

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Constitution Hills, Quezon City

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 4649



Introduced by

REPS. ARLENE D. BROSAS and EMMI A. DE JESUS (Gabriela Women's Party)
CARLOS ISAGANI T. ZARATE (Bayan Muna), ANTONIO L. TINIO and FRANCE L.
CASTRO (ACT Teachers Partylist), ARIEL B. CASILAO (Anakpawis Partylist), and
SARAH JANE I. ELAGO (Kabataan Partylist)

EXPLANATORY NOTE

This bill proposing a free and culture sensitive registration system for indigenous peoples is premised on the following:

- 1) More than 60% of our Indigenous Peoples are unrecorded in our civil registry.
- 2) They have been discouraged to register their biographical milestones (birth, marriage and death) because they find the prevailing registration system as financially prohibitive and 'not friendly' to their unique ways, tradition and culture. For example, our IPs follow a different system for naming members of their tribe or community. Many still use the single cognomen while the prevailing system of registration is designed for the dominant Christianized population (replete with a first name, middle name and last name). Another example, civil registration forms have a space for religion but none for ethnicity which is a factor why this country has no accurate data on our IP population. In addition, marriage in many tribal communities does not have the effect of the wife being legally compelled to use her husband's surname.
- 3) Theoretically, people who are not recorded in the civil registry do not exist in contemplation of law and may come under the international category of 'stateless persons'.
- 4) Unregistered, may IPs, their wives and children have been deprived of certain social services. For example, their children are refused school enrollment because they cannot produce the required birth certificate.
- 5) The deprivation of social services of non-registration aggravates the ethnic discrimination of our IPs.

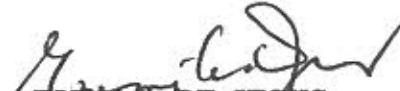
For these reasons, this bill aims to institute a civil registration system for IPs that is free and sensitive to their unique ways, tradition and culture. It has the following main features:

- 1) It provides for a civil registration system that is free from any charge/fines for IPs;
- 2) It provides for a civil registration system that is sensitive to the unique ways, tradition and culture of IPs. In particular, it recognizes and respects their system of naming their members, recognizes the conclusive legal effect of their tribal authorities and elders in officiating marriages and dissolving marriages, and recognizes their elders/tribal doctors/midwives as reportorial authorities in cases of birth and death of IPs;
- 3) It mandates the Philippine Statistics Authority to redesign its civil registry forms in order to achieve the objectives of this Act but harmonized with existing laws and systems in civil registry; and
- 4) It provides for penalties for specified violations of the provisions of this bill.

Gabriela Women's Party filed this proposal for a free and culture sensitive registration system in the 15th and 16th Congresses, and the Committee on Indigenous Cultural Communities and Indigenous Peoples has conducted extensive deliberations, which included a regional consultation with IP communities. This proposed measure is the consolidated version of various measures filed in the 16th Congress.

It is humbly sought that the passage of this bill be considered a priority and passed without delay.


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**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:*

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

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

SECTION. 3. Definition of Indigenous Peoples.- Indigenous Peoples refer to a group of people or homogeneous societies identified by self-ascription and ascription by others, 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 and utilized such territories, sharing common bonds of language, through resistance to political, social and cultural inroads of colonization, non-indigenous religions and cultures, became historically differentiated from the majority of Filipinos. The 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, of 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. 4. Culturally-sensitive Civil Registration System.- Within one (1) month from the effectivity of this Act, the National Statistics Office (NSO), in collaboration with the National Commission for Indigenous Peoples (NCIP), Philippine Association of Civil Registrars, National Commission on Culture and the Arts (NCCA), and distinguished anthropologists and selected elders and leaders of IPs, shall establish an Indigenous Peoples Civil Registration System (IPCRS) that is sensitive and appropriate to the unique cultural practices and identification systems of IPs: *Provided*, That the IPCRS shall be harmonized with existing laws and systems on civil registry.

