RULES AND REGULATIONS GOVERNING REGISTRATION OF ACTS AND EVENTS CONCERNING CIVIL STATUS OF MUSLIM FILIPINOS

Republic of the Philippines
OFFICE OF THE CIVIL REGISTRAR GENERAL
National Statistics Office
Manila

ADMINISTRATIVE ORDER NO. 1, SERIES OF 2005

Subject: RULES AND REGULATIONS GOVERNING REGISTRATION OF ACTS AND EVENTS CONCERNING CIVIL STATUS OF MUSLIM FILIPINOS

Pursuant to Section 2 of Act No. 3753, otherwise known as the Civil Registry Law of the Philippines, which took effect on 27 February 1931, in conjunction with Section 3, Executive Order No. 157 (E.O. 157), Establishing a Civil Registration System for Muslim Filipinos, and Chapters 1 and 2, Title VI, Book II of Presidential Decree No. 1083 (P.D. 1083), also known as the Code of Muslim Personal Laws of the Philippines, which took effect on 4 February 1977, the following rules and regulations are hereby promulgated for the information, guidance and compliance of all concerned.

PRELIMINARY STATEMENT

Administrative Order No. 2, Series of 1993 (AO No. 2, S. 1993) is hereby revised to provide a more responsive civil registration system for Muslim Filipinos whether residing here or abroad.

The head of the National Statistics Office is the Civil Registrar General (CRG). The City/Municipal Civil Registrar (C/MCR) is in charge of recording birth, marriage, death and other registrable acts and events occurring among the Muslims in cities and municipalities and is appointed by the Mayor in accordance with the Local Government Code of 1991 and/or the ARMM Local Government Code. For Muslim marriage, divorce, revocation of divorce and conversion to Islam, recording thereof is the responsibility of the Clerk of Court of the Shari•a Circuit Court hereinafter referred to as Circuit Registrar (Article 83, P. D. 1083). All judicial decrees and legal instruments concerning civil status of Muslim Filipinos issued by the Shari•a Court shall be registered in accordance with AO No. 1, S. 1993 and this Order.

Rule 1. Civil Registration System for Muslim Filipinos

Executive Order No. 157 issued on February 15, 1994 by the President of the Republic of the Philippines established the Civil Registration System for Muslim Filipinos.

Rule 2. Definition of Terms:

As used in these rules:

1. Muslim is a person who testifies to the oneness of GOD and the Prophethood of Muhammad (Peace Be Upon Him) and professes Islam.

2. Muslim Personal Law includes all laws relating to personal status, marriage and divorce, matrimonial and family relations, succession and inheritance and property relations between spouses as provided for in the Muslim Code (P.D. 1083).

3. Muslim Laws refer to all the ordinances and resolutions governing Muslims as found principally in the *Qur•an* and the *Hadith.*

4. Ada means customary law.

5. Circuit Registrar is the Clerk of the *Shari•a* Circuit Court acting in the performance of their function under Title VI, Book II of P.D. 1083 and this Order.

6. District Registrar is the Clerk of the Court of the *Shari•a* District Court acting in the performance of their function under Title VI, Book II of P.D. 1083 and this Order.

7. ***Idda*** is the period of waiting prescribed for a woman whose marriage has been dissolved by death or by divorce the completion of which shall enable her to contract a new marriage.

8. ***Talaq*** is the repudiation of the wife by the husband.

9. ***Tafwid*** is the exercise by the wife of the delegated right to repudiate.

10. ***Wali*** is the guardian in marriage.

11. Muslim Code refers to Presidential Decree No. 1083 (P.D. 1083).

Rule 3. Registrable Acts and Events Concerning Civil Status of Muslim Filipinos

The following acts and events concerning civil status of Muslim Filipinos shall be recorded in the appropriate civil registry book:

1. Acts and events enumerated under Rule 7 of AO No. 1, S. 1993 insofar as they are applicable to Muslim Filipinos; and

2. Muslim marriages, divorces, revocation of divorces, conversion to Islam, and other registrable documents.

Rule 4. Registry Book

The Circuit Registrar shall keep and preserve in his office the following registry books:

1. Register of Muslim Marriages;

2. Register of Muslim Divorces;
3. Register of Revocation of Muslim Divorces;
4. Register of Conversion to Islam;
5. Register of Legal Instruments; and
6. Register of Court Decrees/Orders

Rule 5. Civil Registration Forms

1. Documents presented before the C/MCR for registration of vital events of Muslim Filipinos are the following:
    - Accomplished Certificate of Live Birth and attachment
    - Accomplished Certificate of Death and attachment
    - Accomplished Certificate of Marriage with attachment if the marriage was performed in accordance with P.D. 1083 and there is no Shari•a Court in the place where the marriage was solemnized.
2. Documents presented before the District/Circuit Registrar are the following:
    - Accomplished Certificate of Marriage and attachment
    - Accomplished Certificate of Divorce
    - Accomplished Certificate of Revocation of Divorce
    - Accomplished Certificate of Conversion to Islam

