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Republic of the Philippines
Office of the Civil Registrar General
National Statistics Office
EDSA corner Times St.
West Triangle, Quezon City 1104

Ref. No. 01CRD00-214
(Please cite in your reply.)

25 July 2001

MEMORANDUM

To : All City/Municipal Civil Registrars

Subject : THE ADMINISTRATIVE NATURALIZATION LAW
OF 2000

This is to inform you that there is a new law on naturalization, which was recently approved by President G.M. Arroyo. The new law is Republic Act No. 9139 entitled "AN ACT PROVIDING FOR THE ACQUISITION OF PHILIPPINE CITIZENSHIP FOR CERTAIN ALIENS BY ADMINISTRATIVE NATURALIZATION AND FOR OTHER PURPOSES" or otherwise known as "The Administrative Naturalization Law of 2000".

The object of R.A. No. 9139 is embodied in Section 2 (Declaration of Policy) which provides:

Sec. 2. Declaration of Policy. – The State shall control and regulate the admission and integration of aliens into its territory and body politic including the grant of citizenship to aliens. Towards this end, aliens born and residing in the Philippines may be granted Philippine citizenship by administrative proceedings subject to certain requirements dictated by national security and interest.

In applying for naturalization under R.A. No. 9139, the petitioner (applicant) is required to submit to the Special Committee on Naturalization a certified photocopy of civil registry documents enumerated in Section 5, Item 2. Excerpt of this section provides that:

Sec. 5 (2). Petition for Citizenship. – The application shall be accompanied by:

(a) Duplicate original or certified photocopies of petitioner's birth certificate;

- (b) Duplicate original or certified photocopies of petitioner's alien certificate of registration and native born certificate of residence;
- (c) Duplicate original or certified photocopies of petitioner's marriage certificate, if married, or the death certificate of his spouse, if widowed, or the court decree annulling his marriage, if such was the fact;
- (d) Duplicate original or certified photocopies of birth certificates, alien certificate of registration or native born certificate residence if any, of petitioner's minor children wherever applicable;

In case the birth of the petitioner and that of his/her children (if any) have not been registered yet, the petitioner and his/her children may apply for delayed registration of their births as provided for under Section 15.

Sec. 15. Any person who failed to register his/her birth with the concerned city or municipal civil registrar may, within two (2) years from the effectivity of this Act, file a petition for the acquisition of the Philippine citizenship: Provided, That the applicant possesses all the qualifications and none of the disqualifications under this Act and subject to the requirements of existing laws.

Issuance of the various civil registry certifications and processing of the applications for delayed registration of vital events are most likely the areas where we can extend assistance to those aliens who may wish to be naturalized under R.A. No. 9139.

Under Section 17 of the law, the Special Committee on Naturalization is required to promulgate the implementing rules and regulations. As soon as we have the implementing rules and regulations, another memorandum defining exactly the LCRO's role will be issued by this Office.


CARMELITA N. ERICTA
Civil Registrar General

CNE/cbl/...

Copy furnished:

- All Regional Directors
- All Provincial Statistics Officers
- All Statistical Coordination Officers

**SAMPLE: REPORT TO THE SCN
(USE LETTERHEAD OF LCRO)**

(Date)

Hon. Antonio L. Villamor
Executive Director
Special Committee on Naturalization
Office of the Solicitor General
7/F Amorsolo St.,
Makati City

Dear Dir. Villamor,

This is in regard to the requirements of Section 7, RA 9139, otherwise known as "The Administrative Naturalization Law of 2000".

Please be informed that this office has received and posted the following petitions, along with the supporting documents, on the corresponding dates. Information received concerning the petitioner is likewise indicated opposite their names.

1. (Name of Petitioner)	Date Posted	List Any Information (or if none, place "No Information received")
2. (Name of Petitioner)	Date Posted	List Any Information (or if none, place "No Information received")
3. (Name of Petitioner)	Date Posted	List Any Information (or if none, place "No Information received")
4. (Name of Petitioner)	Date Posted	List Any Information (or if none, place "No Information received")

For your information and guidance.

Very truly yours,

(Name)
Civil Registrar of (City / Municipality)

SAMPLE

NOTICE TO THE PUBLIC

The following are classes of persons who are not qualified to be naturalized as Filipino citizens under Section 4 of Republic Act No. 9139 (Administrative Naturalization Law of 2000):

- (a) Those opposed to organized government or affiliated with any association or group of persons who uphold and teach doctrines opposing all organized government;
- (b) Those defending or teaching the necessity of or propriety of violence, personal assault or assassination for the success or predominance of their ideas.
- (c) Polygamists or believers in the practice of polygamy.
- (d) Those convicted of crimes involving moral turpitude.
- (e) Those suffering from mental alienation or incurable contagious disease.
- (f) Those who, during the period of their residence in the Philippines have not mingled socially with Filipinos, or who have not evinced a sincere desire to learn and embrace the customs, traditions and ideals of the Filipinos.
- (g) Citizens or subject with whom the Philippines is at war; and
- (h) Citizens or subjects of a foreign country whose laws do not grant Filipinos the right to be naturalized citizens or subjects thereof.