SECTION. 5. Ethnicity details in the civil registry documents.- The IPCRS shall take into account the various ethnic affiliations of the IPs in the country. For this purpose, the NSO Administrator, acting as the Civil Registrar General, instead of issuing separate forms for the IPCRS, shall cause the amendment of the existing civil registry forms, for

uniformity of all civil registry documents to ensure acceptability by end-user agencies or institutions of the facts and information contained in said documents and ease of establishing filial bonds between or among parent or parents and child.

SECTION. 6. *Free Civil Registration for Indigenous Peoples.*- Any provision of law to the contrary notwithstanding, IPs shall be exempted from the payment of all fees in connection with the recording of their birth, marriage and death at the Local Civil Registry Office and such exemption shall extend to any fine or fee for late registration. They are likewise exempted from the payment of notarial fees and documentary stamp tax in cases where the recording of the birth, marriage or death requires the execution of affidavits or sworn statements and similar documents.

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

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

In the case of indigenous communities whose traditional marriage ceremony does not require the presence of a solemnizing officer, as determined by the NCIP, the report by the contracting parties shall be conclusive upon the LCR without need for further proof except personal confirmation, orally or in writing, by any of the parents or by a tribal leader or elder of the indigenous community to which any of the spouses belongs. For this purpose, the NCIP shall furnish the NSO and the LCRs with a list of indigenous communities falling under this paragraph: *Provided*, That pending the submission of such list, the oral or written confirmation of the tribal leader or elder shall be conclusive upon the LCR.

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

SECTION. 9. *Report of death by any member of the family or by a tribal doctor.*- The report as to the circumstances of death of IPs by any member of the family of the deceased or by the tribal doctor in attendance during such death shall likewise be conclusive on the LCR without need of further proof. Section 6 of Act No. 3753 shall apply only when the death happened in a hospital and was attended to by a physician.

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

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

SECTION. 12. Establishing facts and information about the personal circumstances of IPs in late registration.- In late registration, the narration of facts and information made by IPs regarding personal circumstances, such as name, name of parent or parents, or date and place of birth, shall be conclusive upon the LCR without need of execution of an affidavit: *Provided*, That such facts and information shall be confirmed personally by any of the parents or by a tribal leader or elder of the indigenous community to which the applicant belongs. The confirmation may be oral or written.

SECTION. 13. Roster of tribal leaders and elders and medicine men and women.- To facilitate the verification of reports of birth, marriage and death made or filed by IPs, the LCRs, in coordination with the NCIP, shall keep and continually update a roster of IPs who are authorized or recognized by the indigenous community concerned to solemnize marriage in accordance with customary laws or practices, including the tribal leaders or elders and medicine men or women of the IPs in their respective areas of jurisdiction. A compilation of such rosters shall be kept in the central office and in the regional and provincial offices of the NCIP.

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

SECTION. 15. Registration campaign for IPs.- Within two (2) years upon the effectivity of this Act, in compliance with the country's obligations under the United Nations Convention on the Rights of Children and such other international protocols, conventions and treaties to which it is a party, LCRs and concerned local government units shall conduct within their areas of jurisdiction, in coordination with the NCIP, periodic civil registration campaigns targeting the IPs in far-flung communities. The NSO and NCIP shall extend administrative and technical assistance in the conduct of mobile registration campaigns for the IPs.

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

SECTION. 17. Punishable Acts.- The following acts are prohibited and punishable under this Act:

1. Collection of fees, fines or penalties in cash or in kind by any government employee or official or by any person in connection with the civil registration of birth, marriage or death of IPs;
2. Inducing IPs to pay in cash or in kind in order to be able to register a birth, marriage or death;
3. Misrepresenting oneself as a tribal leader or elder or tribal doctor or midwife of an indigenous community.
4. Misrepresenting oneself as a member of an indigenous community.

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

1. For the prohibited act mentioned in paragraph 1, a fine of Five Thousand Pesos (P5,000.00) and imprisonment of six (6) months;
2. For the prohibited act mentioned in paragraph 2, a fine of Two Thousand Pesos (P2,000.00) and imprisonment of three (3) months; and
3. For the prohibited acts mentioned in paragraphs 3 and 4, imprisonment of one year.

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

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

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

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

Approved,