

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City
20TH CONGRESS
First Regular Session

House Bill No. **1416**



Introduced by: **REP. JOEL R. CHUA**

Explanatory Note

This bill seeks to provide for an administrative cancellation of birth certificates fraudulently registered by foreign nationals. During the 19th Congress, a similar Bill was filed by this Representation as a product of the hearings conducted by the Committee on Good Government and Public Accountability. Unfortunately, due to the lack of material time, the same was only approved on 2nd Reading.

This Bill is the same as what was approved on 2nd Reading by the 19th Congress. As such, this Representation reiterates my explanation stated in the original:

A birth certificate is the most basic document a Filipino citizen must have.

It is a document which provides the imprimatur of the State that an individual is a Filipino and opens to the individual vast opportunities unavailable to foreigners, such as practicing a profession, pursuit of certain businesses, or even to run for public office.

Regrettably, recent events have revealed that there are thousands of foreigners who were able to fraudulently secure birth certificates. Since then, the National Bureau of Investigation and Philippine Statistics Authority have been consistently urged by Congress to double-down their investigation on these issuances. Unfortunately, even if our government agencies have already accumulated substantial evidence clearly showing that a foreign national has obtained a birth certificate through fraudulent means, the cancellation of the birth certificate still requires a judicial order.

As such, these foreign nationals shall remain innocent until proven guilty by the courts — a result that will take years before it is attained. This sad state of affairs cannot be allowed to continue.

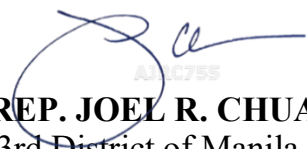
Foreign nationals who have been proven to have acquired birth certificates through fraudulent means should not be given a venue to prolong their stay in the Philippines, or worse, to legitimize their fraudulent birth certificates and their Filipino citizenship. The

persons responsible for causing or facilitating the erroneous entries in our civil registers must also be held accountable. Hence, this bill primarily seeks to provide for an expedited procedure to cancel any birth certificate fraudulently acquired by any foreign national, after due notice and hearing, in order to prevent them from inflicting further harm to our society.

It is time to put an end to these unlawful activities. Being a Filipino citizen should not be so easily acquired or given away by unscrupulous and selfish individuals who only wish to attain Filipino citizenship to fuel their self-interests.

Being a Filipino is something that we should always honor and zealously protect.

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



REP. JOEL R. CHUA
3rd District of Manila

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AN ACT
PROVIDING FOR THE ADMINISTRATIVE CANCELLATION OF BIRTH
CERTIFICATES REGISTERED THROUGH FRAUDULENT MEANS BY
FOREIGN NATIONALS, CREATING A SPECIAL COMMITTEE ON
CANCELLATION OF BIRTH CERTIFICATES AND APPROPRIATING FUNDS
THEREFOR

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

Section 1. Short Title. - This Act shall be known as the "Fraudulent Birth Certificate Cancellation Law".

Section 2. Declaration of Policy. - It is the policy of the State to promote a just and dynamic social order. Towards this end, the State shall enact policies to safeguard and protect the integrity of the most basic information of its people, especially their birth and nationality.

Section. 3. Scope. - This Act shall cover the cancellation of birth certificates registered through fraudulent means by foreign nationals.

Section 4. Special Committee on Cancellation of Birth Certificates. - A Special Committee on Cancellation of Birth Certificates, herein referred to as the "Committee", is hereby created for cancellation of birth certificates registered through fraudulent means by a foreign national. The Committee is composed of the following:

- a) Civil Registrar General of the Philippine Statistics Authority (PSA), as Chairperson; and
- b) Representatives of the Departments of Foreign Affairs, Interior and Local Government, and Justice with a rank of Undersecretary, and the Office of the Solicitor General with a rank of Assistant Solicitor General, as members.

Section 5. Committee Secretariat. - The PSA Board Secretariat shall act as the secretariat of the Committee. The Committee Secretariat shall accept complaints involving birth certificates registered through fraudulent means by foreign nationals, assign docket numbers, schedule hearings, and issue notices thereof.

