall be conclusive upon the LCR without need for further proof.
19 For this purpose, the NCIP shall submit to the NSO a list of IPs recognized by each
20 indigenous community to solemnize marriage according to its customary laws or
21 practices. The NSO shall issue a Certificate of Registration of Authority to Solemnize
22 Marriage (CRASM) to such IPs for free.

23 In the case of indigenous communities whose traditional marriage ceremony
24 does not require the presence of a solemnizing officer, as determined by the NCIP, the
25 report by the contracting parties shall be conclusive upon the LCR without need for

1 further proof except personal confirmation, orally or in writing, by any of the parents or
2 by a tribal leader or elder of the indigenous community to which any of the spouses
3 belongs. For this purpose, the NCIP shall furnish the NSO and the LCRs with a list of
4 indigenous communities falling under this paragraph: *Provided*, That pending the
5 submission of such list, the oral or written confirmation of the tribal leader or elder shall
6 be conclusive upon the LCR.

7 The dissolution of marriage of IPs following customary indigenous laws and
8 practices shall be directly recorded with the LCR without need of court intervention:
9 *Provided*, That such facts and information shall be confirmed orally or in writing by a
10 tribal leader or elder of the indigenous community to which any of the spouses belongs.

11 **SEC. 9. *Report of death by any member of the family or by a tribal doctor.-***

12 The report as to the circumstances of death of IPs by any member of the family of the
13 deceased or by the tribal doctor in attendance during such death shall likewise be
14 conclusive on the LCR without need of further proof. Section 6 of Act No. 3753 shall
15 apply only when the death happened in a hospital and was attended to by a physician.

16 **SEC. 10. *Exemption from the prescribed period for reporting.-*** All rules and
17 regulations, orders and circulars which prescribe a period for reporting to the LCR the
18 birth, marriage or death of any person shall not apply to the IPs.

19 **SEC. 11. *Establishing the membership of a person to an indigenous***
20 ***community.-*** In the absence of any identifying document, the self-ascription or
21 ascription by any of the parents or tribal leader or elder shall suffice to establish the
22 identity of IPs when applying with the LCR for recording birth, marriage or death.

23 **SEC. 12. *Establishing facts and information about the personal circumstances***
24 ***of IPs in late registration.-*** In late registration, the narration of facts and information
25 made by IPs regarding personal circumstances, such as name, name of parent or parents,

1 or date and place of birth, shall be conclusive upon the LCR without need of execution
2 of an affidavit: *Provided*, That such facts and information shall be confirmed personally
3 by any of the parents or by a tribal leader or elder of the indigenous community to
4 which the applicant belongs. The confirmation may be oral or written.

5 **SEC. 13. *Roster of tribal leaders and elders and medicine men and women.-***

6 To facilitate the verification of reports of birth, marriage and death made or filed by IPs,
7 the LCRs, in coordination with the NCIP, shall keep and continually update a roster of
8 IPs who are authorized or recognized by the indigenous community concerned to
9 solemnize marriage in accordance with customary laws or practices, including the tribal
10 leaders or elders and medicine men or women of the IPs in their respective areas of
11 jurisdiction. A compilation of such rosters shall be kept in the central office and in the
12 regional and provincial offices of the NCIP.

13 **SEC. 14. *Registration of tribal name as official name.-*** In the registration of

14 birth, the LCR shall register the name, regardless of form, such as a single name only
15 without middle or family name, preferred by IPs or by the parents or parent of the child.
16 For those whose parent or parents had been Christianized or had converted to Islam or
17 other religions, the LCR shall also indicate in the birth registration form, if the
18 applicant, parents or parent so desires, the chosen Christian, Muslim or non-IP name
19 which shall serve as the "also-known-as" name of the child.

20 **SEC. 15. *Registration campaign for IPs.-*** Within two (2) years upon the

21 effectivity of this Act, in compliance with the country's obligations under the United
22 Nations Convention on the Rights of Children and such other international protocols,
23 conventions and treaties to which it is a party, LCRs and concerned local government
24 units shall conduct within their areas of jurisdiction, in coordination with the NCIP,
25 periodic civil registration campaigns targeting the IPs in far-flung communities. The

1 NSO and NCIP shall extend administrative and technical assistance in the conduct of
2 mobile registration campaigns for the IPs.

