

Republic of the Philippines
Autonomous Region in Muslim Mindanao
REGIONAL LEGISLATIVE ASSEMBLY
Cotabato City

SEVENTH LEGISLATIVE ASSEMBLY
Second Regular Session

[MUSLIM MINDANAO AUTONOMY ACT NO. 293]

Begun and held in Cotabato City, on Monday, the fourteenth day of May 2012.

**AN ACT ESTABLISHING FREE BIRTH REGISTRATION IN THE
AUTONOMOUS REGION IN MUSLIM MINDANAO AND
PROVIDING FUNDS THEREFOR.**

Be it enacted by the Regional Legislative Assembly in session assembled.

SECTION 1. Title - This shall be known as “*An Act Establishing Free Birth Registration in the Autonomous Region in Muslim Mindanao and Providing Funds Thereof.*”

SEC. 2. Declaration of Policy-The Autonomous Regional Government of the Autonomous Region in Muslim Mindanao recognizes the importance of immediate birth registration within the region. The autonomous regional government shall also ensure that every constituent has full access to a name, nationality and identity at the time of birth or afterwards. Towards this end, it is therefore a regional policy that no person shall be discriminated on the basis of gender, age, religion, ethnic affiliation, economic capacity, or identity within the autonomous region.

It is also recognized that there are practical impediments to communities acquiring civil documents, including birth registration. Some of these impediments include (1) the lack of understanding within the communities of the value of birth certificates; (2) displaced communities and remote communities that face difficulties in establishing their identity; (3) the real and hidden financial costs to obtain birth certificates; (4) the administrative procedures that are difficult for some communities to fulfill or even appreciate, and (5) Lack of appropriation support from some of the LGUs.

Further, the autonomous regional government shall ensure that every individual shall have full understanding of the significance of being civilly registered at birth or subsequently afterwards, at the nearest local civil registry offices in their respective municipalities or localities free of fees and charges.

SEC. 3. Objectives—The fundamental objectives of this Act are: (a)to ensure that every individual person born in the ARMM is registered and issued with a birth registration documents; (b) to inculcate to every constituent of the autonomous region particularly the parents, the level of awareness in the innate importance of birth registration in accordance with the constitutional mandates and consistent with the Article 7 of the UN Convention on the Rights of the Child; and (c)to overcome practical impediments that hinder the issuance of birth registration documents and mandate its implementation to the Local Civil Registrars and barangay local government units in remote communities.

SEC. 4. Salient Features- The following enumerations are the salient features of this Act.

- (a) Ensure each child or individual person in the autonomous region the inherent right to have a name/identity and nationality as stated inArticle 7 of the UN Convention on the Rights of the Child, as our constitutional rights, in the Civil Code of the Philippines, as revised by EO No. 209 otherwise known as “The Family Code of the Philippines”, and as provided under EO 157;
- (b) Provide each child or individual with a birth certificate as a lifetime credential and requisite for an easy access to state services including social services and education, and be provided special protection from all forms of discrimination and abuses, and shall enjoy equal protection of the law.
- (c) Reduce the cases of late birth registration in the autonomous region; and

SEC. 5 .Definition of Terms - The following terms and phrases as used in this Act are hereby defined as follows:

1. Birth Certificate – a vital record that establishes the birth of a child. It is an official form that gives details on the time and place of a person’s birth, his/her name, sex, mother’s name and father’s name;
2. Foundling Child - is a deserted or abandoned infant or a child found, with parents, guardians, or relatives being unknown, or a child committed in an orphanage or charitable or similar institution with unknown facts of the birth and parentage, or otherwise referred to as abandoned child of unknown parents and place of origin;
3. Illegitimate child –child/children conceived and born outside a valid marriage are illegitimate, unless otherwise provided under the Family Code of the Philippines;

4. On-time birth registration – as referred to in this Act shall mean the filing of registration for live birth within thirty (30) days from date of birth of the infant;
5. Delayed birth registration – refers to filing of live birth registration beyond the thirty (30) days reglementary period.
6. Adult registration – refers to filing of live birth registration by an individual of legal age.
7. Free Birth Registration – the process of filing and registering the live birth information of an infant, a child or an adult individual subject to the implementing rules and regulations of this law free of fees and charges. It covers all classification of live birth registration free from payment of fees and charges.
8. Mobile birth registration service – when the local civil registrars and other supporting agencies visit the communities, especially in remote locations, with a view to raise awareness on the value of birth certificates, assist communities in preparing documents to obtain a birth certificates, processing their application and issuing them a birth certificate at no additional costs and without the communities leaving their Barangays for any related reason.
9. Free birth registration service – either a static or mobile system, but where no costs are borne by the applicant for on-time or late birth registration.
10. Traditional birth attendants – otherwise known as “Hilots”, are traditionally women usually attending in infant delivery of a mother, mostly in remote communities far from hospitals and delivery clinics. Subject to rule 21 on IRR of Act no. 3753 and other laws on Civil Registration, (2) When the birth did not occur in a hospital or clinic or in a similar institution, the physician, nurse, midwife, “hilots”, or anybody who attended to the delivery of the child shall be responsible both in certifying the facts of birth and causing the registration of such birth.
11. Barangay Civil Registration Agent (BCRA) – any person who participated or tasked to do the registration process outside of the office of the local civil registrar such as the Barangay Health Workers, Barangay Secretaries, teachers and traditional birth attendants/hilots.

