

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

SIXTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 162

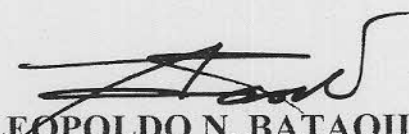


Introduced by Hon. LEOPOLDO N. BATAOIL

EXPLANATORY NOTE

This Bill seeks to provide a more responsive system of civil registration that will sustain the need of a growing population and the increasing complexities of a civilized nation. Moreover, the Bill seeks to standardize and modernize the registration procedures necessary to establish the identity of an individual for administrative and legal purposes. The Bill also aims to establish a more efficient and simplified procedures in recording vital events affecting the identity of an individual for the benefit of the general public.

In view of the foregoing, immediate approval of this measure is earnestly sought.


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Representative, 2nd District of Pangasinan

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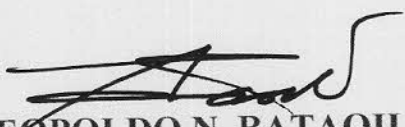
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HOUSE BILL NO. 162

Introduced by Hon. LEOPOLDO N. BATAOIL

**AN ACT PROVIDING FOR A MORE RESPONSIVE CIVIL REGISTRATION SYSTEM
AND FOR OTHER PURPOSES**

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

Section 1. **Short Title.** – This Act shall be known as the "Civil Registration Act of 2012".

Section 2. **Declaration of Policy.** – The State shall promote and maintain for a more responsive civil registration system. Towards this end, standardization and modernization of registration procedures is necessary to establish the identity of an 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.

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

Section 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 shall be recorded and kept in the archives of the Local Civil Registry Office, Philippine Consulates, National Statistics Office, and Shari'a District/Circuit Courts.
- c. Civil Registry Documents – refers to all certificates and documents relating to civil status of person which are recorded and kept in the archives of the Local Civil Registry Office, Philippine Consulates, National Statistics Office, and Shari'a District/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), Consul General/ Consul/Vice Consul or the Clerk of Shari'a District/Circuit Courts.
- f. District/Circuit Registrar – refers to the Clerk of Shari'a District/Circuit Court performing civil registration function 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 City / Municipal Civil Registrar (C/MCRs) in civil registration work, as stated in Section 394 (d) (5) R.A. 7160; otherwise known as the Local Government Code of the Philippines.
- h. Legal Instruments – refer to the affidavits/affirmations pertaining to civil registration.

Section 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 City/Municipal Civil Registrars (C/MCRs) and other Local Civil Registry Officer;
- d. Give orders and instructions to the C/MCRs on civil registration. I
- 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– to prepare and order the printing of necessary forms for its compliance;
- g. Determine and prescribe standard fees for civil registry documents.

Section 6. ***Duties of the City/Municipal Civil Registrar.*** – The appointment of 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 concerned, pursuant to this Act, other existing laws, rules and regulations issued to implement them.

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 same monthly and prepare and sends 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, or digitized of all certificates or documents registered during the year;
- f. send to the Civil Registrar General, during the first ten days of each month, a copy of entries made during the preceding month, for filing in hard and/or soft copies;
- g. index the same to facilitate search and identification in case any information is required;
- h. administer oaths, free of charge, for civil registry purposes;
- 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 and supporting certificates and publication thereof for the prescribed period

have been complied with, shall issue the license upon payment of the authorized fee to the treasurer;

m. coordinate with the Office of the Civil Registrar General in conducting educational campaigns for vital registration and assist in the preparation of demographic and other statistics for the local government unit 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 of 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 following the procedures established by the Office of the Civil Registrar General; and

r. make available at all times the civil registry forms in his office.

Section 7. *Civil Registry Book* – The C/MCRs shall keep and preserve in their offices the following books, in which they shall accordingly make 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 Conversion to Islam; (9) Register of Muslim Divorces; (10) Register of Revocation of Muslim Divorces; (11) Register of ICCs/IPs Marriage Dissolutions; (12) Register ICCs/IPs of Revocation of Marriage Dissolutions; and (13) Register of Administrative Orders.

Section 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 where the birth occurred within thirty (30) days from the date of birth by the aforementioned declaring the following: a.) name of the child; b.) sex; c.) date of birth; d.) place of birth; d.) name of mother; e.) name of father; f.) citizenship of the mother; g.) name of father; 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 foundling, with parents guardian or relatives being unknown, or a child committed in an orphanage or 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 at the C/MCR where the child was found.

