

NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



Senate
Office of the Secretary

'22 JUL 12 A10 :33

SENATE
S. No. 332

RECEIVED BY: _____

Introduced by Senator Grace Poe

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

EXPLANATORY NOTE

The Philippines is a signatory to the Convention on the Rights of the Child which provides the following important declarations:

"Article 2.

- a. 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.

- b. 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.

- a. 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.
- b. 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.

- a. 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.
- b. 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 set forth 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 – treaties to which the Philippines is a signatory. 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. As a component of the civil registration system of a country, it contributes to the effective governance by providing data that will feed into the provision of services and comprises a part of an efficient response to the needs and requirements of the populace.

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 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, violence, and other conditions prejudicial to their development. 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*, the Philippines must 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 compliance by all stakeholders.

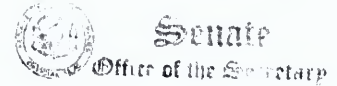
This bill is earnestly recommended for enactment without delay.



GRACE POE

91

NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



'22 JUL 12 A10 :33

SENATE
S. No. 332

RECEIVED BY: _____

Introduced by Senator Grace Poe

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:

1 Section 1. *Short Title.* – This Act shall be known as the “CNSP Birth Registration
2 Act”.

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

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

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

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

13 Sec. 3. *Definition of Terms.* The following words and phrases shall mean:

14 a) *Armed conflict* means any use of force or armed violence between States or a
15 protracted armed violence between governmental authorities and organized
16 armed groups or between such groups within that State: *Provided*, That such
17 force or armed violence gives rise, or may give rise, to a situation to which the

- 1 Geneva Conventions of 12 August 1949, including their common Article 3,
2 apply. Armed conflict may be international, that is, between two (2) or more
3 States, including belligerent occupation; or non-international, that is, between
4 governmental authorities and organized armed groups or between such groups
5 within a state. It does not cover internal disturbances or tensions such as riots,
6 isolated and sporadic acts of violence or other acts of similar nature;
- 7 b) *Birth Registration* is the continuous, permanent and universal recording, within
8 the civil registry, of the occurrence and characteristics of births in accordance
9 with the legal requirements of the Philippines;
- 10 c) *Children in Need of Special Protection (CNSP)* refer to all persons below 18
11 years of age, or those 18 years old and over but are unable to take care of
12 themselves because of physical or mental disability or conditions; who are
13 vulnerable to or are victims of abuse, neglect, exploitation, cruelty,
14 discrimination, violence (armed conflict, domestic violence), natural calamities,
15 man-made disasters, and other analogous conditions prejudicial to their
16 development, at any given time. CNSP include but are not limited to:
- 17 1. Sexually/physically-abused children;
 - 18 2. Children in commercial sexual exploitation;
 - 19 3. Children at risk and in conflict with the law;
 - 20 4. Children in situations of armed conflict;
 - 21 5. Working children or victims of child labor;
 - 22 6. Children in various circumstances of disability;
 - 23 7. Children directly affected by HIV/AIDS and other sexually-transmitted
24 infections (STIs);
 - 25 8. Street children;
 - 26 9. Children with substance abuse;
 - 27 10. Mentally challenged children;
 - 28 11. Abandoned children/children without primary caregiver;
 - 29 12. Displaced children/refugee children/stateless children;
 - 30 13. Foundlings as defined under Rule 26 of AO No. 01, series of 1993.

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

4 d) *Child Case Study Report* refers to a written report prepared by a social worker
5 containing all the necessary information about a child;

6 e) *CNSP Certification* refers to the document issued by the DSWD Regional Field
7 Office affirming the CNSP status of the child;

8 f) *City or Municipal civil registrar* refers to the head of the local civil registry office
9 of the city or municipality, as the case may be, who is appointed as such by the
10 city or municipal mayor in accordance with the provisions of existing laws;

11 g) *Disaster* is a serious disruption of the functioning of a community or a society
12 involving widespread human, material, economic or environmental losses and
13 impacts, which exceeds the ability of the affected community or society to cope
14 using its own resources. Disasters are often described as a result of the
15 combination of: the exposure to a hazard; the conditions of vulnerability that
16 are present; and insufficient capacity or measures to reduce or cope with the
17 potential negative consequences. Disaster impacts may include loss of life,
18 injury, disease and other negative effects on human, physical, mental and social
19 well-being, together with damage to property, destruction of assets, loss of
20 services, Social and economic disruption and environmental degradation.

21 Disasters may be further classified as:

22 1. *Natural disasters*: including floods, hurricanes, earthquakes and volcano
23 eruptions that have immediate impacts on human health and secondary
24 impacts causing further death and suffering from (for example) floods,
25 landslides, fires, tsunamis;

26 2. *Environmental emergencies*: including technological or industrial
27 accidents, usually involving the production, use or transportation of
28 hazardous material, and occur where these materials are produced, used
29 or transported, and forest fires caused by humans;

