



REPUBLIC OF THE PHILIPPINES  
PHILIPPINE STATISTICS AUTHORITY

Reference No. 18CRS00-8397

MEMORANDUM CIRCULAR NO. 2018- 09

TO : ALL CONCERNED PSA OFFICIALS AND EMPLOYEES  
ALL CONSUL-GENERALS, CONSULS, VICE-CONSULS AND  
CONCERNED EMPLOYEES OF CONSULAR OFFICES  
ALL CITY/MUNICIPAL CIVIL REGISTRARS

SUBJECT : Clarifying and Affirming the Registrability of the Certificate of  
Legal Capacity to Contract Marriage (CLCCM), Repealing for  
the Purpose OCRG Memorandum Circular No. 2015-12 dated  
23 June 2015, and for Other Purposes

DATE : 16 August 2018

Pursuant to pertinent provisions of Republic Act No. 10625<sup>1</sup> and its Implementing Rules and Regulations, Act No. 3753<sup>2</sup> and its Implementing Rules and Regulations, and such applicable laws, rules and regulations, this Memorandum Circular (MC) clarifies the registrability of the Certificate of Legal Capacity to Contract Marriage, hereinafter referred to as CLCCM or "Certificate", for brevity, submitted by foreign nationals as a requirement for the issuance of a marriage license, effective 31 August 2018, subject to the following:

- 1.0 In accordance with Rule 7(3)(e) of the OCRG Administrative Order No. 1, Series of 1993<sup>3</sup>, the Certificate of Legal Capacity to Contract Marriage shall be recorded in the Register of Legal Instruments. Thus, the Office of the Civil Registrar General affirms the registrability of the said "Certificate".
- 2.0 All concerned Philippine Statistics Authority (PSA) Central Office Officials, Regional Directors and Chief Statistical Specialists are directed to cascade this Memorandum Circular to all other concerned officials and employees within their respective territorial area of jurisdiction. Relatedly, all City/Municipal Civil Registrars and Consuls/Vice-Consuls/Consul-Generals are instructed and authorized to record in the Register of Legal Instruments the Certificates of Legal Capacity to Contract Marriage submitted to, filed and registered at their respective offices.
- 3.0 All Certificates of Legal Capacity to Contract Marriage submitted to and filed in various concerned Consular Offices, City and Municipal Civil Registry Offices

<sup>1</sup> "Philippine Statistical Act of 2013."

<sup>2</sup> "Law on Registry of Civil Status."

<sup>3</sup> "Implementing Rules and Regulations of Act No. 3753 and Other Laws on Civil Registration."



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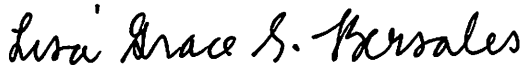


PSA Complex, East Avenue, Diliman, Quezon City, Philippines 1101  
Telephone: (632) 938-5267  
[www.psa.gov.ph](http://www.psa.gov.ph)

upon issuance and within the effectivity of OCRG Memorandum Circular No. 2015-12 dated 23 June 2015 are also to be registered accordingly.

- 4.0 Pursuant to pertinent provisions of Republic Act No. 10625, Memorandum Order No. 2018-01 dated 25 May 2018<sup>4</sup> and such applicable laws, rules and regulations, the Deputy National Statistician for Civil Registration and Central Support Office (DNS for CRC SO) is authorized to prescribe such guidelines deemed necessary to fully implement this Memorandum Circular. *Provided*, that the non-issuance of such implementing guidelines shall not suspend and/or impede the implementation of this Memorandum Circular.
- 5.0 This Memorandum Circular is to repeal OCRG Memorandum Circular No. 2015-12 dated 23 June 2015, and to supplement, clarify, or amend to or modify and supersede all previous orders, circulars, memoranda, issuances and instructions inconsistent hereof. In case of conflict, the pertinent provisions of this Memorandum Circular shall prevail over OCRG Memorandum Circular No. 2015-12 dated 23 June 2015 and all previous orders, circulars, memoranda, issuances and instructions as enunciated under *Mecano v. COA*<sup>5</sup> except, those functions and duties prescribed by legislative delegation.

For guidance and strict compliance of all concerned.



**LISA GRACE S. BERSALES, Ph.D.**  
Undersecretary  
National Statistician and Civil Registrar General



DAAS/MBG/SRADA

<sup>4</sup> "Delineation of the Duties and Functions of the Deputy National Statistician for Civil Registration and Central Support Office (DNS for CRC SO), and the Assistant National Statistician (ANS) Thereof and For Other Purposes

<sup>5</sup> *Antonio A. Mecano v. Commission on Audit*, G.R. No. 103982 December 11, 1992 citing *Posadas vs. National City Bank*, 296 U.S. 497, 80 L. Ed. 351 (1935); *Maceda vs. Macaraig*, 197 SCRA 771 (1991); and *Villegas vs. Subido*, 41 SCRA 190 (1971), the Supreme Court clearly rules:

"Repeal by implication proceeds on the premise that where a statute of later date clearly reveals an intention on the part of the legislature to abrogate a prior act on the subject, that intention must be given effect. Hence, before there can be a repeal, there must be a clear showing on the part of the lawmaker that the intent in enacting the new law was to abrogate the old one. The intention to repeal must be clear and manifest; otherwise, at least, as a general rule, the later act is to be construed as a continuation of, and not a substitute for, the first act and will continue so far as the two acts are the same from the time of the first enactment.

There are two categories of repeal by implication. The first is where provisions in the two acts on the same subject matter are an irreconcilable conflict, the later act to the extent of the conflict constitutes an implied repeal of the earlier one. The second is if the later act covers the whole subject of the earlier one and is clearly intended as a substitute, it will operate to repeal the earlier law.

Implied repeal by irreconcilable inconsistency takes place when the two statutes cover the same subject matter they are so clearly inconsistent and incompatible with each other that they cannot be reconciled or harmonized; and both cannot be given effect, that is, that one law cannot be enforced without nullifying the other."