In this connection, if you have knowledge of the fact or any information that might lead you to conclude that the following petitioners, whose petitions and supporting documents are posted below, are **NOT QUALIFIED** to be naturalized as Filipino citizens, kindly inform the Civil Registrar immediately about the matter.

1. (Name of petitioner)
2. (Name of petitioner)
3. (Name of petitioner)

For information and guidance.

(Name)
Civil Registrar



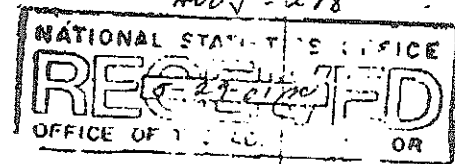
Republika ng Pilipinas
KAGAWARAN NG KATARUNGAN
Department of Justice
Manila



OPINION NO. 26, S. 2001

MAY 17 2001

Administrator Tomas F. Africa
Civil Registrar General
National Statistics Office
EDSA corner Times St.
West Triangle, Quezon City 1104



S i r:

Subject of herein request for opinion are the following queries, to wit:

1. Whether or not the power to control and supervise local civil registry offices in the country by the Civil Registrar General has been removed by Section 479 of Republic Act (R.A.) No. 7160, otherwise known as the Local Government Code of 1991. In connection therewith, are City/Municipal Registrars no longer under the control and supervision of the Civil Registrar General? and
2. Whether or not the City/Municipal Civil Registrars can still perform their duty to administer oath.

The first query, it appears, was precipitated by the view expressed by some quarters that Section 479 of the Local Government Code of 1991, which defines the "Qualifications, Powers and Duties" of the local civil registrar, repealed Act No. 3753, otherwise known as the Civil Registry Law of the Philippines.

It is the contention of that Office, however, that Section 479 of the Local Government Code of 1991 repealed only Section 12 of the Civil Registry Law which pertains to the duties of local civil registrars and not Section 2 which pertains to the powers and duties of the Civil Registrar General.

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"Supervision", on the other hand, as defined in the case of *Mondano vs. Silvosa*, 97 Phil. 143 (1955), means overseeing or the power or authority of an officer to see that subordinate officers perform their duties. If the latter fail or neglect to fulfill them, the former may take such action or steps as prescribed by law to make them perform these duties, while "direction" is an instruction or series of instructions for doing something; a command (*Webster's New Dictionary and Roget's Thesaurus*); authoritative instruction; information as to the method, route, etc. (*Webster's New International Dictionary [Second Edition]*); and in another sense, it is nearly synonymous with instruction (*Bouvier's Law Dictionary*).

Applying the aforequoted definitions to the instant case, the Civil Registrar General cannot modify, reverse or annul the acts and decisions of the city or municipal civil registrars for that would be an exercise of the power of control which he does not possess. What he can do only is to see to it that the city or municipal civil registrars perform their duties in accordance with existing laws, rules and regulations on civil registration. And this is completely in line with the powers expressly granted to the Civil Registrar General under Section 2 of the Civil Registry Law, which is the "power to give orders and instructions to the City/Municipal Registrars with reference to the performance of their duties as such" and "to report any violation... and all irregularities, negligence or incompetency of the City/Municipal registrars to the City/Municipal Mayors... who shall take the proper disciplinary action against the offenders". To stress, it is the city or municipal mayor concerned, acting upon the report of the Civil Registrar General, who shall take disciplinary action against any local civil registrar found to have violated the provisions of the Civil Registry Law (see Sec. 2, Act 3753, as amended).

In any case, Act No. 3753, as amended, a special law, is not among the laws expressly and explicitly repealed by Section 534 of the Local Government Code of 1991, a general law. This can only mean that there was no such intent on the part of the legislature to abrogate the power of direction and supervision of the Civil Registrar General over local civil registrars in the country. For if repeal of particular or specific law or laws is intended, the proper step is to so express it (*Agujetas vs. Court of Appeals*, 261 SCRA 17). Neither is there an implied repeal. It is a well-settled rule of statutory construction that repeals of statutes by implication are not favored (*Ruben E. Appalo, Statutory Construction [Third Edition]*, p. 322, citing *Valdez vs. Tuason*, 40 Phil. 943 [1920]; *Phil. American*

