

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 5645



Introduced by **HON. LUIS RAYMUND "LRAY" F. VILLAFUERTE, JR.**

EXPLANATORY NOTE

The lack of proper birth registration makes our people vulnerable to abuse and exploitation. According to UNICEF, nearly 1.7 million Filipino children do not have birth documents and the country lacks a national child monitoring and reporting system. With that estimated number, there are projected to be around 30,000 – 50,000 children who are displaced each year as a result of armed conflict.

Children in Need of Special Protection (CNSP) is a term used for children born under or placed in difficult and unusual situations, as in those exposed to armed conflict and are at risk or in conflict with the law, among others. These children are normally undocumented due to their unusual setting and due to the neglect and abandonment by their parents – a situation that they were thrust into without choice. The lack of birth registration of the CNSPs isolates them from the current radar of people that the State is supposed to protect.

Our youth become more vulnerable and disadvantaged when coupled with the confusion and discrimination that non-registration brings about to a person. The lack of proper documentation strip the children of their rights and benefits supposedly afforded to them as a citizen had they been properly documented in the first place. It is only right that we take steps to ensure that all Filipinos are properly registered so as to afford each one the protection due to any registered person.

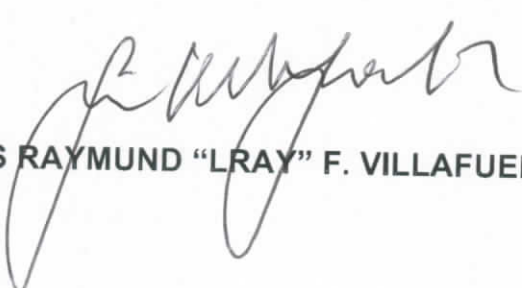
The presence of a proof of birth registration through an improved civil registry ensures protection by the State for those undocumented; it ensures them of safety and dignity that comes with properly being recognized. This not only guarantees the people a sense of safety among everyone else, but this also secures better statistics and a more refined data on birth and civil registry in the country.

As a counterpart bill to Senator Poe's version in the Senate, the bill provides for a process to register those who are unable to. It aims to be proactive and provide for guidelines that address registration problems that normally occur in these cases.

This bill also ensures that the CNSPs are given necessary treatment to the nearest medical facility upon referral.

The State, through its leaders and legislators, is mandated to provide for and protect its citizens—from the time they are born until their unavoidable demise. The nation is there to nurture and care for its people, regardless of sex, status, beliefs and any other forms of discrimination. In the same way that a country gains dignity as a nation through its people, a person should also be able to grow up with dignity and safety in the country they consider their home.

In view of the foregoing, the immediate passage of this bill is earnestly sought.



LUIS RAYMUND "LRAY" F. VILLAFUERTE, JR.

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AN ACT
FURTHER STRENGTHENING THE SYSTEM OF BIRTH REGISTRATION OF
CHILDREN IN NEED OF SPECIAL PROTECTION (CNSP) IN THE PHILIPPINES

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

SECTION 1. Short Title. This Act shall be known as the "CNSP Birth Registration Act of 2017."

SECTION 2. Declaration of Policy. The State shall uphold the right of a child to a name and nationality and to his immediate birth registration as set forth in the United Nations Convention on the Rights of the Child as well as the United Nations Declaration of Human Rights.

The State recognizes the vulnerability of Children in Need of Special Protection (CNSP) and their greater need for care, guidance, and protection.

The State shall likewise safeguard these children from all acts of discrimination arising from the circumstances of their birth and identity.

In this pursuit, the State shall afford their right to legal identity and protection through an effective and responsive birth registration system.

SECTION 3. Definition of Terms. The following words and phrases shall mean:

- (a) "Armed conflict" means any use of force or armed violence between States or a protracted armed violence between governmental authorities and organized armed groups or between such groups within that State: Provided, That such force or armed violence gives rise, or may give rise, to a situation to which the Geneva Conventions of 12 August 1949, including their common Article 3, apply. Armed conflict may be international, that is, between two (2) or more States, including belligerent occupation; or non-international, that is, between governmental authorities and organized armed group or between such groups within a state. It does not cover internal disturbances or tensions such as riots, isolated and sporadic acts of violence or other acts of a similar nature.
- (b) "Birth registration" is the continuous, permanent and universal recording, within the civil registry, of the occurrence and characteristics of births in accordance with the legal requirements of the Philippines.
- (c) "Children in Need of Special Protection" (CNSP) refer to all persons below 18 years of age, or those 18 years old and over but are unable to take care of themselves because of physical or mental disability or conditions; who are vulnerable to or are victims of abuse, neglect, exploitation, cruelty, discrimination, violence (armed conflict, domestic violence), natural calamities, man-made disasters, and other analogous conditions prejudicial to their development, at any given time. CNSP include but are not limited to:
 - a. Sexually/physically-abused children;
 - b. Children in commercial sexual exploitation;
 - c. Children at risk and in conflict with the law;
 - d. Children in situations of armed conflict
 - e. Working children or victims of child labor;
 - f. Children in various circumstances of disability;
 - g. Children directly affected by HIV/AIDS and other sexually-transmitted infections (STIs);
 - h. Street children;
 - i. Children with substance abuse;
 - j. Mentally challenged children;
 - k. Abandoned children/children without primary caregiver;
 - l. Displaced children/refugee children/stateless children;
 - m. Foundlings as defined under Rule 26 of AO No. 01, series of 1993

