

EIGHTEENTH CONGRESS )  
REPUBLIC OF THE PHILIPPINES )  
FIRST REGULAR SESSION )



HOUSE OF REPRESENTATIVES

Introduced by Representative Rufus B. Rodriguez

House Bill No. 2812

EXPLANATORY NOTE

This bill was originally introduced as House Bill No. 4701 during the 15<sup>th</sup> Congress where it was approved by the Committee on National Cultural Communities and substituted with House Bill No. 6419. It was subsequently approved on 2<sup>nd</sup> reading, approved on 3<sup>rd</sup> reading and was transmitted to the Senate where it was not acted upon. It was re-filed during the 17<sup>th</sup> Congress where it was approved by the House of Representatives.

As of 2009, the estimated population of the Philippines is 92,226,600 people. Various studies place the number of ethnolinguistic groups in the Philippines at over 100, making the country one of the most ethnically diverse in Asia. The 2000 Philippine Census estimates 6.3 million Indigenous Peoples (IPs) belonging to 85 ethnolinguistic group. The National Commission on Indigenous People (NCIP) however, has different data sets based on "unofficial surveys" of population by ethnographic region. An International Labor Organization publication for instance cites NCIP data estimating the number of IPs at 13.5 million. This information is also outdated, being based on the 1996 listings of the defunct Offices of the Southern Cultural Communities and Northern Cultural Communities. These discrepancies are not only due to classification limitations, or other factors, but also because some indigenous peoples have difficulties in registering marriages, births, or deaths. It therefore becomes apparent that many IPs are not registered. Without a legal birth record, an individual does not officially exist and therefore lacks legal access to the privileges and protection of a nation.

Birth registration is not generally known among disadvantaged Filipinos particularly in Indigenous Peoples and underprivileged families with children in need of special protection. Among these groups, birth registration remains insignificant. Many of them understand the implications of non-registration only when they get to experience problems in transactions requiring proofs of name, age or nationality.

This lack of birth registration is often caused by the fact that many of these IPs are indigent and lack the necessary finances to be able to register. There is thus a need to encourage these IPs into registering in order for the State to afford them the necessary protection they deserve.

It is in this light that the immediate passage of this bill is earnestly sought.

  
RUFUS B. RODRIGUEZ

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AN ACT  
PROVIDING FOR A FREE AND CULTURE-SENSITIVE CIVIL REGISTRATION SYSTEM  
FOR INDIGENOUS PEOPLES

*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 “Indigenous Peoples Civil Registration System Act”.

SEC. 2. *Coverage.* – This Act shall apply to all Indigenous Peoples (IPs) as defined in Section 3 hereof, regardless of their present religion, including those who have converted to Islam.

SEC. 3. *Definition of Indigenous Peoples (IPs).* – Indigenous Peoples (IPs) refer to a group of people or homogenous 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, nonindigenous religions and cultures, became historically differentiated from the majority of Filipinos. IPs likewise include those who are regarded as indigenous on account of their descent from the populations who inhabited the country at the time of conquest or colonization, or at the time of inroads of nonindigenous religions and cultures, of the establishment of present state boundaries, and who have retained 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.

SEC. 4. *Culturally-sensitive Civil Registration System.* – Within one (1) month from the effectivity of this Act, the Philippine Statistics Authority (PSA), in collaboration with the National Commission on Indigenous Peoples (NCIP), National Commission on Muslim Filipinos (NCMF), 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.

SEC. 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 PSA National Statistician, 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-use agencies or institutions of the information contained in the



documents and ease of establishing filial bonds between or among parent or parents and child.

**SEC. 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 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.

**SEC. 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 custom and practice of the indigenous community, the report as to the circumstances of the birth by any of the parents or by the attending tribal doctor or tribal midwife shall be conclusive upon the Local Civil Registrar (LCR) without need for further proof. The procedures and personal data required 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.

**SEC. 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 or the NCMF, as the case may be, shall submit to the PSA a list of IPs recognized by each indigenous community to solemnize marriage according to its customary laws or practices. The PSA shall issue a Certificate of Registration of Authority to Solemnize Marriage to such IPs, free of charge.

In the case of indigenous communities whose traditional marriage ceremony does not require the presence of a solemnizing officer, as determined by the NCIP or the NCMF, 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 or the NCMF shall furnish the PSA 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 by 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 belong.

**SEC. 9. *Report of Death by Any Member of the Family or by a Tribal Doctor.*** – The report made by any member of an IP's family as to the circumstances of a death within the family, or the report made by the tribal doctor in attendance during such death shall likewise be conclusive upon the LCR without need for further proof. The data required in Section 6 of Act No. 3753 shall apply only when the IP member died in a hospital and was attended to by a physician.

**SEC. 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 and death of any person shall not apply to the IPs.

SEC. 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 by a tribal leader or elder shall suffice to establish the identity of IPs when applying with the LCR for the recording of birth, marriage and death.

SEC. 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.

SEC. 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 and the NCMF, 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 and the NCMF.

SEC. 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 converted into Christianity, 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 are the "alias" or other name/s of the child.

SEC. 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 (LGUs) shall conduct within their areas of jurisdiction, in coordination with the NCIP and the NCMF, periodic civil registration campaigns targeting the IPs in far-flung communities. The PSA, NCIP and the NCMF shall extend administrative and technical assistance in the conduct of mobile registration campaigns for IPs.

SEC. 16. *Information and Education Campaigns.* – The PSA, NCIP and the NCMF, in coordination with the Department of the Interior and Local Government (DILG), other agencies of the national government and the civil registry offices of LGUs shall conduct information and education campaigns to encourage IPs to avail of or participate in the IPCRS.

SEC. 17. *Punishable Acts and Corresponding Penalties.* – The following acts are prohibited and punishable under this Act:

(a) Collecting 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 shall be penalized with a fine of Five thousand pesos (P5,000.00) and imprisonment of six (6) months;

(b) Inducing IPs to pay in cash or in kind in order to be able to register a birth, marriage or death shall be penalized with a fine of Two thousand pesos (P2,000.00) and imprisonment of three (3) months; and



(c) Misrepresenting one's self as a tribal leader or elder or a tribal doctor or midwife or a member of an indigenous community shall be penalized with imprisonment of one (1) year for each act of misrepresentation.

SEC. 18. *Implementing Rules and Regulations.* – Within sixty (60) days after the effectivity of this Act, the PSA shall promulgate the necessary rules and regulations for the implementation of this Act.

SEC. 19. *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.

SEC. 20. *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.

SEC. 21. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in any newspaper of general circulation.

Approved,