A person who has not been registered with the C/MCR where he was born within the prescribed period of thirty days may be allowed delayed registration.

A deceased person's birth may also be registered on a delayed registration basis by his or her nearest kin.

The informant and affiant must show authentic proof of the identity of the person registered, the facts of his birth, his 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 of the following:

a. The concerned person himself, or any person authorized by him;

b. His spouse, his parent or parents, his direct descendants, or guardian or institution legally in-charge of him, if he is a minor;

c. The court or proper public officials' whenever' absolutely necessary in administrative, judicial or other official proceedings to determine" the identity of the child's parents or other circumstance surrounding his birth; and

d. In case of person's death, the nearest kin.

Section 9. **Registration and Certification of Death** – No human body shall be buried unless the proper death certificate has been presented and recorded in the C/MCR.

The physician who attended 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 in the C/MCR.

The death certificate which shall be issued by the attending physician of the deceased or, in his default, by the proper health officer shall contain the following data which shall 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 which 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 in the C/MCR 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 non-working day and the health officer or his authorized representative is not expected to be in his office, the death should be reported within forty-eight (48) hours after its occurrence by the nearest of kin of the deceased or by any person having knowledge of the death to the mayor, or any member of the Sangguniang Bayan or to 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 autopsy or examination of the medico-legal officers and the deceased has not been registered in the place of the death, the head of the NBI or of other investigative agency of his 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 or the certificate of death.

Registration of fetal death shall follow the same procedures in the registration of death.

A person who has not been registered within the prescribed thirty (30) day period may be allowed delayed registration with the C/MCR where he died.

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

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

Section 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.

Section 12. Registration and Certification of Marriage. – All civil officers, priests, ministers, *wali*, *imam* and tribal leaders authorized to solemnize marriage shall send four (4) copies of the certificate of marriage for registration to the C/MCR where the marriage was solemnized within fifteen (15) days after marriage. Marriages exempt from license requirement, shall be registered within thirty (30) days after marriage in the city or municipality where it was solemnized.

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

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

Section 13. Multiple Registration. – In case of multiple registrations of birth, marriage and death, the first duly registered document shall prevail. However, for multiple marriages occurring to the same parties, the first marriage shall prevail, not the first registration.

Section 14. Registration of Solemnizing Officers. – All solemnizing officers shall be registered with the Office of the Civil Registrar General, except those who are not required as may be provided by law or existing rules.

The C/MCRs may assist the Local Chief Executive in determining documents pertaining to the existence of religious sect.

Section 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 in the C/MCR where the court is functioning.

In the case that another person shall register the order other than the petitioner, the C/MCR shall verify if the copy of the order is authentic; otherwise, he shall refuse registration thereof.

The local civil registry office 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 shall likewise send a certified true copy of the annotated document and the registered court order to the Office of the Civil Registrar General.

Each corrected document shall be reported to the Office of the Civil Registrar General during the usual reporting month.

All court order shall be registered within fifteen (15) days upon its finality; otherwise it shall be considered delayed registration.

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

Section 16. Registration of Adoption. – After the court decision on the adoption has become final and executory, the original birth certificate shall be amended. An amended certificate of live birth of the adopted shall be issued by the C/MCR 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 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 name of the natural parents of the adopted child shall be substituted by the names of the adopting parents whose his or her name shall be indicated in the appropriate space in the 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 space of the amended certificate of live birth. The date and place of marriage of the adopting parents shall be entered in the appropriate space of the amended certificate of live birth of the adopted in case 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.

Section 17. **Registration of Presumptive Death.** – A judicial order or decree declaring a person presumably dead shall be registered at the C/MCR where the first marriage was registered. For the purpose of contracting a subsequent marriage, annotation shall be recorded in the marriage register as well as in the marriage certificate.

Section 18. **Registration of Court Orders Decided Abroad.** – All foreign court orders involving civil status of persons shall be registered in the Local Civil Registry Office of Manila.

Section 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;
- 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 Office of Civil Registry in 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 duly registered with the Philippine Consulate.

All legal instruments shall be affected through annotation in the civil registry document.

Section 20. **Registration of Affidavit of Reappearance.** – A sworn statement of the fact and circumstances 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 a fact is disputed.

Section 21. **Registration of Affidavit of Acknowledgment or Affidavit of Admission of Paternity.** – It shall be the duty of parents or parent who executed the affidavit of acknowledgment to send the original copy 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.

Section 22. **Authorization or Ratification of Artificial Insemination.** Children conceived as result of artificial insemination of the wife with the sperm of the husband or that of a donor or both are likewise 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.

