

DSWD OPINION NO. 55 S. 2024
MEMORANDUM

DRN: LS-L-LO-24-06-03960-C

FOR : EDMON B. MONTEVERDE
Director IV, Program Management Bureau

FROM : ASSISTANT SECRETARY FOR GASSG, AND CONCURRENT
OFFICER-IN-CHARGE, LEGAL SERVICE

SUBJECT : LEGAL OPINION ON CENTENARIAN APPLICATION

DATE : 05 JULY 2024

This is in reference to your Memorandum requesting for legal advice relative to the application for awards and incentives under Republic Act (RA) No. 10868, otherwise known as the "Centenarians Act of 2016"¹, of Mrs. (MRS.) or the "CLAIMANT").

Records show that claimant, to prove her entitlement under RA. No. 10868, presented a photocopy of her Philippine Statistics Authority (PSA)-issued Certificate of Live Birth and other documents to the Municipal Social Welfare and Development Office of Lagangilang, Abra. Based on claimant's PSA birth certificate, she was born on December 24, 1924. Thus, MRS. claimed that she was qualified to receive the centenarian benefits once she reached the age of 100 on her birthday on December 24, 2024. Unfortunately, the claimant passed away on March 27, 2024.

The daughter of the deceased, Ms. (MS.), acting as the representative of MRS. , is now insisting that her deceased mother had reached 100 years old before she passed away last March 27, 2024. MS. claim was based on a copy of the marriage license of her parents, and and her own PSA Birth Certificate.

The Marriage License shows that at the time of the issuance of the Marriage License on 03 May 1945, her mother. was 21 years old, thus, at the time of her death on 27 March 2024, was 100 years old. Further, MS. PSA Birth Certificate indicated that at the time of her birth on June 17, 1967, her mother MRS. was already 44 years old, thus, when MRS. died on March 27, 2024, she already reached 100 years old.

Comments

A Centenarian is defined under Rule 2, Article 2 (a) of the Implementing Rules and Regulations (IRR) of RA No. 10868², as, "all Filipinos, who have reached one

¹ "AN ACT HONORING AND GRANTING ADDITIONAL BENEFITS AND PRIVILEGES TO FILIPINO CENTENARIANS AND FOR OTHER PURPOSES", OTHERWISE KNOWN AS THE "CENTENARIANS ACT OF 2016"

² IMPLEMENTING RULES AND REGULATIONS OF REPUBLIC ACT NO. 10868, "AN ACT HONORING AND GRANTING ADDITIONAL BENEFITS AND PRIVILEGES TO FILIPINO CENTENARIANS AND FOR OTHER PURPOSES", OTHERWISE KNOWN AS THE "CENTENARIANS ACT OF 2016"

hundred years old and above, whether residing in the Philippines or abroad". All Filipinos who have reached this age shall receive awards and incentives from the national government³ and from the local government units⁴ where the centenarian resides.

Rule VI, Article 6 of the IRR of RA No. 10868 states:

Article 6. Identification Documents – The centenarian shall present his/her **birth certificate or Philippine passport** to prove his/her entitlement for the awards and incentives under the Centenarian Act of 2016. **In the absence of either of the two documents**, any one (1) of the following primary IDs may also be accepted:

- a. Senior Citizen's Identification (ID) Card issued by the Office of Senior Citizens Affairs (OSCA) indicating the year of birth;
- b. Other Philippine-government issued identification cards such as the Land Transportation (LTO) issued Driver's License, social security cards like the Government Service Insurance System (GSIS), and Social Security System (SSS), Professional Regulatory Commission (PRC) license, Philippine Posts ID, Commission on Elections (COMELEC) voter's ID, etc. showing Filipino citizenship and year of birth as a reference point for the centenarian's eligibility for the awards and incentives.

Any two (2) of the following secondary documents may also be accepted in the absence of the above-mentioned primary IDs:

- a. **Marriage Certificate of the centenarian** issued by the Philippine Statistics Authority (PSA) or the Local Civil Registrar
- b. **Birth Certificates of children** borne by/of the centenarian
- c. Affidavits executed by at least two (2) disinterested persons with personal knowledge of centenarian's actual age or date of birth
- d. Old School or Employment records showing date of birth of the centenarian
- e. Baptismal and/or Confirmation records of centenarian certified by the parish church.

Any false attestations or certifications issued shall be under the pain of penalty as provided under the Revised Penal Code, Civil Code and other existing laws for that matter. For those centenarians residing abroad, they may provide valid identification documents recognized in the country of their residence as verified and certified by the Philippine embassy or consulate. The Commission on Filipinos Overseas (CFO), in cooperation with the Department of Foreign Affairs (DFA), may issue appropriate guidelines for this purpose within 60 days after the effectivity of this IRR. (Emphasis and Underline Supplied)

³ Ibid, Rule 5, Article 5.1. Awards and Incentives from the National Government

⁴ Ibid, Rule 5, Article 5.2. Awards and Incentives from the Local Government Unit

Applying the foregoing rules, the mandatory document required to prove the centenarian's age is either a birth certificate or a Philippine Passport to prove the entitlement to the awards and incentives under the Centenarian Act of 2016. In the absence of a valid birth certificate or Philippine Passport, then the primary IDs may be presented and accepted as proof of the centenarian's age. Only when the primary documents are not available will the secondary documents be accepted as proof of the applicant's entitlement.

Considering the hierarchy or order of the documentary requirements for the award or incentives prescribed by law and its rules, MRS. [redacted] Certificate of Live Birth, which is available, shall prevail and shall be considered as proof of age of the claimant. Based on this document, MRS. [redacted] was born on 24 December 1924, and in the absence of contrary evidence properly disputing this official record of birth, the same is the acceptable proof of MRS. [redacted] age, and thus, at the time of her death on 27 March 2024, she was only 99 years old.

Given the presence and availability of the mandatory document which is the Certificate of Live Birth of MRS. [redacted], the secondary documents being presented by MS. [redacted] shall not be accepted as proof. Even assuming for the sake of argument that both the Marriage License and Certificate of Live Birth are accepted as proof for entitlement of awards and incentives, these documents cannot be given full credence as the dates and ages arrived at by computing the dates in the Marriage License and age of MRS. [redacted] in the Certificate of Live Birth are inconsistent.

Please be informed that the foregoing legal opinion, is based solely on the information provided by your office, and may vary based on a different set of information or document/s or when the facts are changed or elaborated.

Kindly fill out the attached Customer Feedback Form and return the same to the Legal Service.

Thank you.


ATTY. GINA V. WENCESLAO

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Approved by:


ATTY. EDWARD JUSTINE R. ORDEN
Undersecretary for GASSG & 2.