"SECTION 2. Civil Registrar-General: His duties and powers. - The Administrator of the National Statistics Office shall be the Civil Registrar General and shall enforce the provisions of this Act. The Administrator of the National Statistics Office, in his capacity as Civil Registrar General, is hereby authorized to prepare and issue regulations for carrying out the purposes of this Act, and to prepare and order printed the necessary forms for its proper compliance. In the exercise of his functions as Civil Registrar General, the Administrator of the National Statistics Office shall have the power to give orders and instructions to the City/Municipal Registrars with reference to the performance of their duties as such. It shall be the duty of the Administrator of the National Statistics Office to report any violation of the provisions of this Act and all irregularities, negligence or incompetency of the city/municipal civil registrars to the City or Municipal Mayors, as the case may be, who shall take the proper disciplinary action against the offenders.

"SECTION 3. City/Municipal Civil Registrars. - The City/Municipal Civil Registrar appointed by the City/Municipal Mayor shall be under the direction and supervision of the Civil Registrar General." (Emphasis supplied)

The power of "control and supervision" is not the same as the power of "direction and supervision", which is the power expressly granted by the Civil Registry Law (see Sec. 3, supra) to the Civil Registrar General over the City/Municipal Civil Registrars.

"Supervision and control" means and shall include authority ~~to~~ or regulation to a subordinate; direct the performance of duty; restrain the commission of acts; review, approve, reverse or modify acts and decisions of subordinate officials or units; determine priorities in the execution of plans and programs; and prescribe standards, guidelines, plans and programs (Section 38[1], Chapter 7, Book IV, E.O. NO. 292, otherwise known as the Administrative Code of 1987).

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It is stated that if it were true that the Civil Registrar General has no more power to control and supervise local civil registry offices, there would be chaos in the implementation of the laws on civil registration as there would be no more single and higher authority to give uniform orders and instructions to them, and to enforce the provisions of the Civil Registry Law; that in such a case, the 1,607 City/Municipal Registrars would be having his or her own rules and regulations governing civil registration in his or her local government unit, thereby creating the possibility, that one vital event may not be acceptable for registration in one municipality, but a similar vital event can be registered in another municipality. It is the belief of that Office that removing or diminishing the power of the Civil Registrar General "to control and supervise" local civil registry offices was never intended by Congress in enacting the Local Government Code of 1991.

The second query, on the other hand, was raised in view of the absence of an express provision in the Local Government Code of 1991 allowing local civil registrars to administer oath. It is the position of that Office, however, that local civil registrars can still administer oath based on the provisions of the Family Code which expressly or impliedly give such authority to them. Cited in particular is Article 24 which expressly authorizes the local civil registrar to administer oath to all interested parties mentioned therein.

The crux of the first query lies on whether the Civil Registrar General exercises supervision and control over local civil registrars.

We answer in the negative. Section 479 of the Local Government Code of 1991 did not remove the power "to control and supervise local civil registry offices" from the Civil Registrar General, because there was nothing to remove in the first place.

Obviously, the first query reflects a misreading or misapprehension of Act No. 3753 entitled "An Act to Establish a Civil Register". It must be stressed that even under the said ACT, the Civil Registrar General has only "direction and supervision" over local civil registrars and not "control and supervision" as claimed. The Civil Registry Law, as amended, is clear and categorical:

Management Co., Inc. vs. Phil. American Management Employees Assn., 49 SCRA 194 [1973]; Villegas vs. Subido, 41 SCRA 190 [1971], *En Juvos vs. People*, 120 SCRA 750 [1995]. The presumption against implied repeal is stronger when, of two laws, one is special, and the other general, as obtaining in the instant case; and this rule applies even though the terms of the general act are broad enough to include the matter covered by the special statute (*Ibid.*, citing *Manila Railroad Co. vs. Rafferty*, 40 Phil. 224 [1919]; *Commissioner of Internal Revenue vs. Court of Appeals*, 207 SCRA 487 [1992]).

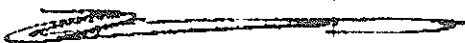
Anent the second query, we believe that the power of local civil registrars to administer oath as provided in Section 12(g) of the Civil Registry Law still exists. Section 12(g) provides:

"SECTION 12. Duties of local civil registrars -
Local Civil Registrars shall x x x (g) administer oaths, free of charge, for civil register purposes."

The power of local civil registrars to administer oath under the aforequoted provision is sufficiently within the purview of the general clause in Section 479 of the Local Government of 1991 which states that the local civil registrar shall "[E]xercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance" (see par [3]). However, as stated in the Civil Registry Law (see Sec. 12(g), *supra*), the power of local civil registrars to administer oath shall be limited to civil registry matters and the same must be free of charge.

Please be guided accordingly.

Very truly yours,


HERNANDO B. PEREZ
Secretary