



Republic of the Philippines
PROVINCE OF NEGROS ORIENTAL
City of Bayawan
Office of the Sangguniang Panlungsod

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION HELD BY THE CITY COUNCIL OF BAYAWAN, NEGROS ORIENTAL ON SEPTEMBER 15, 2020 AT 2:00 PM AT THE LEGISLATIVE BUILDING GOVERNMENT CENTER.

RECORD OF ATTENDANCE

HON. ISMAEL P. MARTINEZ		On Leave
HON. HENRY E. CARREON, JR.	Acting Presiding Officer	Present
HON. NICO ANGELO L. LIM		Present
HON. MERLITA R. GAUDIEL		Present
HON. RUSMAR IAN D. TIJING		Present
HON. LUIS J. SUMALPONG		Present
HON. JONAS M. TRIAS		On Leave
HON. NARCISO N. CASIPONG		Present
HON. ROLANDO B. ABRASALDO		Present
HON. FELIPE O. SANTIAGO, JR.		Present
HON. SEVERINO SALVADOR M. CAPULSO	(LNMB Vice President)	Present
HON. TRISTAN GOLD T. TORRILLO	(SK Federated President)	Present

RESOLUTION NO. 594

“WHEREAS, Republic Act No. 11222 otherwise known as the “Simulated Birth Rectification Act” is an act which simplifies the legal adoption process of a child by allowing simulated births through a simpler administrative proceeding;

“WHEREAS, Section 13 of RA 11222 provides that the City Social Welfare and Development Officer (CSWDO, the Regional Director, and the Office of the Local Civil Registrar may charge socialized fees to those who avail of the administrative adoption proceedings under this act;

“WHEREFORE, on motion of Honorable Councilor Luis J. Sumalpong and duly seconded by Honorable Councilor Rusmar Ian D. Tijing, the Council

“RESOLVED, To enact as it hereby enacts the following ordinance:

ORDINANCE NO. 35

AN ORDINANCE IMPOSING SOCIALIZED FEES AND CHARGES FOR THE ADMINISTRATIVE ADOPTION PROCEEDINGS UNDER RA 11222 OR THE RECTIFICATION OF SIMULATED BIRTH RECORDS IN THE CITY OF BAYAWAN, PROVINCE OF NEGROS ORIENTAL

Be it ordained that:

TITLE, SCOPE AND DEFINITION OF TERMS

Section 1. Short Title. This ordinance shall be known as AN ORDINANCE IMPOSING SOCIALIZED FEES AND CHARGES FOR THE ADMINISTRATIVE ADOPTION PROCEEDING UNDER RA 11222 OR THE RECTIFICATION OF SIMULATED BIRTH RECORDS IN THE CITY OF BAYAWAN

Section 2. Scope and Application. This ordinance shall govern the collection of socialized fees, charges and other impositions within the jurisdiction of the City of Bayawan, Negros Oriental.

Section 3. Definition of Terms. Words and phrases embodied in this ordinance not herein specifically defined shall have the same definitions as found in RA 11222, otherwise known as Rectification of Simulated Birth Records Act.

- (a) **Child** - refers to a person below eighteen (18) years of age or a person eighteen (18) years of age or over who is unable to fully take care of herself or himself or protect herself or himself from abuse, neglect, cruelty, exploitation, or discrimination because of physical or mental disability or condition, whose birth was simulated;
- (b) **Foundling** - refers to a child who is abandoned and whose parentage is unknown;
- (c) **Simulation of Birth Record** - refers to the tampering of the Civil Registry to make it appear in the record of birth that a child was born to a person who is not such child's biological mother, causing the loss of the true identity and status of such child;
- (d) **Social Welfare and Development Officer** - refers to the head of a City Social Welfare and Development Office which serves as the frontline of a city government in the delivery of social welfare and development programs and services;
- (e) **Local Civil Registrar** - refers to the head of a City Civil Registry department which serves as the frontline of a city government in the implementation of civil registration program;
- (f) **Rectification of Simulated Birth Records** - refers to the modification/correction of a birth record;
- (g) **Fee** - means a charge fixed by law or ordinance for the regulation of an activity. It shall also include charges fixed by law or agency for the services of a public officer in the discharge of his official duties;
- (h) **Socialized Fee** - fee imposed to those who avail of the administrative adoption proceedings under RA11222;
- (i) **Civil Registry Fee** - fee imposed in the request for extraction or transcription of civil registry record;
- (j) **Certified Copies** - shall refer to a transcription of a record from the files of the record keeping department;
- (k) **Petition** - shall refer to a sworn document in form of an affidavit stating the facts relative to the application for administrative proceedings under the Simulated Birth Rectification Act;
- (l) **Adoption Process** - shall refer to the procedures and steps to be undergone to establish the identity of the child and prepare the order of adoption to the Regional Director of the DSWD;

CITY TAXES

Section 4. Imposition of Socialized Fee. A socialized fee shall be charged to those who avail of the administrative adoption proceedings under RA 11222, as follows;

- a) PHP 1,000.00 - for every petition for adoption prepared, assessed, validated and recommended to the DSWD Regional Office for the issuance of Order of Adoption.
- b) PHP 300.00 – Parenting Capability Assessment Report Fee
- c) PHP 300.00 – Child Study Report
- d) PHP 300.00 – Home Study Report
- e) PHP 100.00 – Deed of Voluntary Commitment Fee

Fee shall be waived if the petitioner(s) is/are found to be indigent.

Section 5. Imposition of Civil Registry Fee. There shall be fee collected in the modification of birth record in connection with the administrative adoption process under RA 11222.

- (a) For the cancelation of the simulated birth record - PHP 200.00

- | | | |
|---|---|--------|
| (b) For the issuance of a rectified birth record bearing the Names of the biological parents | - | 200.00 |
| (c) For the issuance of a new birth certificate | - | 200.00 |
| (d) For the preparation and endorsement of the new Birth Certificate to the PSA Central Office File | - | 200.00 |

Section 6. Exemptions. The fee imposed in this ordinance shall not be collected in the cases as:

- (a) Provided under Section 4B.02 (a)(b) Chapter IV of the Revised Revenue Code of 2018 of the City of Bayawan, Negros Oriental;
- (b) For the indigent petitioner pursuant to Section 13 of RA 11222.

Section 7. Time of Payment. The fee shall be paid to the City Treasurer before the processing of the petition and or issuance of civil registry records or documents.

FINAL PROVISIONS

Section 8. Separability Clause. If for any reason, any portion or provision of the Ordinance is declared unlawful or invalid, such invalidity shall not affect, impair or invalidate the remainder of this ordinance.

Section 9. Repealing Clause. All laws or parts thereof inconsistent with any provision of this Act shall be deemed repealed or modified, as the case may be.

Section 10. Effectivity. This ordinance shall be effective immediately upon approval.

“Enacted.”

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I hereby certify to the correctness of the foregoing resolution.


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JULIUS T. ESPARTERO
 Secretary to the Sangguniang Panlungsod

ATTESTED:

APPROVED:


HENRY E. CARREON, JR.
 Councilor
 Acting Presiding Officer


PRYDE HENRY A. TEVES
 Mayor
 Date: 24 SEP 2020

Copy for:
 - The Honorable Provincial Board, Dumaguete City