3 **SEC. 16. *Information and education campaigns.***- The NSO and NCIP, in
4 coordination with the Department of the Interior and Local Government (DILG), other
5 agencies of the national government and the civil registry offices of local government
6 units shall conduct information and education campaigns to encourage IPs to avail of or
7 participate in the IPCRS.

8 **SEC. 17. *Punishable Acts.***- The following acts are prohibited and punishable
9 under this Act:

10 1. Collection of fees, fines or penalties in cash or in kind by any government
11 employee or official or by any person in connection with the civil registration of birth,
12 marriage or death of IPs;

13 2. Inducing IPs to pay in cash or in kind in order to be able to register a birth,
14 marriage or death;

15 3. Misrepresenting oneself as a tribal leader or elder or tribal doctor or midwife
16 of an indigenous community.

17 4. Misrepresenting oneself as a member of an indigenous community.

18 **SEC. 18. *Penalties.***- The prohibited acts enumerated in the preceding paragraph
19 shall be punished in the following manner:

20 1. For the prohibited act mentioned in paragraph 1, a fine of Five Thousand
21 Pesos (P5,000.00) and imprisonment of six (6) months;

22 2. For the prohibited act mentioned in paragraph 2, a fine of Two Thousand
23 Pesos (P2,000.00) and imprisonment of three (3) months; and

24 3. For the prohibited acts mentioned in paragraphs 3 and 4, imprisonment of one
25 year.

1 **SEC. 19. *Implementing Rules and Regulations.***- Within sixty (60) days after
2 the effectivity of this Act, the NSO shall promulgate the necessary rules and regulations
3 for the implementation of this Act.

4 **SEC. 20. *Separability Clause.***- If any portion of this Act is declared as
5 unconstitutional or invalid, the remaining portions not affected thereby shall continue to
6 have force and effect.

7 **SEC. 21. *Repealing Clause.***- Act No. 3753 is hereby amended and modified.
8 All other laws, orders, issuances, rules and regulations which are inconsistent with this
9 Act are hereby repealed or modified accordingly.

10 **SEC. 22. *Effectivity Clause.***- This Act shall take effect fifteen (15) days after
11 its publication in the Official Gazette or in two newspapers of general circulation in the
12 Philippines.

13 Approved,

HOUSE OF REPRESENTATIVES

Introduced by Representative Rufus B. Rodriguez and
Representative Maximo B. Rodriguez, Jr.

House Bill No. 4701

EXPLANATORY NOTE

As of 2009, the estimated population of the Philippines is 92,226,600 people. Various studies place the number of ethnolinguistic groups in the Philippines at over 100, making the country one of the most ethnically diverse in Asia. The 2000 Philippine Census estimates 6.3 million Indigenous Peoples (IPs) belonging to 85 ethnolinguistic group. The National Commission on Indigenous People (NCIP) however, has different data sets based on "unofficial surveys" of population by ethnographic region. An International Labor Organization publication for instance cites NCIP data estimating the number of IPs at 13.5 million. This information is also outdated, being based on the 1996 listings of the defunct Offices of the Southern Cultural Communities and Northern Cultural Communities. These discrepancies are not only due to classification limitations, or other factors, but also because some indigenous peoples have difficulties in registering marriages, births, or deaths. It therefore becomes apparent that many IPs are not registered. Without a legal birth record, an individual does not officially exist and therefore lacks legal access to the privileges and protection of a nation.

Birth registration is not generally known among disadvantaged Filipinos particularly in Indigenous Peoples and underprivileged families with children in need of special protection. Among these groups, birth registration remains insignificant. Many of them understand the implications of non-registration only when they get to experience problems in transactions requiring proofs of name, age or nationality.

This lack of birth registration is often caused by the fact that many of these IPs are indigent and lack the necessary finances to be able to register. There is thus a need to encourage these IPs into registering in order for the State to afford them the necessary protection they deserve.

It is in this light that the immediate passage of this bill is earnestly sought.



RUFUS B. RODRIGUEZ



MAXIMO B. RODRIGUEZ, JR.

FIFTEENTH CONGRESS)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

HOUSE OF REPRESENTATIVES

Introduced by Representative Rufus B. Rodriguez and
Representative Maximo B. Rodriguez, Jr.

House Bill No. 4701

AN ACT
PROVIDING FOR THE FREE BIRTH REGISTRATION OF INDIGENOUS
PEOPLES

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

SECTION 1. *Declaration of Policy* – It is the policy of the State to recognize and promote all the rights of Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs) within the framework of the Constitution. Towards this end, the State shall institute and establish the necessary mechanisms to enforce and guarantee the realization of these rights, taking into consideration their customs, traditions, values, beliefs, their rights to their ancestral domains.