For purposes of this Act, the term CNSP shall include all children under the defining circumstances of this Section, who may be located in child-care foundations or elsewhere.

- (d) "Child Case Study Report" refers to a written report prepared by a social worker containing all the necessary information about a child.
- (e) "CNSP Certification" refers to the document issued by the DSWD Regional Field Office affirming the CNSP status of the child

- (f) "City or Municipal civil registrar" refers to the head of the local civil registry office of the city of municipality, as the case may be, who is appointed as such by the city or municipal mayor in accordance with the provisions of the existing laws.
- (g) "Disaster" is a serious disruption of the functioning of a community of a society involving widespread human, material, economic or environmental losses and impacts, which exceeds the ability of the affected community of society to cope using its own resources. Disasters are often described as a result of the combination of: the exposure to a hazard; the conditions of vulnerability that are present; and insufficient capacity or measures to reduce or cope with the potential negative consequences. Disaster impacts may include loss of life, injury, disease and other negative effects on human, physical, mental and social well-being, together with damage to property, destruction of assets, loss of services, Social and economic disruption and environmental degradation. Disasters may be further classified as:
 - a. Natural disasters: including floods, hurricanes, earthquakes and volcano eruptions that have immediate impacts on human health and secondary impacts causing further death and suffering from (for example) floods, landslides, fires, tsunamis.
 - b. Environmental emergencies: including technological or industrial accidents, usually involving the production, use or transportation of hazardous material, and occur where these materials are produced, used or transported, and forest fires cause by humans.
 - c. Complex emergencies: involving a break-down of authority, looting and attacks on strategic installations, including conflict situations and war
 - d. Pandemic emergencies: involving a sudden onset of contagious disease that affects health, disrupts services and businesses, and brings economic and social costs.
- (h) "DSWD" shall refer to the Department of Social Welfare and Development Office, including its Regional Field Offices and the social welfare and development offices of the local government units (provincial, city, and municipal).
- (i) "Finder" is any person who finds or rescues a CNSP as defined in this Act
- (j) "Foundling" is a deserted or abandoned infant or a child found, with parents, guardian, or relatives being unknown, or a child committed in an orphanage or charitable or similar institution with unknown facts or birth and parentage
- (k) "Multiple registration" occurs when the same event of birth of the same party is registered more than once. In this case, the presence of the first registration with invalidate the succeeding registrations of the same event. However, if there is a court order invalidating the first registration, the succeeding registration becomes valid and thus, the LCR can legally issue certification of the requested document based on the succeeding registration. Otherwise, the following guidelines should be followed:

- a. Same dates of vital event, different date of registration – issue the one with earlier date of registration
 - b. Same dates of registration but different registry numbers – issue the one with the lower registry number
 - c. Different dates of registration but same registry number – issues the one with the earlier date of registration
 - d. Same entries but different dates of registration and registered in different places – issues the one with the earlier date of registration
- (l) “Negative Certification” is a declaration issued by the Philippines Statistics Authority that they do not possess the requested record of birth
- (m) “Omnibus Certification” is a list issued by the Philippine Statistics Authority indicating whether the individuals whose records are being verified, are in the custody of the PSA. It is commonly issued upon the request of an organization, agency or department
- (n) “Philippine Statistics Authority” was created pursuant to Republic Act 10635 and is the primary agency responsible for all national censuses and surveys, sectoral statistics, consolidation of selected administrative recording systems and compilation of the national accounts. It is constituted from among the existing personnel of the major statistical agencies engaged in primary data collection and compilation of secondary data, i.e., the National Statistics Office; the Technical Staff of the National Statistical Coordination Board; the Bureau of Agricultural Statistics; and the Bureau of Labor and Employment Statistics.

SECTION 4. *Process for Referring a CNSP.* A Finder in custody of a CNSP shall, within forty-eight (48) hours, refer the CNSO to any of the following receiving agencies for documentation and evaluation:

- (a) Nearest Regional Field or Provincial Office of the Department of Social Welfare and Development office or the local social welfare and development divisions; or
- (b) Punong Barangay of the locality where the CNSP was found; or
- (c) Nearest police station; or
- (d) Child-care foundations.