Rule 6. Applicability

This Order shall apply in all cities and municipalities in the Philippines where acts and events concerning civil status of Muslim may occur. However, in cases where the act or event occur in a foreign country, the same shall be governed by Rule 10 of AO No. 1, S. 1993, and other applicable laws taking into consideration the beliefs, customs and practices of Muslims thereat. In addition, the duty of the C/MCR or the Circuit Registrar insofar as civil registration is concerned may be performed by the authorized official of the Philippine Foreign Service Establishment.

Rule 7. Registration of Births

Registration of births of Muslim Filipinos shall be governed by pertinent provisions of AO No. 1, S. 1993 and supplemented by the following specific rules:

1. Regardless of the period of intra-uterine life of the fetus when born alive, however briefly, the birth of the child shall be recorded in the Register of Births as a live birth.

2. The first name of the father or the surname of either the father or the mother may be used as the child•s last name subject to Islamic or Muslim Law or Ada (customary laws).

3. Upon receipt of the Certificate of Live Birth or COLB (Municipal Form 102, revised January 1993), the C/MCR shall examine Item No. 15 (Religion of the Father). In case the entry therein is "Islam", the C/MCR shall accomplish Municipal Form 102 and require the informant to give the following data in the Attachment: Name of child, date of birth in the *Hijrah* calendar and its equivalent in Gregorian calendar and the ethnic affiliation of parents.

4. Municipal Form No. 102 and the attachment shall be permanently kept together and shall constitute the record of birth.

Rule 8. Registration of Deaths

Registration of deaths of Muslim Filipinos shall be governed by the pertinent provisions of AO No. 1, S. 1993 and supplemented by the following specific rules:

1. In accordance with the Islamic law and jurisprudence, the dead body shall be buried as soon as possible even without the certificate of death; provided that the death shall be reported by the person who performed the burial rites (or by the nearest kin) within forty-eight (48) hours after the date of burial to the local health authority who shall certify the cause of death. In the absence of the health officer or his authorized representative, the death shall be reported to the Mayor or any member of the Sangguniang Panlungsod/Bayan, or the Municipal Secretary as the case may be, who shall certify as to the possible cause of death.

2. Upon receipt of the Certificate of Death (Municipal Form 103, revised January 1993), the C/MCR shall examine Item No. 3 (Religion). In case the entry therein is "Islam", the C/MCR shall require the informant to accomplish or to give the following data in order to accomplish Municipal Form 103 Attachment: name of the deceased including Haj name if any, date of birth, name of the person who performed the burial rites and the name of the surviving spouse(s).

3. Municipal Form No. 103 and the attachment shall be permanently kept together and shall constitute the record of death.

Rule 9. Registration of Marriages

Registration of marriages among Muslim Filipinos shall be governed by the following rules:

1. Marriage (*Nikha*) among Muslim Filipinos is not only a civil contract but a social institution. Its nature, consequences and incidents are governed by P.D. 1083 and the *Shari•a*, and are not subject to stipulations, except that the marriage settlements may, to a certain extent, fix the property relations of the spouses (Article 14, P.D. No. 1083).

2. Marriage among Muslim Filipinos performed under their customs, traditions, rites and practices shall be reported within thirty (30) days after the date of marriage by the officiating person, or in his default, by the parties to the marriage for registration, to the Circuit Registrar of the city or municipality where the *Shari•a* Circuit Court exists. Where there is no *Shari•a* Circuit Court, marriages among Muslim Filipinos shall be registered at the Local Civil Registry Office (LCRO) where the marriage was celebrated with the annotation that the marriage is in accordance with P.D. 1083 both in the

Certificate of Marriage and the Marriage Register.

3. The person officiating the marriage shall indicate in the Certificate of Marriage (Municipal Form 97, revised January 1993) that said marriage was solemnized in accordance with P.D. No. 1083, and fill up the attachment to the Certificate of Marriage with the following information: amount of *mahr* (dowry); first or subsequent marriage; *tafwid*, if granted and such other stipulations. The Certificate of Marriage and the attachment shall be permanently kept together and shall constitute the record of marriage.

4. The Certificate of Marriage shall be prepared in five (5) copies and shall be distributed by the Circuit Registrar, or by the C/MCR, as the case may be, as follows: first copy to the contracting parties; second copy to the Civil Registrar General (CRG); third copy to the Circuit Registrar/C/MCR; the fourth copy to the District Registrar if marriage was registered at the Shari•a Court; and the fifth copy to the solemnizing officer.