SEC. 2. It is hereby mandated that all the fees arising from or related to the birth registration of all members of ICCs/IPs, timely or otherwise shall be waived.

SEC. 3. All Civil Registrars are hereby enjoined to accept both timely and delayed birth registration of members of ICCs/IPs.

SEC. 4. Any person caught charging any form of fee or payment for the registration of birth in contravention of the provisions of this Act shall be held liable for imprisonment of not more than six (6) months or a fine of not more than Five Thousand Pesos (P5,000) or both.

SEC. 5. *Implementing Rules* – The Department of Interior and Local Government, the National Statistics Office and the National Commission on Indigenous Peoples shall issue such orders, rules and regulations and other issuances as may be necessary to ensure the effective implementation of this Act.

SEC. 6. *Separability Clause* – If for any reason, any part of or provision of this Act is declared unconstitutional or invalid, such parts not affected thereby shall remain in full force and effect.

SEC. 7. *Repealing Clause* – Any law, executive order, letter of instruction, rules and regulations, circulars, issuances or any part thereof inconsistent with any of the provisions of this Act is hereby repealed, modified or amended accordingly.

SEC. 8. *Effectivity* – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,

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Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

FIFTEENTH CONGRESS
Second Regular Session

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HOUSE BILL NO. 5184

Introduced by:

Gabriela Women's Partylist Reps. LUZVIMINDA C. ILAGAN and EMMI A. DE JESUS,
TEDDY BRAWNER BAGUILAT, JR (LP) and MEL SENEN S. SARMIENTO (LP)

EXPLANATORY NOTE

According to the Kalipunan ng mga Katutubong Mamamayan ng Pilipinas (KAMP), there are about 8 million indigenous peoples divided into more or less 100 ethnic groups in the country. Of this number, however, more than a majority can be considered as "undocumented" as their vital events (birth, marriage and death) have been largely unrecorded in the local civil registry.¹ This is affirmed by various studies which reported that "levels of birth registration among the marginalized sectors [including IPs] have been very low".²

Given the legal effects of non-registration, official attempts were made in the past to encourage IPs to report their vital events. On the assumption that the payment of fees had posed some problems for indigent IPs to comply with civil registration, some reforms were instituted to the effect that government waived its collection of fees if the IPs reported their vital events early. But the problem of low registration compliance among IPs has remained.

¹ This is exacerbated by the fact that the government's periodic national census surveys do not include ethnicity such that even the National Statistics Office does not have statistics as to the total IP population of the country. This has given way to estimates that go as high as 18 million (based on 171 ethnolinguistic groupings) to as low as 5 million. The NCIP estimate is 13.5 million which even some IP advocates consider as too high.

² Please see for instance, the PPT presentation of Hufana, Lourdes, Birth Registration System of the Philippines (A Situation Report), National Statistics Office (undated). The study mentioned only "low levels of birth registration". It does not mention of the level of registration among IPs as to their marriage and death. Further, the study does not give figures on the number of "undocumented" IPs but supplies a figure, 23 %, for Moslem (ARMM) compliance in birth civil registration. Assuming that the IPs are more or less similarly situated with the Moslems and using the Moslem level of birth civil registration compliance as watermark, the number of "undocumented" IPs can be safely reckoned to be as high as 75 %.

This goes to show that the problem is not merely a question of inability of the IPs to pay the requisite registration fees. According to KAMP, its causes go beyond the payment of registration fees and have deeper roots.

The extant civil registration system in the country was instituted, via the passage of Act No. 3753 in 1930, when the Philippine government was still under American colonial tutelage. Although this system had undergone several administrative revisions to fit into changing times and conditions, it has retained much of its basically colonial framework. Above the purpose of keeping a record of the inhabitants of the country, it was also geared as a mechanism for "the integration of national cultural communities" into the predominantly Christianized Philippine society. This had unfortunately produced a civil registration system that is not "user-friendly" (to borrow the language of the present electronic age) to IPs.

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To state it in sociological terms, the extant civil registration system in the country is not "sensitive" to the distinct cultural practices, beliefs and traditions of IPs, including their unique identification system.

