

**Refugee Review Tribunal
AUSTRALIA**

MRT RESEARCH RESPONSE

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Questions

- 1. Please advise what procedure and evidence is required for registering a birth in the Philippines, in a hospital or at home,**
(a) at the time of the birth and;
(b) several years after the birth.

RESPONSE

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This information was sought from the Department of Foreign Affairs and Trade on 27 March 2009 (RRT Research & Information 2009, Email to DFAT: 'RRT Country Information Request: Philippines – PHL34658', 27 March - Attachment 1)

On the 1st May 2009 DFAT provided the following response:

A) Please advise what current procedures and evidence are required for registering a birth in the Philippines, in a hospital or at home.

All birth certificates should be registered with the regional office where the birth occurred of the Office of the Municipal Registrar.

Information varies slightly dependant on the source, however, the following has been sourced from the municipality web site of Alaminos City
(<http://www.alaminoscity.gov.ph/cityservices/cityservices.aspx?id=31&serviceid=8>)

Person/s who can register a child's birth:

(1) When the birth occurred in a hospital/clinic or similar institution, the administrator shall be responsible for registration. However, it is the attendant who shall certify the facts of birth.

(2) If the birth did not occur in the hospital/clinic or similar institution, the physician, nurse, midwife, manghihiilot, or anybody who attended to the delivery of the child shall be responsible for registration.

(3) In default/absence of the hospital/clinic administrator or attendant at birth, either or both parents of the child can register the birth.

(4) When the birth occurs aboard a vehicle, vessel or airplane while in transit, registration of birth shall be the joint responsibility of the driver, captain or pilot and the parents, as the case may be, and shall be recorded in the civil register of the mother's destination or the usual residence of the mother. The same goes if the birth occurred aboard a vessel/airplane en route to the Philippines and the exact place of birth cannot be ascertained. However, when the child, whose mother/father or both parents are citizens of the Philippines, is born aboard a vessel/airplane en route to another country from the Philippines, or from any country, the birth shall be recorded by the captain/pilot and parents in the Philippine Foreign Service Establishment in the country/destination of the mother.

If the birth occurred within one month, a marriage contract and community tax documents are required. If outside of one month, any two of the following are acceptable documents:

1. Marriage Contract
 2. Baptismal Certificate
 3. Immunization Card
 4. Voters Affidavit
 5. Form 137 (School permanent Record)
 6. Community Tax
- (Source - Official Site of the LGU Siayan -

http://siayan.gov.ph/index.php?option=com_content&task=view&id=36&Itemid=46)

B) Please advise what procedures and evidence would have been required for registering a birth in the Philippines, in a hospital or at home in 1959.

The Republic Act No. 3753 "Law on Registry of Civil Status" was approved November 26, 1930 and states:

"Sec. 3. Local Civil Registrars. — Except in the City of Manila, where the duties of local civil registrar shall be performed by the officer of the Philippine Health Service designated by the Director of said service, the Treasurers of the regular municipalities, municipal districts and cities shall be local civil registrars of the respective municipalities, municipal districts or cities and shall perform the duties imposed upon them by this Act without extra compensation, in addition to their ordinary duties. In his capacity as local civil registrar, the officer designated by the Director of the Health Service as local civil registrar of Manila and the treasurers above mentioned shall be under the direction and supervision of the Civil Registrar-General.

Sec. 4. Civil Register Books. — The local registrars shall keep and preserve in their offices the following books, in which they shall, respectively make the proper entries concerning the civil status of persons:

(1) Birth and death register;

(2) Marriage register, in which shall be entered not only the marriages solemnized but also divorces and dissolved marriages.

