

EIGHTEENTH CONGRESS)
REPUBLIC OF THE PHILIPPINES)
Third Regular Session)



HOUSE OF REPRESENTATIVES

Introduced by Representative Rufus B. Rodriguez

House Bill No. **3829**

EXPLANATORY NOTE

As a signatory to the Convention on the Rights of the Child, considered the most comprehensive statute on the rights of children globally, the Philippines has the duty to ensure that the provisions of the Convention are complied with and that the rights of the child are safeguarded.

Among the important declarations that the Convention provides include:

"Article 2.

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction, without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
2. States Parties shall take all appropriate measure to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardian, or family members.

Article 7.

1. 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.
2. State Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in the field, in particular where the child would otherwise be stateless.

Article 8.

1. States parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.
2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity."

Timely birth registration is a fundamental right of every child. This is expressly laid down in the Convention on the Rights of the Child and enshrined in the Declaration of Human Rights on the right of an individual to his identity and nationality - to which the Philippines adheres to. It is the primary act towards the recognition of an individual by the

State, the onset of establishing his legal identity and the entitlement to the benefits and protection afforded by the State to its citizens.

As the documentary proof of birth registration, a Certificate of Live Birth or Birth Certificate is the primary document which ensures access to basic services such as health and medical assistance, financial grants and education. The Birth Certificate also facilitates the exercise of fundamental freedom rights such as the right to vote and be voted for; right to inherit; seek employment; access social security benefits; buy and own properties and to further secure other documentary identification. It is likewise a necessary document to establish family ties and better opportunities for the child thru the process of adoption

Consequently, an unregistered individual may have limited or no access to the abovementioned entitlements and opportunities. An unregistered child not only will have diminished access to medical, educational and social benefits provided by the State, s/he is likewise susceptible to the abuses on account of minority, such as commercial and sexual exploitation, abuse and human trafficking. Verily, the brunt of non-registration is exponentially greater for the Children in Need of Special Protection (CNSP). To this category belong children who are vulnerable to or are victims of abuse, neglect, exploitation, cruelty, discrimination and violence and other conditions prejudicial to their development.

While Memorandum Circular 2004-01 includes abandoned children under this term, existing issuances (Administrative Order No. 01 Series of 1993 and Memorandum Circular 2011-5) provide for a separate registration structure for foundlings. This has often resulted to both confusion and discrimination of the child. It is in this wise that foundlings, as defined under AO No. 01, is sought to be embraced in the term CNSP and thusly be accorded the same registration process under this Act.

As a vulnerable and disadvantaged group, CNSPs are in greater need of the State's protective arm. The non-registration of their births makes them more invisible to the State's developmental radar that could otherwise include them in priority programs on health, nutrition, education and protection.

As a State Party to the Convention on the Rights of the Child, and obliged to its inherent duty as *Parens Patriae*, it is incumbent upon the State to abide by the UN CRC's primary tenets of advancing and protecting the rights of its children, in consonance with both the domestic and global context. By providing an enhanced framework on birth registration of CNSPs, there is an assurance of wider statistical coverage and improvement in the compliance by all the stakeholders.

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


RUFUS B. RODRIGUEZ

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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 House of Representatives of the Philippines in Congress assembled:

Section 1. Short Title. - This Act shall be known as the "**CNSP Birth Registration Act**".

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 laid down 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 the 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 groups 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:

1. Sexually/physically-abused children;
2. Children in commercial sexual exploitation;
3. Children at risk and in conflict with the law;

4. Children in situations of armed conflict;
5. Working children or victims of child labor;
6. Children in various circumstances of disability;
7. Children directly affected by HIV I AIDS and other sexually- transmitted infections (STIs);
8. Street children;
9. Children with substance abuse;
10. Mentally challenged children;
11. Abandoned children/ children without primary caregiver;
12. Displaced children/refugee children/stateless children;
13. 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 or municipality, as the case may be, who is appointed as such by the city or municipal mayor in accordance with the provisions of existing laws.

(f) "Disaster" is a serious disruption of the functioning of a community or a society involving widespread human, material, economic or environmental losses and impacts, which exceeds the ability of the affected community or 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. Disaster may be further classified as:

1. 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.
2. 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 caused by humans.
3. Complex emergencies: involving a break-down of authority, looting and attacks on strategic installations, including conflict situations and war.
4. Pandemic emergencies: involving a sudden onset of contagious disease that affects health, disrupts services and businesses, and brings economic and social costs.

(g) "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).

(h) "Finder" is any person who finds or rescues a CNSP as defined in this Act.

(i) "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 of birth and parentage.

(j) "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 will 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 this, the LCR can legally issue certification of the requested document based on the succeeding registration. Otherwise, the following guidelines should be followed:

1. Same dates of vital event, different date of registration - issue the one with earlier date of registration.
2. Same dates of registration but different registry numbers - issue the one with the lower registry number.
3. Different dates of registration but same registry number - issue the one with the earlier date of registration.
4. Same entries but different dates of registration and registered in different places - issue the one with the earlier date of registration.

(k) "Negative Certification" is a declaration issued by the Philippine Statistics Authority that they do not possess the requested record of birth.

(l) "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.

(m) "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 CNSP 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 the 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 or 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 registration 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 sourced thru 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:
 - 1. Name of the child;
 - 2. Sex of the child;
 - 3. Date of birth;
 - 4. Place of birth;
 - 5. Name of at least one parent; and
 - 6. 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. Appropriation. 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 or 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 Clause. -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,