Section 6. Powers and Functions. - The Committee shall have the following powers and functions:

- a) Formulate rules of procedure concerning the investigation, filing and reception of complaints, conduct of hearings, and appeals involving cancellation of birth certificates registered through fraudulent means by any foreign national;
- b) Conduct clarificatory hearings and investigations on birth certificates registered through fraudulent means by any foreign national;
- c) Issue summon, subpoena, and subpoena duces tecum to secure the production of all necessary evidence concerning cases of birth certificates registered through fraudulent means by foreign nationals such as affidavits, records, testimonies, and other pertinent documents;
- d) Promulgate decisions, after due notice and hearing, concerning complaints of cancellation of birth certificates registered through fraudulent means by any foreign national;
- e) Recommend to the Departments of Foreign Affairs, Justice and the Interior and Local Government, the Ombudsman, and other appropriate agencies the filing of deportation, criminal, civil and administrative cases under existing laws against foreign nationals, private individuals and public officers and employees who have participated in the fraudulent registration of birth certificates of a foreign national; and
- f) Perform such other powers and functions necessary to attain its objectives.

Section. 7. Complaint. - Any person of legal age, including duly authorized representatives of law enforcement agencies, may file with the Committee Secretariat, a verified complaint for the administrative cancellation of a birth certificate registered through fraudulent means by any foreign national. The complaint shall set forth the following:

- a) Name of the foreign national, which shall be sufficient to the extent that such individual is known by such name;
- b) Last known address of the foreign national;

- c) Particulars of the fraudulent birth certificate;
- d) Specific acts, events, and circumstances which establish the illegal acquisition of a birth certificate by the foreign national; and
- e) Such other proof necessary to establish the illegal acquisition of a birth certificate by the foreign national.

Section. 8. Answer. - Within ten (10) days from the filing of the complaint, the Committee Secretariat shall require the foreign national to submit a verified answer to the attached complaint within a non-extendible period of fifteen (15) days from receipt thereof.

Section. 9. Case Report. - Within thirty (30) days from the submission of the verified answer of the foreign national, the Committee Secretariat shall submit to the Committee a report including the case records stating all the pieces of evidence provided by the parties.

Section. 10. Clarificatory Hearing. - Upon receipt of the case report, the Committee may conduct a clarificatory hearing and inquire on any matter to properly decide the case.

Section. 11. Weight of Evidence. - The Committee shall decide on the complaint based on substantial evidence or the amount of relevant evidence that a reasonable person would consider adequate to support a conclusion.

Section. 12. Decision. - The Committee shall evaluate all evidence presented by the parties, and with a vote of at least two (2) Committee members, shall issue a decision to cancel the birth certificate of a foreign national which was registered by fraudulent means within thirty (30) days from receipt of the report from the Committee Secretariat. The decision of the Committee shall be immediately executory pending appeal to the Office of the President.

The decision shall likewise recommend whether criminal, civil, administrative, or deportation proceedings, as the case may be, should be pursued against the foreign national, any person, public officer, or employee who may have participated in the illegal acquisition of birth certificate.

Section. 13. Appeal. - Any person adversely affected by a decision of the Committee may file an appeal with the Office of the President within fifteen (15) days from receipt thereof. The Office of the President shall decide on the appeal within thirty (30) days from the filing of the appeal.

Section. 14. Appropriations. - The amount necessary for the implementation of this Act shall be charged against the current year's appropriations of the Philippine Statistics Authority. Thereafter, such sums as may be necessary for the continued implementation of this Act shall be included in the annual General Appropriations Act.

Section. 15. Implementing Rules and Regulations. - Within ninety (90) days from the approval of this Act, the Committee shall promulgate the pertinent rules and regulations for the effective implementation of this Act.

Section. 16. Separability Clause. - If any provision or part of this Act is declared unconstitutional, the remaining parts provisions not affected shall remain in full force and effect.

Section. 17. Repealing Clause. - All laws, ordinances, orders, rules, regulations and other issuances or parts thereof which are inconsistent with this Act are hereby repealed, amended or modified accordingly.

Section. 18. Effectivity. - This Act shall take effect after fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,