To illustrate, most IPs do not use clocks. They also do not use the calendar and their territorial boundaries are largely un-delineated. Many of them still reckon time and space in accordance with an oral tradition based on the geologic motions and landmarks of nature. But the civil registration form uses the Western method of reckoning time and dates which causes for the IPs no-small difficulties, if not confusion, in narrating the factual background of their birth, marriage or death. To illustrate further, a number of IPs, such as the Tasadays of Southern Mindanao³, still go around on a "one-name" basis. But the civil registration form, on its face, is patently culturally-biased to a population with Christianized nomenclature, replete with first name, surname and middle name. Moreover, while the form has a space for "Religion" which only admits for answer the mainstream denominations of faith, it has no space for "Ethnicity".

The hidden evil of such bias is that it somehow operates as a pressure on IPs to submit to proselytization. But where cultural affiliation is strong and the IPs refuse to be proselytized, it acts as a cultural fetter to register the vital events and statistics of their lives. As is often the case, they will just move on believing that they can live without having their biographic milestones officially recorded until they run smack into legal corners that demand documented proofs of their existence and status.

The end result of all this is that discrimination is multiplied several times over as to the IPs. Since they do not exist in the contemplation of both domestic and international laws, they cannot access the privileges and protection reserved only to registered citizens of the land or exercise the rights accorded to nationals of a country.⁴ It must be noted that such discrimination

³ The Tasadays, a branch of the Manobo tribe in Southern Mindanao, is a real tribal grouping. They truly exist as a cultural community. What is false, a hoax, was the claim that they still lived in isolation as Stone Age-cave dwellers.

⁴ Under international law, the "undocumented" IPs of the country can fall into the category of "stateless persons".

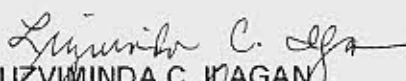
has its worst effects on the children of IPs: without civil registration documents, they are denied admission to, among others, primary education and child health care programs.⁵

Not all of the problems attending the low civil registration compliance among IPs can be resolved in their favor since the extant civil registration system has to observe certain international standards, such as the international standards on time and dates. Besides, as many of those problems involve a cultural dimension, it will take more than legislative action to address them. But legislation must do its part in doing something to remove those cultural curtains that have caused the IPs to shy away from reporting their birth, marriage and death. It is to this that this bill seeks to address the low civil registration compliance of IPs.

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Thus, this bill will not only provide for free civil registration for the IPs. It also seeks to make the civil registration system of the country *culture-sensitive* to IPs in order to open its doors wider for the most marginalized sector of Philippine society. Apart from these, it serves as the country's compliance (please see Section 16 of the bill) to its international obligations and commitments under the United Nations Convention on the Rights of a Child.

In view of the foregoing, the authors of this bill earnestly seek for its urgent and early approval.


LUZVIMINDA C. MAGAN
Gabriela Women's Party


EMMI A. DE JESUS
Gabriela Women's Party


TEDDY BRAWNER BAGUILAT JR.
Lone District-Ifugao, Liberal Party


MEL SENEN S. SARMIENTO
1st District, Western Samar, Liberal Party

⁵ Article 7 of the UN Convention on the Rights of a Child states that "The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and as far as possible, the right to know and be cared for by his or her parents."

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

FIFTEENTH CONGRESS
Second Regular Session

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HOUSE BILL NO. 5184

Introduced by:

Gabriela Women's Partylist Reps. LUZVIMINDA C. ILAGAN and EMMI A. DE JESUS,
TEDDY BRAWNER BAGUILAT, JR. (LP) and MEL SENEN S. SARMIENTO (LP)

AN ACT
PROVIDING FOR A FREE AND CULTURE-SENSITIVE
CIVIL REGISTRATION SYSTEM FOR INDIGENOUS PEOPLES
AND FOR OTHER PURPOSES

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

Section 1. This Act shall be known as the *Free Civil Registration for Indigenous Peoples Act*.

Section 2. Definition of indigenous peoples – This Act adopts the definition of “indigenous peoples” used in Republic Act 8371, also known as the Indigenous Peoples’ Rights Act, and reproduces herein its paragraph h, Section 3:

“Indigenous Cultural Communities/Indigenous Peoples - refer to a group of people or homogenous societies identified by self-ascription and ascription by other, who have continuously lived as organized community on communally bounded and defined territory, and who have, under claims of ownership since time immemorial, occupied, possessed customs, tradition and other distinctive cultural traits, or who have, through resistance to political, social and cultural inroads of colonization, non-indigenous religions and culture, became historically differentiated from the majority of Filipinos. ICCs/IPs shall likewise include peoples who are regarded as indigenous on account of their descent from the populations which inhabited the country, at the time of conquest or colonization, or at the time of inroads of non-indigenous religions and cultures, or the establishment of present state boundaries, who retain some or all of their own social, economic, cultural and political institutions, but who may have been displaced from their traditional domains or who may have resettled outside their ancestral domains.”

