

Update on Civil Registration: The Case of Muslim Filipinos

Based on the 2015 PSA Census of Population, approximately 6% or about 6,064,744 are Muslim Filipinos putting Islam as the second (2nd) growing religion in the Philippines. 0.68% or 390,472 of the total population are Muslims residing in Luzon; 0.15% or 28,262 of the total population in the Philippines were in Visayas; and 23.39% or 5,646,010 of the total population in the Philippines were in Mindanao. Mindanao particularly the Autonomous Region in Muslim Mindanao (ARMM) now Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) has the most number of Muslim Filipinos with 91% or 3,445,248 of the total Muslim population in the Philippines. According to the World Population Review, this year 2022, Philippines has almost 8% or 7,913,542 Muslim Filipinos from the overall total population. Unofficial estimate of Muslim population with a guarantee of accuracy ranges 8 to 10% of the total Philippine population.

By virtue of the Republic Act 9997 series 2010, “An Act Creating National Commission on Muslim Filipinos (NCMF) Defining Its Powers, Functions and Responsibilities and Appropriating Funds Therefor and for Other Purposes” signed on 10 February 2010. It was enacted to broaden, strengthen, expand, and upgrade the erstwhile Office on Muslim Affairs. The Commission is mandated to preserve and develop the culture, tradition, institutions, and well-being of Muslim Filipinos, in conformity with the country's laws and in consonance with national unity and development both local and national affairs involving Muslim Filipinos that include the implementation of economic, educational, cultural, and infrastructure programs for Muslim Filipino communities.

One of functions of NCMF under RA 9997, section 8, paragraph [p], is to assist the National Statistics Office (NSO) now Philippine Statistics Authority in conducting census on the actual population of Muslim Filipinos and other services given by PSA to the Filipino citizens in the country.

The Commission and Muslim leaders is uncertain with the result of the Muslim population based on the 2015 Census of population considering the distribution of Muslim Filipinos in all regions of the country and also lot of non-Muslim now a days are embracing Islam as their religion.

Muslim Filipinos has 13 ethnolinguistic group/tribe: **Maranao** from Lanao del Sur and Lanao de Norte; **Maguindanaon** from Sultan Kudarat, North Cotabato, South Cotabato,

Maguindanao and Sarangani; **Tausug** from Sulu, Tawi-Tawi, Basilan and Zamboanga Provinces; **Sama** from Tawi-Tawi; **Yakan** from Basilan; **Sangil** from South Cotabato and Sarangani; **Badjao or Sama Dilaut** from Sulu, Tawi-Tawi and Basilan; **Kalibugan** from Zamboanga Provinces; **Jama Mapun** from Tawi-Tawi; **Iranun** from Lanao del Sur, Maguindanao and Cotabato Provinces; **Kalagan/Kagan** from Davao Provinces; **Palawani** from Palawan; and **Molbog** from Southern Palawan.

Issues on Muslim census of population can be attributed to the factors like itinerant nature of Muslim Filipinos – they transfer from different places depending on the opportunities especially on livelihood; refusal to participate in a survey due to some suspicion that surveys might be used for discrimination issues - some think that data gathered might be use for untoward circumstances that might victimized them through extortion; some enumerators/surveyors are somewhat hesitant or may be afraid to conduct surveys in some Muslim areas especially in Luzon and Visayas. In some areas too, the mobility of the Filipino Muslim population in urban areas makes it hard to determine the trends of growth or decrease.

Aside from the census of population, Civil Registration and Vital Statistics (CRVS) systems play a significant role for all individuals which also provide data on the population of a country, facilitating the provision of services and statistics which leave no one behind. By ensuring the registration of births, deaths, marriages, and other vital events, and the recording of causes of death, the systems provide individuals with legal forms of identification, enabling access to government services such as education and health care but also facilitating opening a bank account, formal employment and getting a driving license or a passport.