5. Other matters related to registration of marriages among Muslim Filipinos not covered by this Rule shall be governed by the pertinent provisions of Administrative Order No. 1, Series of 1993.

Rule 10. Registration of Divorces

Registration of divorces among Muslim Filipinos shall be governed by the following rules:

1. Divorce is the formal dissolution of the marriage bond in accordance with P.D. 1083 to be granted only after the exhaustion of all possible means of reconciliation between the spouses. It may be effected by the following:

    - Repudiation of the wife by the husband (*talaq*);
    - Vow of continence by the husband (*ila*);
    - Injurious assimilation of the wife by the husband (*zihar*);
    - Acts of imprecation (*li•an*);
    - Redemption by the wife (*khul*);
    - Exercise by the wife of the delegated right to repudiate (*tafwid*); or
    - Judicial decree (faskh) (P.D. 1083).

2. A divorce pronounced by the husband or by the wife in case of *tafwid* and such other forms of divorce shall not become irrevocable until the expiration of the prescribed "*idda*". The first and second divorce (*talaq*) are revocable during the "*idda*" and the third is irrevocable. If the spouses fail to reconcile during the "*idda*" they can only reconcile through a new contract of marriage. In case of the third divorce, they cannot anymore reconcile to each other unless the wife is married by an intervening husband and the latter divorces her and after the expiration of the "*idda*," the former husband may remarry her.

3. Any Muslim husband who has pronounced a *talaq* shall, without delay, file with the Clerk of Court of the *Shari•a* Circuit Court of the place where his family resides or domiciles, or in the most accessible Shari•a Court, a written notice of such fact and the circumstances attendant thereto, after having served a copy thereof to the wife concerned. The notice filed shall be conclusive evidence that *talaq* has been pronounced and shall constitute the Certificate of Divorce. In case the divorce is through a court decree, the corresponding decision shall constitute the Certificate of Divorce.

4. All Certificates of Divorce or Court Decrees shall be registered in the *Shari•a* Circuit Court. The *Shari•a* Circuit Court or LCRO where the marriage was registered shall be furnished a copy of the Certificate of Divorce or Court Decree for annotation in the Certificate of Marriage and the Marriage Register. Five (5) copies of the Certificate of Divorce or Court Decree shall be submitted for registration within thirty (30) days after the date of divorce by the interested party.

5. The Circuit Registrar shall distribute the five (5) copies of the Certificate of Divorce or court decree of divorce as follows: first copy to the husband; second copy to the wife; third copy to the OCRG; the fourth copy to the District Registrar; and the fifth copy for his file.

Rule 11. Registration of Revocation of Divorces

Registration of revocation of divorces among Muslim Filipinos shall be governed by the following rules:

1. Within seven (7) days after the revocation of a divorce by reconciliation (*ruju*), the husband shall, with the wife•s written consent, file a sworn statement thereof in five (5) copies with the Circuit Registrar of the city or municipality where the Certificate of Divorce or court decree of divorce was previously registered. The fact of revocation of divorce shall be annotated in the Certificate of Divorce or court decree of divorce and the Marriage Register. Such revocation shall also be forwarded to the Circuit Registrar or C/MCR of the place where the marriage was registered for proper annotation in the Certificate of Marriage and Marriage Register.

2. The five (5) copies of the sworn statement of the revocation of divorce, after registration, shall be distributed by the Circuit Registrar as follows: first copy to the husband; second copy to the wife; third copy to the OCRG; fourth copy to the Clerk of the *Shari•a* District Court; and the fifth copy for his file.

Rule 12. Registration of Conversion to Islam

Registration of a person•s conversion to Islam is *prima* facie proof that he professes the Islamic faith and thus becomes a Muslim. It shall be governed by the following rules:

1. A person who desires to embrace Islamic faith shall accomplish the Certificate of Conversion to Islam by providing the following information: his or her full name, sex, civil status, date of birth and age, place of birth, occupation, residence, citizenship, parents and their respective religions. The certificate shall be attested to by at least two witnesses who must be Muslim Filipinos. In case the convert is a minor, the consent of the parents, or the guardian is necessary.

2. In addition, the Convert shall submit a certification that he/she has undergone an orientation on basic principles and practices of Islam from any accredited Muslim organization by the Office on Muslim Affairs or from any recognized and competent *Ustadz* or *Ulama*. The Circuit Registrar shall require submission of such certification.

3. Four (4) copies of the Certificate of Conversion to Islam shall be submitted for registration within thirty (30) days after the date of its execution by the convert or his authorized representative to the *Shari•a* Circuit Court where conversion occurred. In the city or municipality where there is no *Shari•a* Circuit Court, conversion to Islam shall be reported by the same person to the LCRO of the place of conversion who shall forward the same to the *Shari•a* Circuit Court where the convert is domiciled under the procedures of out-of-town reporting.