Should the receiving agency determine upon referral that the child needs medical attention, the receiving agency shall immediately bring the child to the nearest medical facility for necessary treatment.

The receiving agency shall thereafter endeavor to determine if the child is without a primary caregiver or guardian or a suitable individual who can have temporary custody of the child. In all instances, the best interest of the child shall be the paramount consideration in choosing his/her guardian.

In the absence of any suitable guardian, the Punong Barangay or the police authority shall facilitate the commitment of the child to the nearest Regional Field or Provincial Office of the Department of Social Welfare and Development office of the local social welfare and development divisions, or to a duly licensed and accredited orphanage or charitable institution.

SECTION 5. *Who shall register a CNSP.* The following are the persons responsible to register a CNSP:

- (a) The licensed social worker who has custody of the CNSP; or
- (b) Those persons or institutions who are in immediate and protective custody of the CNSP.

In both cases, a CNSP Certification issued by the nearest Regional Field Office of the DSWD shall be presented by the custodian of the child when registering.

The persons referred to in this section should first endeavor to gather information from anyone knowledgeable on the matter, as to whether the child has already been registered. Otherwise, data as to the details of the child's birth should be obtained for purposes of filling out the Certificate of Live Birth (COLB).

SECTION 6. *Place of Registration and Reglementary Period.* The registrations of CNSP shall be made in the Local Civil Registry Office (LCRO) where the child was born, if known. If the place of birth is unknown, the registration shall be made in the place where the child was found.

The registration shall be made sixty (60) days from the date of the actual custody of the child by the persons enumerated in Section 5 hereof, except during armed conflicts, emergencies, and disasters, in which case registration shall be made sixty (60) days after the official pronouncement of the cessation thereof.

SECTION 7. *Requirements for the Registration of CNSPs.* The following requirements shall be complied with for the registration of birth of a CNSP:

- (a) Negative Certification from the PSA, or any proof of declaration from the Philippine Statistics Authority (Omnibus Certification). The Omnibus Certification may likewise be coursed through a PSA-accredited Non-Governmental Organization.
- (b) Child case study report prepared by a licensed social worker
- (c) Certification from the nearest DSWD Regional Field Office that the child is a CNSP indicating the following information:
 - a. Name of the child;
 - b. Sex of the child;
 - c. Date of birth;
 - d. Place of birth;

- e. Name of at least one parent; and
- f. Citizenship of parent/s.

For unfilled items in the Certificate of Live Birth (COLB), the word "unknown" is acceptable.

The approximate date of birth of the child may be certified by medical/dental practitioners as proof of age. Such certification shall be provided by the medical/dental practitioner upon presentation of the requirements listed as (a) and (b) of this Section.

SECTION 8. Fees. No fees and other related charges such as processing fees and/or penalties shall be imposed on the registration of births of CNSPs within the reglementary period.

SECTION 9. Multiple Registration. In case of multiple registration of CNSPs, the PSA guidelines on double or multiple registration shall be followed.

SECTION 10. Regular Reporting. The LCR shall submit the list of registered CNSPs to DSWD and PSA every tenth day of the month.

SECTION 11. No Annotations on the COLB. No Annotations shall be indicated on the Certificate of Live Birth of the CNSP. A temporary marking shall be made only for purposes of recording and shall be subsequently erased upon final issuance of the registered COLB.

SECTION 12. Penal Provisions. Any person who refuses to comply with the provisions of this Act or any violation of the preceding Sections fined the amount of Ten thousand pesos (Php 10,000.00) to Thirty thousand pesos (Php 30,000.00), at the discretion of the court, without prejudice to further disciplinary action against the erring officer or medical/dental professional and the suspension of accreditation in the case of institutions.

SECTION 13. Implementing Rules and Regulations. Within ninety (90) days from the effectivity of this Act, the Secretary of the Department of Social Welfare and Development (DSWD) shall, in coordination with the Secretary of the Interior and Local Government (DILG), the Philippine Statistics Authority (PSA), the Council for the Welfare of Children (CWC) and representatives of children's organizations and academic communities, promulgate rules and regulations necessary for the effectivity of this Act.

SECTION 14. Appropriations. To carry out the provisions of this Act, such amount as may be necessary is hereby authorized to be appropriated from the National

Treasury. Thereafter, the amount necessary for the continuous operation of this program shall be included in the annual appropriation of the DSWD, PSA and DILG.

SECTION 15. *Separability Clause.* If any provision or part hereof is held invalid or unconstitutional, the remainder of the law of the provision not otherwise affected shall remain valid and subsisting.

SECTION 16. *Repealing Clause.* Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with any provision of this Act is hereby repealed, modified, or amended accordingly.

SECTION 17. *Effectivity.* This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in at least two (2) newspapers of general circulation, whichever comes earlier.

Approved,