



**Republic of the Philippines**  
**Department of Social Welfare and Development**  
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**Memorandum Circular No. 29**  
**Series of 2005**

**SUBJECT: GUIDELINES IN THE IMPLEMENTATION OF  
SUPPORT SERVICE FOR BIRTH REGISTRATION  
OF CHILDREN IN NEED OF SPECIAL  
PROTECTION AND FOUNDLING**

**A. RATIONALE:**

The Philippines is a signatory to the United Nations Convention on the Rights of the Child (UNCRC) which provides that every child should be registered immediately after birth and shall have the right from birth to a name and the right to acquire a nationality (Article 7). Pursuant to Republic Act 7610 (Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act), the Department of Social Welfare and Development is mandated to provide social protection services specially to children. This includes the birth registration of Children in Need of Special Protection/Foundling, who are abandoned and unattached, in all its centers/institutions/attached agency and licensed and accredited social work agencies (NGOs) engaged in the care and custody of children. Records of National Statistics Office (NSO 2000) showed that more than 2.6 million Filipino children are not registered at birth due to various social, cultural, economic, legal and physical barriers and the lack of awareness on the importance of birth registration.

The responsibility of the DSWD and its license and accredit social work agencies to register the CNSP/Foundling was further called for with the issuance of NSO Memorandum Circular No. 2004-01, S. 2004, entitled: "RULES AND REGULATIONS IN THE REGISTRATION OF BIRTHS OF CHILDREN IN NEED OF SPECIAL PROTECTION (CNSP). The MC stresses that the Department and licensed and accredited social work agencies will cause the registration of birth of CNSP/Foundling committed to them. Relative to this, the Department is committed/involved in the project, being a member of the Birth Registration Task Force for CNSP/Foundling under the headship of NSO. This Guidelines, therefore, aim to institutionalize the birth registration of CNSP/Foundling in all DSWD centers/institutions/attached agency and licensed and accredited social work agencies.

## B. LEGAL BASES:

1. Civil Registry Law, Act No. 3753 of 1931, entitled, "An Act to Establish a Civil Register which provides for declared registration of all vital events (**birth**, marriage and death) as a national policy.
2. Administrative Order No. 1, S. 1993, issued by the Office of the Civil Registrar-General embodies the implementing rules and regulations on civil registration and other laws revising Administrative Order No. 1, S. 1983.
3. The Philippines is committed to the attainment of 100% birth registration for the year 2005-2010 in accordance with the National Plan of Action for Children and Child 21.
4. NSO Memorandum Circular No. 2004-01 (Rules and Regulations in the Registration of Births of Children in Need of Special Protection) provides for the commitment of the child to the Department of Social Welfare and Development, or to a duly licensed and accredited orphanage or charitable institution.
5. NSO Memorandum, dated August 01, 2005, which advocate and encourage all City/Municipal Civil Registrars (C/MCRs) to facilitate the registration of CNSPs free of charge.
6. Proclamation No. 790, S. 2005 (Declaring February 23 of Every Year as National Birth Registration Day) proclaimed, among others, that birth registration established and guarantees all other rights and entitlement of the child's rights to survival, development, protection and participation.
7. Section 2 of RA 7610 states that: The best interests of children shall be the paramount consideration in all actions concerning them, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities, and legislative bodies, consistent with the principles of First Call for Children as enunciated in the UN Convention on the Rights of the Child.
8. Article 3, (1) of the Child and Youth Welfare Code (PD 603 as amended) states that: Every child is endowed with the dignity and worth of a human being from the moment of his conception, as generally accepted in medical parlance, and has, therefore, the right to be born well.

### **C. OBJECTIVES:**

#### General

To ensure 100% birth registration of all children served in the DSWD centers/institutions/attached agency and licensed and accredited social work agencies.

#### Specific

1. To set policies and procedures in the birth registration of CNSP/Foundling provided with social welfare and development services by DSWD and its attached, licensed and accredited agencies.
2. To prevent possible child trafficking.
3. To enhance capacity of staff of the Department and social work agencies along birth registration.

### **D. COVERAGE:**

Specifically, this Guidelines will cover the birth registration of CNSP/Foundling in the centers/institutions/attached agency of the Department, licensed and accredited social work agencies.

### **E. DEFINITION OF TERMS**

- a. Children in Need of Special Protection (CNSP) – shall refer to all persons below 18 years of age, or those 18 years old and over but are unable to take care of themselves because of physical or mental disability condition; who are vulnerable to or are victims of abuse, neglect, exploitation, cruelty, discrimination and violence (armed conflict, domestic violence and other analogous conditions prejudicial to their development).
- b. Foundling – refers to a deserted or abandoned infant or child; a child committed to DSWD or duly licensed institution with unknown facts of birth and parentage. (IRR of RA No. 3753 or the Civil Registry Law)
- c. Birth Registration – is the official recording of birth of a child. It is part of the civil registration system that acknowledges the existence of the person before the law, establishes the child's family ties and tracks the major event of an individual's life (from birth to marriage and death). (IRR of RA No. 3753)

- d. Social Work Agencies (NGOs) – refer to any private non-profit organization, regional or national in scope, providing social welfare and development services particularly to children which is registered with the Securities and Exchange Commission, and licensed and accredited by the Department of Social Welfare and Development. (DSWD)

**F. GENERAL POLICIES:**

- a. It shall be the policy of the Department of Social Welfare and Development to require its centers/institutions/attached agency and licensed and accredited social work agencies to check on/or effect the birth registration of children under their care and custody.
- b. In collaboration with NSO, the Department shall ensure the registration of birth of CNSP/Foundling in its centers/institutions/attached agency and licensed and registered social work agencies caring for children.
- c. The birth registration of CNSP/Foundling will also be one of the criteria in the selection of Center of Excellence in so far as the DSWD and social work agencies managed centers and institutions are concerned.
- d. A Certificate of Indigency shall be issued by the Department to the CNSP/Foundling for the availment of free birth registration at the City/Municipal Civil Registrars per Memorandum of NSO, dated August 1, 2005.