CRVS will generate birth and death that can be combined with information on migration from census or a population register to provide governments with up-to-date statistics on population size, growth and distribution. Governments can then devise and implement efficient, targeted and evidence-based decision-making in public administration.

With the laws governing civil registration, there are also laws that were enacted to address Muslim concerns. First is the Presidential Decree No. 1083 (P.D. 1083), also known as the “Code of Muslim Personal Laws of the Philippines, popularly known as Shari’ah Law; and the issuance of Executive Order No. 157 (E.O. 157), in “Establishing a Civil Registration System for Muslim Filipinos.”. This is supplemented by Administrative Order No. 1, Series of 2005 issued by the Office of the Civil Registrar General of the National Statistics Office, in revision to the Administrative Order No. 2, series 1993 to provide a more responsive civil registration system for

Muslim Filipinos whether residing in the Philippines or abroad. These laws and orders provides that:

- ✓ C/MCR is in charge of recording birth, marriage, death and other registrable acts and events occurring among the Muslims
- ✓ Clerk of Court of the Shari'ah Circuit Court (Circuit Registrar) is responsible for Muslim marriage, divorce, revocation of divorce and conversion to Islam (Article 83 of P.D. 1083)
- ✓ The Clerk of Court of the Shari'ah District Court shall act as *District Registrar* and supervised over Circuit Registrars in every Shari'ah District and send copies of the certificates to the Office of the Civil Registrar-General (Article 81 of P.D. 1083)

There are five (5) Shari'a Districts Offices that were created: **First District** serves Jolo, Sulu; **Second District** serves Bongao and Tawi-Tawi; **Third District** in Zamboanga City covering Basilan, Zamb. del Sur/Norte, Dipolog, Pagadian; **Fourth District** in Marawi City servicing Lanao del Sur/Norte, Marawi and Iligan City; **Fifth District** in Cotabato City covering Maguindanao, North Cotabato and Sultan Kudarat.

The following are the rules and regulations governing registration of acts and events concerning civil status of Muslim Filipinos pursuant to Section 2 of Republic Act No. 3753, otherwise known as the Civil Registry Law of the Philippines, in conjunction with Section 3, Executive Order No. 157.

For birth registration:

- *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 Adat (customary laws).*
- *A Muslim foster child or those who have been under guardianship may use the surname of the foster parent or guardian in accordance with Adat. The foster parent or guardian shall execute an affidavit (Shahada) declaring that the child is under their care.*
- *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.*
 - ✓ *Certification from OMA now NCMF 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*
- *A Muslim Filipino who has acquired traditional title pursuant to Adat may likewise request for annotation thereof in the COLB shall be attested by at least two witnesses of the conferment*
- ✓ *Certification from OMA/NCMF that the title was conferred in accordance with Adat shall be submitted to the C/MCR of the place of birth of the person bestowed with the traditional title*
- *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.*

For death registration:

- *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.*
- *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).*

For registration of marriages:

- *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'ah Circuit Court exists.*
- *Where there is no Shari'ah 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.*
 - *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.*
 - *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.*
 - *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.*
 - *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.*
 - *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.*

For the Registration of Divorce:

Divorce in Islam is highly discourage but it is allowed as a last resort if it is not possible to continue a marriage. In fact Prophet Muhammad (peace be upon him) once said, “Of all the lawful things, divorce is the most hated by Allah (Most Gracious).” Before the pronouncement of divorce by either husband or wife, certain steps need to be taken to ensure that all options have been exhausted and both parties are treated with respect and justice. Each partner in the marriage

has certain rights and responsibilities, which are to be filled in a loving way in the best interests of the family.

- *Dissolution of marriage bond is being granted only after the exhaustion of all possible means of reconciliation between the spouses. Under Shari'ah law, there are seven kinds of divorce:*
 - ✓ *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).*
- *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.*
- *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.*

For the registration on the revocation of divorce:

- *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.*
- *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.