(3) *Legitimation, acknowledgment, adoption, change of name and naturalization register.*

Sec. 5. Registration and Certification of Birth. — *The declaration of the physician or midwife in attendance at the birth or, in default thereof, the declaration of either parent of the newborn child, shall be sufficient for the registration of a birth in the civil register. Such declaration shall be exempt from the documentary stamp tax and shall be sent to the local civil registrar not later than thirty days after the birth, by the physician, or midwife in attendance at the birth or by either parent of the newly born child.*

In such declaration, the persons above mentioned shall certify to the following facts:

(a) date and hour of birth;

*(b) sex and nationality of infant;*chan robes virtual law library

(c) names, citizenship, and religion of parents or, in case the father is not known, of the mother alone;

(d) civil status of parents;

(e) place where the infant was born;

(f) and such other data may be required in the regulation to be issued.

In the case of an exposed child, the person who found the same shall report to 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. chan robes virtual law library

Any foetus having human features which dies after twenty four hours of existence completely disengaged from the maternal womb shall be entered in the proper registers as having been born and having died. "

C) Please advise what procedures and evidence would be required for registering a birth that occurred in 1959, several years after the birth, in 1988.

(Source - Philippines National Statistics Office website -
http://www.census.gov.ph/data/civilreg/delayedreg_primer.html#birth)

"Delayed Registration of Birth

1. The requirements are:

a) if the person is less than eighteen (18) years old, the following shall be required:

i) four (4) copies of the Certificate of Live Birth duly accomplished and signed by the proper parties;

ii) accomplished Affidavit for Delayed Registration at the back of Certificate of Live Birth by the father, mother, or guardian, declaring therein, among other things, the following:

- name of child;

- date and place of birth;

- name of the father if the child is illegitimate and has been acknowledged by him;

- if legitimate, the date and place of marriage of parents; and

- reason for not registering the birth within thirty (30) days after the date of birth

In case the party seeking late registration of the birth of an illegitimate child is not the mother, the party shall, in addition to the foregoing facts, declare in a sworn statement the recent whereabouts of the mother.

iii) any two of the following documentary evidences which may show the name of the child, date and place of birth, and name of mother (and name of father, if the child has been acknowledged):

- baptismal certificate;
- school records (nursery, kinder-garten, or preparatory);
- income tax returns of parent/s;
- insurance policy;
- medical records; and
- others, such as barangay captain's certification.

iv) affidavit of two disinterested persons who might have witnessed or known the birth of the child. (46:1aa)

b) If the person is eighteen (18) years old or above.

- i) all the requirements for the person who is less than eighteen (18) years old; and
- ii) Certificate of Marriage, if married. (46:1ba)

2. Delayed registration of birth, like ordinary registration made at the time of birth, shall be filed at the Office of the Civil Registrar of the place where the birth occurred. (46:3)

3. Upon receipt of the application for delayed registration of birth, the civil registrar shall examine the Certificate of Live Birth presented, whether it has been completely and correctly filled in and all requirements have been complied with. (47a)

4. In the delayed registration of the birth of an alien, travel documents showing the origin and nationality of the parents shall be presented in addition to the requirements mentioned in Rule 25 (1). (49.2a)"

It is of note that the source of the most reliable birth documents in the Philippines is the National Statistics Office. Documents which are not provided directly by the National Statistics Office and/or were not timely registered by the parents or municipality with the National Statistics Office are considered unreliable, and are easily obtained fraudulently due to limited evidence required in order to late-register a birth (Department of Foreign Affairs and Trade 2009, *DFAT Report No. 995 – RRT Information Request: PHL34658*, 1 May – Attachment 2)

List of Sources Consulted

Databases:

FACTIVA (news database)

BACIS (DIAC Country Information database)

REFINFO (IRBDC (Canada) Country Information database)

ISYS (RRT Country Research database, including Amnesty International, Human Rights Watch, US Department of State Reports)

MRT-RRT Library Catalogue

List of Attachments

1. RRT Research & Information 2009, Email to DFAT: 'RRT Country Information Request: Philippines – PHL34658', 27 March.

2. Department of Foreign Affairs and Trade 2009, *DFAT Report No. 995 – RRT Information Request: PHL34658*, 1 May.