**G. PROCEDURES IN BIRTH REGISTRATION OF CNSP/FOUNDLING:**

- a. The finder after finding a CNSP/Foundling shall report within twenty-four (24) hours the incident either to the Punong Barangay of the place where the child was found/rescued, to the nearest police headquarters, Barangay Day Care Worker, City/Municipal Committee of Children at LGUs, licensed and accredited NGOs or to the DSWD.
- b. The finder, Punong Barangay, Police, Day Care Worker or LGU worker shall within thirty-six (36) hours facilitate the commitment of the child to the DSWD central office/field offices or duly licensed and accredited NGOs.
- c. The DSWD or any licensed and accredited NGOs, shall cause the free birth registration of CNSP/Foundling within sixty (30) days from the date of the actual custody of the child.

- d. The CNSP/Foundling shall be registered for free to the Local Civil Registrar Office (LCRO) of the place where the child was born, if known; at the LCRO of the place where the child was found or; at the LCRO of the place of the residence of the custodian if all measures to find out the place of birth of the child has produced negative result.
- e. The acknowledging parent, either the mother or the father or both, deserves the legal right to register the name, surname and last name of their child who is in need of special protection. If the child is legitimate, his/her mother's maiden name shall be registered as his/her middle name. If the child is illegitimate, his/her mother's middle name shall be registered as his/her middle name. If the child is illegitimate and was born prior to August 03, 1988 (the effectivity date of EO No. 209 or the Family Code of the Philippines) the child's middle name might be any of the following:
  - 5.1 The mother's middle name
  - 5.2 The father's middle name, if the child was acknowledged only by the father
  - 5.3 The mother's middle name, if neither parent acknowledged the child
 (Source: Guidebook for Birth Registration Agents by NSO)
- f. If not even one of the parents of the CNSP cannot be supplied, the child shall be registered as Foundling.

#### **H. REQUIREMENTS IN BIRTH REGISTRATION OF CNSP/FOUNDLING:**

- a. In the case of CNSP, the following documents shall be presented at the LCRO: DSWD's Certificate of Indigency, Certification of No Birth Record (negative certification) from the Office of the Civil Registrar General (OCRG-NSP); Certification from the DSWD/Field Offices that the child is a CNSP indicating the name, sex, date of birth, place of birth of the child and name of at least one parent and citizenship of parent/s. The Certification of No Birth Record is a prerequisite in the issuance of CNSP Certification by the DSWD.
- b. The Forms to be accomplished are as follows: Certificate of Live Birth (COLB-MF 102), unified items in the COLB the word "Unknown" is acceptable, approximate date of birth of the child which can be certified by a medical/dental practitioners as proof of age. No fees and other related charges such as processing fees

and/or penalties shall be imposed on the registration of births of CNSP/Foundling.

- c. In case of multiple registration of CNSP, the first registration shall prevail. For the child to be known as indicate, the COLB shall bear the annotation that the registration is done pursuant to Memorandum Circular No. 2004-01.
- d. The requirements for the registration of Foundling are: a) Accomplished Foundling Certificate (ORCG Form 101) issued by the DSWD, b) Affidavit of the finder stating the facts and circumstances surrounding the finding of the child and the fact that it has been reported to the Punong Barangay, Police Authority or the Day Care Worker, c) Certification of the Punong Barangay, Police Authority or the Day Care Worker regarding the report made by the finder, stating among other things that no one has claimed the child or reported a missing child whose description may be the same as the foundling as of the date of certification.

#### **I. ROLES AND RESPONSIBILITIES:**

- a. Department of Social Welfare and Development, Central Office
  - i. The Program Management Bureau shall regularly monitor and provide technical assistance to FOs to ensure 100% birth registration of CNSP/Foundling in its centers and institutions.
  - ii. The Standards Bureau shall regularly monitor and provide technical assistance to its licensed and accredited social work agencies to ensure 100% birth registration of CNSP/Foundling.
  - iii. The Social Marketing Service and the FOs shall undertake communication and advocacy activities, including production of IEC materials, to generate public awareness and support for this birth registration project.
  - iv. The Social Welfare Institute and Development Bureau, in coordination with NSO and FOs, shall conduct capacity building of technical staff of both the Department and the social work agencies.
  - v. The Policy Development and Planning Bureau of the Department shall be the repository of the list of birth

registered CNSP/Foundling submitted by the Local Civil Registrar's Office (LCRO) to the Field Offices.

b. DSWD Field Offices

- i. In coordination with NSO, the Field Office shall provide capacity building and technical assistance to the technical staff of its centers/institutions/attached agency and licensed and accredited social work agencies to ensure the full implementation of the birth registration project.
- ii. The FO's Planning Unit shall provide the Policy Development Planning Bureau list of birth registered CNSP/Foundling submitted by the LCRO.
- iii. DSWD Regional Director, as chair of the Regional Sub-Committee for the Welfare of Children/Regional Early Childhood Care and Development Coordinating Committee (RSCWC/RECCDCC), shall adopt as one of the RSCWC's/RECCDCC's functions the promotion and advocacy for birth registration.

This Order shall take effect immediately and revoke previous orders contrary to it.

Issued in Quezon City, this 29<sup>th</sup> day of November 2005.

  
**LUWALHATI F. PABLO**  
OIC/Secretary