Section 3. *Culturally-sensitive civil registration system* – Within a month upon the effectivity of this Act, the National Statistics Office, in collaboration with the National Commission for Indigenous Peoples and in consultation with distinguished anthropologists and selected elders/leaders of indigenous peoples, shall develop a civil registration system that should be sensitive and appropriate to the unique cultural practices and identification system of indigenous peoples; *provided*, that such a civil registration system for indigenous peoples shall be harmonized with existing laws and systems on civil registry. Page | 5

Section 4. *Ethnicity* – The system as mentioned in the immediately preceding Section, including the necessary forms, shall take into account the various ethnic affiliation of indigenous Filipinos.

Section 5. *Preparation and printing of necessary forms* – The Administrator of National Statistics Office, in his/her capacity as the Civil Registrar-General, shall cause the preparation and printing of the forms necessary for the implementation of the civil registration system for indigenous peoples as mentioned in the preceding paragraph.

Section 6. *Free civil registration for indigenous peoples* – Indigenous peoples shall be exempted from the payment of all fees connected with recording their birth, marriage, and death in the Local Civil Registrar. Such exemption extends to late registration and no member of indigenous peoples shall be charged with fines or any fees that correspond to fines for late registration.

Section 7. In the same manner, indigenous peoples shall be exempted from the payment of notarial and documentary fees in cases where recording the birth and marriage of a member of indigenous peoples requires the execution of affidavits or sworn statements and such similar documents.

Section 8. *Report of birth by parents or tribal doctor/midwife conclusive upon the Local Civil Registrar* - In recording the birth of an indigenous child delivered in the traditional ways of indigenous peoples, the report as to the circumstances of the birth by any of the parents or by the tribal doctor/midwife who attended to the delivery shall be conclusive upon the Local Civil Registrar without need of further proof. Section 5 of Republic Act 3753, or the Civil Registry Law, shall apply only in cases where the indigenous child was delivered in a hospital and attended to by a physician or midwife.

Section 9. *Report of marriages performed in accordance with customary indigenous laws and practices* – The report of marriage among and between indigenous peoples performed in accordance with customary indigenous laws and practices by the person authorized to solemnize marriage or by the parties to the marriage shall be conclusive upon the Local Civil Registrar without need of further proof. Also, the dissolution of marriage among indigenous peoples made pursuant to customary indigenous laws and practices can be directly recorded with the Local Civil Registrar without need of court intervention.

notarial fees?
for affidavits
Amended
for sufficiency
of proof

Section 10. *Report of death by any member of the family or tribal doctor* – The report as to the circumstances of death by any member of the family of the deceased member of indigenous peoples or by the tribal doctor in attendance during his/her death shall likewise be conclusive on the Local Civil Registrar without need of further proof. Section 6 of Republic Act 3753, or the Civil Registry Law, shall apply only where the deceased member of indigenous peoples died in a hospital and was attended by a physician.

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Section 11. *Exemption from prescribed period for reporting* - All rules and regulations, orders and circulars issued with the effect of prescribing a period for reporting the birth, marriage and death of any person to the Local Civil Registrar shall not apply to indigenous peoples.

✓ Section 12. *Establishing the membership of a person in an indigenous community* – In the absence of any identifying documents, the self-ascription by a member of indigenous peoples or by his/her parents and by his/her tribal leader/elder shall be enough for establishing the identity of an indigenous person when applying for recording the birth, marriage or death in the Local Civil Registry.

✓ Section 13. *Establishing facts and information about the personal circumstances of members of indigenous peoples in late registration* – The narration of facts and information made by a member of indigenous peoples regarding his/her personal circumstances, such as, in particular, his/her name, the names of his/her father and mother, date of birth, and place of birth, shall be conclusive upon the Local Civil Registrar without need of execution of an affidavit; provided, that such narration of facts and information have been confirmed by any of his/her parents or tribal leader/elder. The confirmation may be oral or written.

✓ Section 14. *Roster of tribal leaders/elders and medicine men and women* - To facilitate the verification of reports of birth, marriage and death made or filed by indigenous peoples, the Local Civil Registrar shall keep a roster of tribal leaders, elders and medicine men or women of the indigenous peoples in their area of jurisdiction.