SEC. 6. Implementing Agencies-The Municipal and City Civil Registrars of the respective municipalities or cities shall perform the duties imposed upon them by this Act.

The primary responsibility for the implementation of this act shall lie with the Local Government unit through its Local Civil Registry Office in respective municipalities and cities, and may be technically and logistically assisted by the following regional departments and line agencies here in the autonomous region stated hereunder, including other entities and private individuals as the case may be;

- (a) Department of Interior and Local Government; shall be the over-all policy and lead implementing agency with direct supervision and control over LGUs in the region.
- (b) National Statistics Office; shall prescribe policies, rules and regulations regarding birth registration and shall be the overall depository of all registration documents from the Local Civil Registry Offices of the region.
- (c) Department of Education; shall be the information dissemination arm of the Local Civil Registrars; hence, they shall temporarily accept and assist elementary enrollees without birth certificates.
- (d) Department of Social Welfare and Development; through their social welfare programs shall assist the Local Civil Registrars to undertake and process free birth registrations.
- (e) Department of Health; through their Rural Health Units and Barangay Health Workers, shall assist in preparing the birth certificate of a new born child. Conduct information dissemination on the primacy of birth registration particularly to pregnant mothers during pre and post-natal consultations programs.
- (f) Local Government Units; shall ensure that its LCR shall be fully operational and equipped with facilities to ensure that all individual person in their respective jurisdiction are registered and issued a birth certificate. This includes the establishment of free and mobile birth registration services in their areas.

- (g) Office of Southern Cultural Communities; shall assist Indigenous Peoples registrants by providing supporting documents such as the attestation/accreditation of tribal marriages with the view to register and be issued with a birth certificate. Provide assistance by gathering data during mobile registrations.
- (h) Public Attorney's Office; shall be responsible for free notarial services for documents of birth registration as being espoused in this Act.
- (i) Bureau of Public Information (BPI-ARMM); shall cause the information dissemination system on the primacy and significance of Birth Registration by any possible means of information campaign all through-out the region, with the support of the Autonomous Regional Government of the ARMM.
- (j) Others; such as international organizations and local NGOs involved in civic and humanitarian advocacies.

SEC. 7. Requirements and Processes – In all cases involving persons born in ARMM, delayed registration beyond thirty (30) days shall be free of registration fees and other charges with a view to ensure that all persons are registered and issued with a birth certificate.

Municipal local civil registry shall travel to remote and far-flung communities on a schedule basis to register communities for free under this Act.

The requirements for this act shall be determined by the Local Registrar Office or shall be in accordance with Act No. 3753, Section 5, Registration and Certification. The declaration of the attending physician or midwife during the delivery, or in absence thereof, by the Barangay Civil Registration Agents such as: traditional birth attendants (“*Hilots*”) or the declaration of either parent of the newly-born child, shall be sufficient for the registration of a birth in the civil register. Such declaration shall be free from any fees and/or charges, be exempted from the documentary stamp tax and sent to the Local Civil Registrar (LCR) not later than thirty (30) days after the birth, by the physician, midwife in attendance at birth, Barangay Civil Registration Agent (BCRA) or by either parent of the newly-born child.

In case of deliveries attended by traditional birth attendants, subsequently after the birth of an infant, the “Hilot” shall (acting in behalf of parent/s), be responsible to execute a declaration pertaining to the information of the newborn infant and send to the local civil registrar, or if residing in remote and far-flung communities, be coursed through the nearest Barangay Health Center or Rural Health Unit or through the barangay chairman and/or barangay secretary or cause the infant and/or child to be registered through the mobile free birth registration services in their communities.

