

## FREQUENTLY ASKED QUESTIONS ON CIVIL REGISTRY

Question	Answer
<b>A. BIRTH</b>	
<p><i>1. If the birth has been registered with the Local Civil Registry Office (LCRO), can the father still acknowledge the child at the back of the birth certificate years after?</i></p>	<p>No. The father cannot acknowledge the child at the back of the registered birth certificate because the entries in the record of birth must pertain to information existing at the time of birth and registration. As a remedy, the father may acknowledge the child in a separate written instrument.</p>
<p><i>2. If the birth has been registered after few years and the father who is a foreign national want to acknowledge the child, should this be done through a court decision</i></p>	<p>No. A court decision is not required to acknowledge the child. Instead, the father may acknowledge the child in a separate written instrument to be registered at the concerned Local Civil Registry Office (LCRO) of the place of birth.</p>
<p><i>3. The father is not the legal husband but wants to acknowledge the child. Is this possible? What is the process?</i></p>	<p>Under Philippine laws, a child shall be considered legitimate although the mother may have declared against its legitimacy or may have been sentenced as adulteress. Only when the legitimacy of the child is successfully impugned in a direct action brought for that purpose by the proper parties and within the period limited by law that the alleged father other than the legal husband may acknowledge the child at the back portion of the latter's COLB or in a separate written instrument.</p>
<p><i>4. If there are corrections to be made in birth certificate but the birth certificate was registered in a Foreign Service Post what will be the process?</i></p>	<p>Petition for corrections may be filed before the Philippine Foreign Service Post as to those erroneous entries covered by R.A. 9048, as amended by R.A.10172. However, when the party is already residing in the Philippines, a migrant petition may be availed by filing the petition before the Local Civil Registry Office (LCRO) where he/she resides, except correction of sex/gender under RA10172 which requires personal appearance with the Consul or Vice Consul.</p>
<p><i>5. Children born within valid marriage but with another biological father, is an affidavit sufficient to abolish paternity and</i></p>	<p>No, a mere affidavit is not sufficient to abolish paternity and filiation with the legal father. A child born during wedlock</p>

<p><i>filiation with the legal father (legal husband) ?</i></p>	<p>is presumed to be legitimate unless there was no sexual access to the wife. The presumption of legitimacy may be overturned by the husband or his heirs by clear and convincing evidence in a case for impugnation of legitimacy under Article 166 of the Family Code of the Philippines which must be pursued within the prescriptive period provided by the law.</p>
<p><i>6. If two (2) men are fighting over a child but do not want to undergo DNA test, should this be done through court?</i></p>	<p>If two men are fighting over a child (on paternity), the proper venue to identify the true father is to file a petition through court.</p>
<p><i>7. If the birth/ death was reported in a Philippine Foreign Service Post but the record needs to be corrected, where will the petition be filed? What is the procedure?</i></p>	<p>As a general rule, the petition for correction shall be filed with the Philippine Foreign Service Post where the birth/death was reported. However, if the petitioner is already residing in the Philippines, he may file the petition (migrant petition) with the Local Civil Registry Office (LCRO) where he is presently residing or domiciled. The civil registrar of the LCRO where he is presently residing shall send the petition to the Philippine Foreign Service Post where the birth/ death was reported for the latter to render the decision.</p> <p>Nevertheless, the petitioner cannot avail the migrant petition if the entry to be corrected is the sex. Under RA 10172, the verified petition shall be filed in person, with the Philippine Consulate where the record containing the entry of sex in the birth certificate to be corrected is registered.</p>
<p><i>8. How can we rectify the birth registration of a child which is registered to his/her non biological parents?</i></p>	<p>This is a case of simulated birth which may be rectified under the process of RA 11222 (Rectification of simulated Birth Records) for administrative adoption.</p>

<p><b>B. MARRIAGE</b></p>	
<p><i>1. Is there an age limit or minimum to contract a marriage?</i></p>	<p>The parties involved should be of legal age, that is 18 years old. However, for Muslim Filipinos and Indigenous Peoples they may marry during puberty age depending on their rites, customs, and traditions.</p>