   In case the convert is not domiciled within the territorial jurisdiction of the five (5) *Shari•a* judicial districts, the registration shall be at the nearest *Shari•a* Circuit Court. In such case, the convert, in addition to the requirements under Rule 12 (1) and (2), certify under oath that he has not registered such conversion before any Circuit Registrar. The same shall be annexed to the Certificate of Conversion and simultaneously filed therewith.

4. The four (4) copies of the Certificate of Conversion shall be distributed, after registration, by the Circuit Registrar as follows: first copy to the convert; second copy to the CRG; third copy to the District Registrar, and the fourth copy for his file.

Rule 13. Revocation of Conversion to Islam

After registration by the District Registrar, the court order of revocation of conversion to Islam shall be forwarded to the Circuit Registrar where the conversion was registered for annotation.

The revocation shall be annotated to the Certificate of Conversion to Islam as follows:

> *"Conversion to Islam is hereby revoked pursuant to court order issued by (state the name of the district judge) of (state the name of the Shari•a District Court and location) in special proceedings number (state the case number) on (state the date of the order)"*.

The Circuit Registrar shall endorse to the OCRG a certified true copy of the court order of the revocation of conversion to Islam which shall be annexed to the annotated Certificate of Conversion.

Rule 14. Miscellaneous and Transitory provisions

1. A Muslim foster child or those who have been under guardianship may use the surname of the foster parent or guardian in accordance with Ada. The foster parent or guardian shall execute an affidavit (*Shahada*) declaring that the child is under their care.

   The *Shahada* shall be submitted to the C/MCR of the place of birth of the foster child, as a supporting document for the annotation of the COLB. The use of the foster parent•s surname shall also be annotated in the remarks portions of the COLB, that the surname being used is pursuant to the *Shahada* executed by the foster parent or guardian. The C/MCR upon verification of the authenticity of all the documents submitted shall endorse the request and its supporting documents including the filing fee in postal money order or in any other mode of payment addressed to the OCRG.

2. Any Muslim Filipino who has performed *Haj* (Muslim pilgrimage to Mecca, Kingdom of Saudi Arabia) and has acquired new name by virtue thereof, may request for the corresponding annotation of his or her COLB. A Muslim Filipino who has acquired traditional title pursuant to Ada may likewise request for annotation thereof in the COLB.

   The request for annotation in the COLB for the use of the *Haj* name shall be submitted to the C/MCR of his/her place of birth with the following supporting documents: Certification from OMA that he/she has performed *Haj*; certification from pilgrimage authorities that the new name acquired was conferred during the Haj; and certified true copy of his/her

passport. The request for annotation in the COLB for the recognition of traditional titles acquired pursuant to Ada shall be attested by at least two witnesses of the conferment. Along with the request, a Certification from OMA that the title was conferred in accordance with Ada shall be submitted to the C/MCR of the place of birth of the person bestowed with the traditional title.

The C/MCR upon examining and verifying the authenticity of all the documents submitted shall then endorse the request and its supporting documents, including the filing fee in postal money order or in any other mode of payment addressed to the OCRG.

3. A married Muslim Filipino woman may use the surname of her husband or may retain her maiden name in all her public records and other documents.

4. Muslim marriages contracted anywhere in the Philippines before the effectivity of P.D. 1083 shall be registered with LCRO of the place where such marriage took place.

5. Subsequent marriages entered into by a Muslim Filipino man though there was previous existing marriage can be registered. The registration of subsequent marriages shall follow the registration procedure of prior marriages. In addition, such marriage and its corresponding registration shall be subject to the provisions of P.D. 1083.

6. Insofar as applicable, the duties of the District and Circuit Registrar provided under P.D. 1083 shall form part of this Administrative Order.

Rule 15. Penalty - Any person found violating this Order shall be liable under the existing civil registry laws, P.D. 1083, civil service laws and other pertinent laws.

Rule 16. Repealing Clause - AO No. 2, S. 1993 and all other rules and regulations, orders, memoranda or circulars issued by the Civil Registrar General which are inconsistent with these rules and regulations are hereby repealed or modified accordingly.

Rule 17. Separability Clause- If any provision of this Order is declared invalid or unconstitutional, the remaining provisions not affected thereby shall continue in full force and effect.

Rule 18. Effectivity Clause - This Order shall take effect fifteen (15) days after its publication in a newspaper of general circulation in the Philippines.

Approved this 20th day of June 2005.

(Sgd.) CARMELITA N. ERICTA
Civil Registrar General