In such declaration, the persons above mentioned shall certify to the following facts consistent with Rule No. 5 of Administrative Order No. 1 Series of 1993 or the IRR of Act No. 3753 and other laws of civil registration:

- (a) Full name of natural children acknowledged;
- (b) Age;
- (c) Date and place of birth;
- (d) Status as to marriage, and residence of the child acknowledged;
- (e) Full name of the natural father or mother who makes the acknowledgement;
- (f) Full name of the notary public before whom the document was acknowledged;
- (g) Full name of witnesses to the documents;
- (h) Date and place of acknowledgment of said documents, and entry and page number of the notarial register in which the same was recorded.

In the case of a foundling child, the person who found the same shall report to the Department of Social Welfare and Development, which shall take custody of the child and exert all necessary effort to locate and identify the child's biological parents. When biological parents could not be found, the DSWD shall decide to evaluate and offer the child to eligible adoptive parents who shall process the child's birth registration. The DSWD shall certify with the local civil registrar the place, date and hour of finding and other attendant circumstances.

In case of an illegitimate child, the birth certificate shall be signed and sworn to jointly by the parents of the infant or only the mother if the father refuses. In the latter case, it shall not be permissible to state or reveal in the document the name of the father who refuses to acknowledge the child, or to give therein any information by which such father could be identified.

SEC. 8. Re-activation of the ARMM Civil Registration Committee and its Budget Appropriations – In view of the need to strengthen the implementation of Free Birth Registration in the ARMM, the ARMM Civil Registration Committee, created by virtue of Administrative Order No. 1, dated June 27, 1996, and as further reorganized and activated under Regional Administrative Order No. 10, Series of 2005, dated September 19, 2005, is hereby re-activated. The composition of the committee shall be; The Regional Secretaries of the DILG-ARMM, DOH-ARMM and DSWD-ARMM, the Executive Director of the RPDO and the Director of the Technical Management Service (TMS) of the Office of the Regional Governor; the Regional Director of NSO-ARMM and such other representative(s) or official(s) of agencies in ARMM which the Committee may appropriately designate. The OCRG/NSO, the Director of the Civil Registration Department of the NSO and the Executive Secretary of the Office of the Regional Governor may serve as consultants.

The ARMM Civil Registration Committee shall serve as the Support Team to carry out and implement the provisions of this Act.

The operation and activities of the Committee shall be funded from regular allocation of the annual budget from the Local Funds to be appropriated to the Department of Interior and Local Government (DILG-ARMM) by the Regional Legislative Assembly pursuant to budgetary processes.

SEC. 9. Barangay Civil Registration System (BCRS) – There shall be established a barangay registration system in all barangays in ARMM to be implemented within thirty (30) days upon the enactment of this law. The National Statistics Office in the ARMM in partnership with DILG and the respective local government units through the Local Civil Registry Office, shall provide the implementation mechanism, trainings of personnel and other activities with allocated funds given to the agencies concerned as supported by the LGU.

The municipal Local Civil Registrar shall deputize the Barangay Chairpersons of remote and far-flung barangays to disseminate information on the importance and significance of On-time Free Birth Registration; receive and hold accountable birth registration forms; cause and undertake the documentation process of free live birth registration for each newborn infants in their community and facilitate the monthly regular transmittal of these birth registry to the municipal local civil registrar (LCR) for approval and issuance of the birth certificates.

SEC. 10. Others – Expenses and fees of the Office of the Civil Registrar - Pursuant to Section 14 of Act No. 3753, also known as “Law On Registry Of Civil Status -All expenses in connection with the mandatory establishment of local civil registrars shall be paid out of municipal funds and for this purpose, municipal councils and boards shall make the necessary appropriation out of their available general funds (Internal Revenue Allotment).

Hence, it shall be mandatory for every municipality in the autonomous region to establish its own Local Civil Registry Office with necessary equipment and logistics.

Local civil registrars may however, request for necessary technical and logistical support including trainings from the regional departments and line agencies concerned, enumerated under Sec. 6 of this Act.

None of these costs or any other related costs incurred normally by the LCR, NSO or other agency in relation to the registration and issuance of birth certificates shall be borne or passed onto the citizenry. This is to ensure that birth registration in ARMM is free of charge.

SEC. 11. Penal Clause – In case of failure to comply with this act, the concerned agencies shall be dealt with in accordance with the law.

SEC. 12. Separability Clause -If any provision of this Act be declared invalid or unconstitutional, the remaining provisions not otherwise affected shall remain in force and effect.

SEC. 13. Effectivity-This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved, January 17, 2013.

(SGD) RASOL Y. MITMUG, JR.
Speaker

This Act was passed by the Regional Legislative Assembly on January 17, 2013.

(SGD) DATU MAMA M. AMPATUAN
Secretary-General

APPROVED:

(SGD) MUJIV S. HATAMAN
Regional Governor

Date: _____