✓ Section 15. *Prohibition of compulsion to register under Christianized names* - If a member of indigenous peoples is Christianized but decides to record in the Local Civil Register his/her birth in his/her tribal name, the Local Civil Registrar shall record his/her tribal name. The recorded tribal name shall serve as his/her official name; provided, that the LCR shall indicate in the official registration form his/her Christian name which shall serve as the "also-known-as" name of the indigenous person concerned.

Section 16. *Registration campaign for IP children* – Within two years upon the effectivity of this Act, in compliance with our obligations under the United Nations Convention on the Rights of Children and such other international protocols, convention and treaties to which the country is a party, Local Civil Registrars in collaboration with their local government units shall conduct within their areas of jurisdiction periodic out-reach civil registration campaigns that will specially have the children of indigenous peoples as target beneficiaries.

Section 17. *Information campaign* - Local government units shall conduct periodic information campaigns to encourage indigenous peoples to avail of the government program of free civil registration particularly designed to be sensitive to their cultural practices and identification system.

Section 18. *Punishable Acts* - The following acts and omissions are prohibited and punishable under this Act: Page | 7

1. The collection by any government employee or official or by any person of fees or any payment, in cash or in kind, connected with the civil registration of birth, marriage or death of indigenous peoples;
2. Inducing indigenous peoples to pay in cash or in kind in order to be able to register a birth, marriage or death;
3. Misrepresentation by any person that he/she is a tribal leader, elder, or tribal doctor/midwife.
4. Misrepresentation by any person that he is a member of indigenous peoples.

Section 19. *Penalties* - The acts and omissions mentioned in the preceding paragraph shall be punished in the following manner:

1. For the prohibited act mentioned in par. 1, a fine of five thousand pesos and an imprisonment of six months.
2. For the prohibited act mentioned in par. 2, a fine of two thousand pesos and an imprisonment of three months.
3. For the prohibited acts mentioned in pars. 3 and 4, an imprisonment of one year.

Section 20. *Repealing clause* - All laws, orders, issuances, rules and regulations which are inconsistent with this Act are hereby repealed or modified accordingly.

Section 21. *Separability clause* - If any portion of this Act would be declared unconstitutional, the remaining portion shall continue to have force and effect.

Section 22. *Effectivity clause* - This Act shall take effect fifteen (15) days after publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

MEMORANDUM

FOR : The Honorable SPEAKER

THRU : The DEPUTY SECRETARY GENERAL
Committee Affairs Department

Date : 4 June 2012

Re : SPOT REPORT ON THE EXECUTIVE MEETING OF THE COMMITTEE ON NATIONAL CULTURAL COMMUNITIES HELD ON 4 JUNE 2012 AT RVM CONFERENCE ROOM 6, HOUSE OF REPRESENTATIVES

The Committee approved the motion to report out the draft committee report, with the members present as co-authors thereof, on the following measures on civil registration for Indigenous Peoples:

- HOUSE BILL NO. 4701, "AN ACT PROVIDING FOR THE FREE BIRTH REGISTRATION OF INDIGENOUS PEOPLES," introduced by Representatives Rufus B. Rodriguez, Maximo B. Rodriguez, Jr., Catalina C. Bagasina, Lani Mercado-Revilla, Bernardo M. Vergara, Nancy A. Catamco and Maria Isabelle 'Beng' G. Climaco, and
- House Bill No. 5184, "AN ACT PROVIDING FOR A FREE AND CULTURE-SENSITIVE CIVIL REGISTRATION SYSTEM FOR INDIGENOUS PEOPLES AND FOR OTHER PURPOSES," introduced by Representatives Luzviminda C. Ilagan, Emmi A. de Jesus, Teodoro Brawner Baguilat, Jr., Mel Sonen S. Sarmiento, Maria Carmen Zamora-Apsay, Reynaldo V. Umali, Teddy A. Casio, Raymond V. Palatino and Bernardo M. Vergara

Prepared by:

Noted by:

MARLON T. VALENCIA

Acting Committee Secretary

ATTY. PETRA S. MARCOS

Service Director, Cluster VI, CAD

cc: The Deputy Speakers; The Chairman, Committee on Rules; The Secretary General;
The Executive Director, CAD; The Deputy Executive Director, CAD; The Service Director, CASS-CAD