Section 23. **Option to Elect Philippine Citizenship.** – The option to elect Philippine citizenship in accordance with Section 1 (3), Article IV of the Constitution shall be expressed in

the statement to be signed and sworn by the party concerned before any officer authorized to administer oaths, and shall be filed and registered at the C/MCR where the instrument was executed.

Election of the Philippine citizenship executed, subscribed, sworn to before the Consular Officer in the Philippine Embassy abroad, together with his oath of allegiance, shall be registered at the Local Civil Registrar of Manila.

Section 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 in the C/MCR where the instrument was executed. However, if the Philippine citizenship is reacquired by Naturalization, the order of the court granting citizenship shall be recorded in the Register of Court Order.

Section 25: **Registration of Muslim Filipinos, Indigenous Peoples (IPs) and Children in Need of Special Protection (CNSP).** – Muslims Filipinos, IPs and CNSP, by reason of their socio-cultural, religious, and peculiarities shall be registered as follows:

- a. Muslim Filipinos civil registration shall be governed by Presidential Decree 1083, Executive Order 157, and Administrative Order No.1, Series of 2005.
- b. Indigenous Peoples civil registration shall be governed by the Republic Act 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.

Section 26. **Barangay Civil Registration System (BCRS).** – All elected and/or appointed barangay officials, shall assist in the civil registration within their area of jurisdiction through the BCRS which the Office of the Civil Registrar General shall issue guidelines governing its implementation.

Section 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 which shall be furnish to the civil registrar at the expense or of the funds of the municipality concerned.

The civil registrar shall not, under any circumstances, permit any document entrusted to his care to be removed from his office, except by lawful order of a court, in which case the proper receipt shall be taken.

The civil registrar may issue certified copies of any documents filed, upon payment of proper fees fixed by the municipal ordinance.

Section 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.

Section 29. **Fees.** – Registration of births, foundlings, deaths and marriages is mandatory and compulsory, hence, shall be free of charge.

For registration of court orders, legal instruments and registrable administrative orders, a standard fee shall be collected.

The local government unit may collect reasonable service fees.

For issuance of copies of civil registry documents, a standard fee shall be collected.

Section 30. **False Statements.** – Any person who shall knowingly make false statements in the forms furnished and shall present the same for entry in the civil registers shall be penalized with an imprisonment, fine or both upon the discretion of the court.

Section 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, and any person convicted of having violated the provision of this Act shall be punished in accordance with law.

Any civil registrar, who fails to properly perform his duties in accordance with the provisions of this Act and of the regulation issued hereunder, shall be punished in accordance with law.

A penalty fee of P5, 000 to P10, 000 or an imprisonment of one year or both shall be imposed for the violation of the preceding provisions.

The attending physician, nurse, midwife, hospital administrator, or any person having been in charge of the certificate of live birth who knowingly fails or withholds the delivery of copies of the certificate of live birth to the city or municipal civil registrar shall be penalized by imprisonment of not more than six months, or by a fine of not more than five thousand pesos, or both, in the discretion of the court.

Any priest or minister solemnizing marriage without being authorized by the Civil Registrar General or who, upon solemnizing marriage, refuses to exhibit his authorization in force when called upon to do so by the parties or parents, grandparents, guardians or persons having charge; and any bishop or officer, priest, or minister of any church, religion or sect the regulations and practices whereof require bans or publication previous to the solemnization of marriage who authorized the immediate solemnization of marriage that is subsequently declared illegal, or any officer, priest or minister solemnizing marriage in violation of the provision of this Act shall be punished with imprisonment of not less than six months month but not to exceed three years, or by a fine not less than one thousand pesos nor more than five thousand pesos or the; revocation of the authority to solemnize marriage, or all three, upon the discretion by the court.

Any officer, priest, or minister who fails to deliver copies of the certificate of marriage to the city or municipal civil registrar 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, or both, in the discretion of the court.

Section 32. **Mandatory Review.** – This Act shall undergo a mandatory review on its provisions every ten (10) years to make the law more responsive to the needs of times. The review shall be made by Congress, which shall conduct public hearings and record relevant testimonies of functionaries in the civil registration system, which shall be the basis of, and amendment or modification of certain provisions.

Section 33. **Separability Clause.** – 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.

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

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

Section 36. **Effectivity.** – This Act shall take effect fifteen (15) days after publication in the Official Gazette or in any two (2) national newspapers of general circulation.

Approved.