For the registration of conversion to Islam by non-Muslim:

- *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.*
- *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.*
- *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.*
- *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.*

For the revocation of conversion to Islam:

- *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'ah 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.*

The Commission (NCMF) having seven (7) bureaus, eleven (11) Regional Offices, and nine (9) Provincial Sub-Offices who are the implementing arms of the Commission took initiatives in relation to the Muslim Filipinos' registration with the following activities:

- ✓ Community-based Awareness Program on the importance of civil registration;
- ✓ Conduct mobile civil registration in collaboration with LCRO and PSA;
- ✓ Organizing and creation of Muslim Consultative Council to be recognized by the LGUs which serve as a coordinating and advisory body of the LGUs pertaining to Muslim affairs;
- ✓ Identification of Muslim communities in different regions especially in non-Muslim dominated areas (Luzon, Visayas and/or areas outside BARMM);
- ✓ Assist PSA in the conduct of Philippine National ID System Registration for NCMF employees and family members;
- ✓ Seminars for Solemnizing Officers and information drive on the new law on the Anti-Child Marriage Act or R.A. No. 11596; and
- ✓ Issuance of Certificate of Muslim Filipino Tribal Membership (CTM)
 - ✧ Application for passport
 - ✧ Visa stamping
 - ✧ Local employment as Height waiver (PNP, Bureau of Fire - Male 5'4" or 5'2"/Female 5'2" or 5'0")

During the conduct of different activities initiated by the Commission, certain issues were being identified and perceived. Below are the enumerated issues and challenges with some recommendations relating to Muslim registration.

A. Issues and Challenges:

- ✓ Registration commonly only occurs if the family registers the event;
- ✓ Civil registration is done only if needed (marriage, birth, and death registration even divorce);
- ✓ Common Issues to civil registration:
- ✓ Cost of registration;
- ✓ Lack of proximity to places to register;
 - ✧ Long waiting times or inefficient process of registration;
 - ✧ Socio-cultural barriers;
 - ✧ Due to unstable peace and order condition especially in conflict affected areas; and

- ✧ Lack of appreciation to register or ignorance about civil registration.

B. Issues on census of population:

- ✓ Itinerant nature of Muslim Filipinos;
- ✓ Refusal to participate in a survey;
- ✓ Some enumerators/surveyors are somewhat hesitant or may be afraid to conduct surveys in some Muslim areas; and
- ✓ Inconsistency of number of Muslim population between NCMF and PSA.

C. Recommendation to Improve Muslim Filipino Registration and census of population:

- ✓ Promotional campaign to increase awareness on the importance and significance of civil registration and participation in the census of population;
- ✓ Community-based mobile registration in areas with significant number of Muslim;
- ✓ Reducing the cost of registration especially to indigent Filipinos;
- ✓ Linking birth registration directly to schooling and health care;
- ✓ Providing assistance in the filling up of form for easier registration;
- ✓ Partnering with DILG for the issuance of Memorandum to LGUs and/or BLGU to submit monthly reports on civil registration in their respective barangays;
- ✓ Greater engagement of community leaders to include women, youth, religious, and traditional leaders;
- ✓ Renewal of the Memorandum of Agreement between NCMF and PSA to strengthen the partnership and expand the scope of the programs/services to be covered for Muslim Filipinos;
- ✓ Conduct Inter-Regional Office Fora between NCMF, PSA, and Local Civil Registry; and
- ✓ Request from PSA to Conduct seminar/webinar Enumerators' Training for census of population per region for NCMF employees and selected Muslim volunteers.

In conclusion, the National Commission on Muslim Filipinos and the Philippine Statistics Authority need to have constant collaboration to address the concerns of the Muslim Filipinos with regard to civil registration, census of population, Philippine ID System registration and other acts or events to sustain the initiative programs in relation to Muslim registry. Renewal of the Memorandum of Agreement (MOA) which was signed on 15th April

2015 between NCMF and PSA to strengthen the partnership and expand the scope of the programs/services to be covered for Muslim Filipinos.

References:

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