<p><i>2. A foreigner got married in the Philippines but later on secured a foreign divorce in his home country. May the foreign divorce secured by the foreigner in his home country recognized in the Philippines? Can the Filipino spouse remarry based on the divorce obtained abroad?</i></p>	<p>Yes, the foreign divorce secured by the foreigner in his home country may be recognized in the Philippines through a petition for recognition of foreign divorce filed before a competent court. Also, the Filipino spouse can remarry based on the divorce obtained abroad provided that the foreign divorce was validly obtain abroad capacitating the alien spouse to remarry and the divorce decree was recognized before a competent court in the Philippines.</p>
<p><i>3. Can two (2) foreign nationals get married in the Philippines?</i></p>	<p>Yes, two (2) foreign nationals can marry anywhere in the Philippines under Philippine law provided that each of them submits an accomplished sworn application for marriage license at the concerned Local Civil Registry Office and their respective Certificate of Legal capacity to Contract Marriage or a similar document substantially complying the requirements of Article 21 of the Family Code is submitted.</p>
<p><i>4. With the Supreme Court ruling on recognition of foreign divorce before Philippine local courts, does it mean that a person who obtained a foreign court decision of divorce abroad can now report their divorce with the Philippine Embassy and subsequently endorse to PSA through DFA? or is it still necessary to file petition for recognition of foreign divorce in the country?</i></p>	<p>For a foreign decree of divorce to be effected in the Philippines, it must be recognized by a proper Philippine court. Once recognition has been favorably granted by the Regional Trial Court (RTC), the foreign decree will be registered at the City Civil Registry Office of the place where foreign judgment was recognized. Mere reporting of a foreign decree at the Philippine Foreign Service Post accomplishes nothing as such Philippine Embassy or Consulate is not mandated to receive such foreign court decree.</p>

<b>C. DEATH</b>	
<p><i>1. In case a person was declared by the court as presumptively dead, will death certificate be issued? Can the children of the absentee spouse be adopted?</i></p>	<p>The Certificate of Death is not issued in case a person was declared by the court as presumptively dead. To effect the court decision declaring the person as presumptively dead, annotation is reflected in the marriage certificate of the absentee spouse. This allows then the surviving spouse to enter into a subsequent marriage.</p> <p>The Children of the parties to the first marriage may be adopted subject to certain rules and regulations as provided in different adoption laws.</p>
<b>D. OTHER RELATED QUERIES</b>	
<p><i>1. Which PSA outlet in Metro Manila can accommodate the authentication of birth, death, or marriage certificate?</i></p>	<p>All outlets in Metro Manila accept the authentication of birth, death, or marriage certificate</p>
<p><i>2. How long is the processing of authentication of a birth/marriage/death certificate?</i></p>	<p>Authentication of birth/marriage/death certificate is processed within 2 hours at PSA Serbilis Outlets nationwide</p>
<p><i>3. Is it possible to add the date of dissolution of marriage on the remarks portion of the Advisory of Marriage or CEMAR?</i></p>	<p>The PSA System does not include details of the dissolution of the marriage. (i.e with annulment, with declaration of nullity of marriage, etc.). Embassies may request the client to submit the annotated, marriage certificate issued by PSA to provide details as to the annotations/remarks in the CEMAR issued.</p>
<p><i>4. Can you enlighten us to the processing time of the civil registry documents filed in PFSPs and transmitted to PSA.</i></p>	<p>For birth, marriage, and death records filed in PFSPs the processing time will take one (1) month from receipt by the PSA of the documents transmitted by the DFA.</p>
<p><i>5. Do we annotate the original birth record of a former Christian who has converted under PD 1083 based on her adopted Muslim name? Will the Certificate of Conversion to Islam now be used as basis should one opt to use their Muslim name?</i></p>	<p>As to the first query, the person's original birth record will have no annotation of her adapted Muslim name because under the law on civil registration, Conversion to Islam is not one of the grounds to change the name of a person. Under Section 4 of Republic Act No. 9048, the City or Municipal Civil Registrar is allowed to change the first name or nickname of an interested party in the civil register without the need of judicial</p>

	<p>order on the following grounds:</p> <ul style="list-style-type: none"> <li>• The first name is ridiculous, tainted with dishonour, or extremely difficult to write or pronounce;</li> <li>• The new first name has been habitually and continuously used by the petitioner and he has been publicly known by that first name in the community; or</li> <li>• The change of first name will avoid confusion.</li> </ul> <p>As to the second query, the Certificate of Conversion to Islam cannot be used as basis should one opt to use their Muslim name and the client involved wants to update her documents using her Muslim name. Under the Rules and Regulations Governing Registration of Acts and Events Concerning Civil Status of Muslim Filipinos, Conversion to Islam is more on professing the Islamic faith.</p> <p>However, if the client habitually and continuously used the Muslim name and is publicly known by that name in the community, she may file a petition before the concerned LCRO to change her first name under RA 9048. Otherwise, intervention of the court is required to change her first and last name in her COLB.</p> <p>Once her name in her COLB was corrected, the client may now update all her documents using her Muslim name.</p>
<p><i>6. Upon submission of the provisional death certificate, how long before this is registered with the Local Registry Office?</i></p>	<p>The death of a person should be registered within 30 days in the Local Civil Registry Office of the place of death in order to be considered as a timely registration. Otherwise, it shall undergo delayed registration which requires additional requirements prior to registration.</p>
<p><i>7. If a foreigner dies in the Philippines and there are no relatives available in the Philippines; who will register the death?</i></p>	<p>The person responsible to report the death to the Local Civil Registry Office is the administrator of the hospital, clinic or an institution or the physician who last attended the deceased, in case of death in the hospital or medical facility. However, if the deceased is not medically attended, any person who has knowledge on death shall be responsible to report the death.</p>