- 1 3. *Complex emergencies*: involving a break-down of authority, looting and
2 attacks on strategic installations, including conflict situations and war;
3 and
4 4. *Pandemic emergencies*: involving a sudden onset of contagious disease
5 that affects health, disrupts services and businesses, and brings
6 economic and social costs.
- 7 h) *DSWD* shall refer to the Department of Social Welfare and Development Office,
8 including its Regional Field Offices and the social welfare and development
9 offices of the local government units (provincial, city, and municipal);
- 10 i) *Finder* is any person who finds or rescues a CNSP as defined in this Act;
- 11 j) *Foundling* is a deserted or abandoned infant or a child found, with parents,
12 guardian, or relatives being unknown, or a child committed in an orphanage or
13 charitable or similar institution with unknown facts of birth and parentage;
- 14 k) *Multiple Registration* occurs when the same event of birth of the same party is
15 registered more than once. In this case, the presence of the first registration
16 will invalidate the succeeding registrations of the same event. However, if there
17 is a court order invalidating the first registration, the succeeding registration
18 becomes valid and thus, the LCR can legally issue certification of the requested
19 document based on the succeeding registration. Otherwise, the following
20 guidelines should be followed:
- 21 1. Same dates of vital event, different date of registration – issue the one
22 with earlier date of registration;
- 23 2. Same dates of registration but different registry numbers – issue the one
24 with the lower registry number;
- 25 3. Different dates of registration but same registry number – issue the one
26 with the earlier date of registration; and
- 27 4. Same entries but different dates of registration and registered in
28 different places – issue the one with the earlier date of registration.
- 29 l) *Negative Certification* is a declaration issued by the Philippine Statistics
30 Authority that they do not possess the requested record of birth.

1 m) *Omnibus Certification* is a list issued by the Philippine Statistics Authority
2 indicating whether the individuals whose records are being verified, are in the
3 custody of the PSA. It is commonly issued upon the request of an organization,
4 agency or department;

5 n) *Philippine Statistics Authority (PSA)* was created pursuant to Republic Act 10635
6 and is the primary agency responsible for all national censuses and surveys,
7 sectoral statistics, consolidation of selected administrative recording systems
8 and compilation of the national accounts. It is constituted from among the
9 existing personnel of the major statistical agencies engaged in primary data
10 collection and compilation of secondary data, i.e., the National Statistics Office;
11 the Technical Staff of the National Statistical Coordination Board; the Bureau of
12 Agricultural Statistics,; and the Bureau of Labor and Employment Statistics;

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

16 a) Nearest Regional Field or Provincial Office of the Department of Social
17 Welfare and Development office or the local social welfare and development
18 divisions; or

19 b) Punong Barangay of the locality where the CNSP was found; or

20 c) Nearest police station; or

21 d) Child-care foundations.

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

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

29 In the absence of any suitable guardian, the Punong Barangay or the police
30 authority shall facilitate the commitment of the child to the nearest Regional Field or
31 Provincial Office of the Department of Social Welfare and Development office or the

1 local social welfare and development divisions, or to a duly licensed and accredited
2 orphanage or charitable institution.

3 *Sec. 5. Who Shall Register a CNSP.* – The following are the persons responsible
4 to register a CNSP:

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

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

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

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

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

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

- 24 a) Negative Certification from the PSA, or any proof of declaration from the
25 Philippine Statistics Authority (Omnibus Certification). The Omnibus
26 Certification may likewise be coursed thru a PSA-accredited Non-Governmental
27 Organization;
- 28 b) Child case study report prepared by a licensed social worker; and
- 29 c) Certification from the nearest DSWD Regional Field Office that the child is a
30 CNSP indicating the following information:

- 31 1. Name of the child;

- 1 2. Sex of the child;
- 2 3. Date of birth;
- 3 4. Place of birth;
- 4 5. Name of at least one parent; and
- 5 6. Citizenship of parent/s.

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

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

11 Sec. 8. *Fees.* – No fees and other related charges such as processing fees
12 and/or penalties shall be imposed on the registration of births of CNSPs within the
13 reglementary period.

14 Sec. 9. *Multiple Registration.* – In case of multiple registration of CNSPs, the
15 PSA guidelines on double or multiple registration shall be followed.

16 Sec. 10. *Regular Reporting.* – The LCR shall submit the list of registered CNSPs
17 to DSWD and PSA every tenth day of the month.

18 Sec. 11. *No Annotations on the COLB.* – No annotations shall be indicated on
19 the Certificate of Live Birth of the CNSP. A temporary marking shall be made only for
20 purposes of recording and shall be subsequently erased upon final issuance of the
21 registered COLB.

22 Sec. 12. *Penal Provisions.* – Any person who refuses to comply with the
23 provisions of this Act or any violation of the preceding Sections fined the amount of
24 Ten thousand pesos (P10,000.00) to Thirty thousand pesos (P30,000.00), at the
25 discretion of the court, without prejudice to further disciplinary action against the
26 erring officer or medical/dental professional and the suspension of accreditation in the
27 case of institutions.

28 Sec. 13. *Implementing Rules and Regulations.* - Within ninety (90) days from
29 the effectivity of this Act, the Secretary of the Department of Social Welfare and
30 Development (DSWD) shall, in coordination with the Secretary of the Interior and
31 Local Government (DILG), the Philippine Statistics Authority (PSA), the Council for the

1 Welfare of Children (CWC) and representatives of children's organizations and
2 academic communities, promulgate rules and regulations necessary for the effectivity
3 of this Act.

4 Sec 14. *Appropriation.* – To carry out the provisions of this Act, such amount
5 as may be necessary is hereby authorized to be appropriated from the National
6 Treasury. Thereafter, the amount necessary for the continuous operation of this
7 program shall be included in the annual appropriation of the DSWD, PSA and DILG.

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

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

15 Sec. 17. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after
16 its publication in the Official Gazette or in at least two (2) newspapers of general
17 circulation.

Approved,