

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Diliman, Quezon City

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 214

Introduced by **ATTY. MAGTANGGOL T. GUNIGUNDO I**

EXPLANATORY NOTE

This re-filed bill is originally HB 2166 that we filed in the 14th Congress that was referred to the Committee on Justice that seeks to amend Section 2, paragraph 3 of Republic Act 9048 by removing age and gender from among the four (4) [the other two is nationality and civil status] exceptions that can be the subject of petitions to correct clerical or typographical error in the civil registry records without the need of a judicial order. Unfortunately, said proposed legislative measure was never scheduled for hearing by the Committee to take notice of its merits.

As principal author of Republic Act 9048 or the *Gunigundo Law* that has helped thousands of people seeking rectification of the errors in their civil registry records or documents without the aid of judicial order, we recognize that the existing law could not be availed of by numerous incidents of mistakes on the date of birth or the gender box.

The original version of the House bill that evolved into RA 9048 included clerical errors in the entries for age or gender in the scope of the law but these were later on excluded during the Committee deliberations and bicameral conferences on the pretense that it may be used in electoral fraud and possible circumvention of the Family Code.

Reality check dictates that these should be included in the scope of clerical errors that can be rectified under RA 9048.

This bill also authorizes the Local Civil Registrars or Consuls to retain seventy five percent (75%) of the fees collected by virtue of RA 9048 as amended and shall be appropriated for the Capital Outlays (CO) and for the Miscellaneous and Other Operating Expenses (MOOE) for the Local Civil Registry Office or Office of the Consul concerned.

In view of the foregoing, immediate approval of this bill is earnestly sought.


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Introduced by **ATTY. MAGTANGGOL T. GUNIGUNDO I**

AN ACT
TO INCLUDE PETITIONS TO CORRECT CLERICAL ERROR
IN THE ENTRY FOR AGE OR GENDER
OF A PERSON IN HIS CIVIL REGISTRY RECORDS
TO BE FILED WITH THE LOCAL CIVIL REGISTRY OFFICE OR
OFFICE OF THE CONSUL, AMENDING FOR THE PURPOSE
REPUBLIC ACT 9048 OR THE CLERICAL ERROR LAW

Be it enacted by the Senate and the House of Representatives in Congress assembled:

SECTION 1. DEFINITION.- Section 2, paragraph (3) of Republic Act 9048, otherwise known as the Clerical Error Law, is hereby amended to read as follows:

"Sec. 2. Definition of Terms.- As used in this Act, the following terms shall mean:

x x x

(3) "Clerical or typographical error" refers to a mistake committed in the performance of clerical work in writing, copying, transcribing or typing an entry in the civil register that is harmless and innocuous, such as misspelled name or misspelled date of birth or the like, which is visible to the eyes or obvious to the understanding and can be corrected or changed only by reference to other existing record or records: Provided, however, that no correction must involve the change of nationality x x x or status of the petitioner."

x x x

SECTION 2. CERTIFICATION FROM GOVERNMENT PHYSICIAN. - No petition shall be entertained and entry shall be corrected involving change of gender except if the petition is accompanied by a certification issued by accredited government physician attesting to the fact that the petitioner has not undergone sex change or sex transplant.

SECTION 3. DOCUMENTS IN SUPPORT OF THE PETITION. - No petition shall be entertained and entry shall be corrected involving change of gender except if the petition is accompanied by earliest school record or earliest civil documents like the following, but not limited to medical records and documents issued by religious authorities.

SECTION 4. NO PETITION FOR GENDER IF COUPLED WITH CORRECTION OF ERROR IN THE ENTRY OF FIRST NAME. - No petition shall be entertained and entry shall be corrected involving change of gender when it is coupled with a request for change of first name of the petitioner.

SECTION 5. FEES COLLECTED. - The fees collected by the city or municipal registrar or the consul as a condition for accepting the petition by virtue of RA 9048 and this amending Act, shall accrue to the funds of the local civil registry office concerned or the Office of the Consul for IT modernization of the office and hiring of new personnel and procurement of supplies, subject to audit by the Commission on Audit.

SECTION 6. IMPLEMENTING RULES AND REGULATIONS. - The Civil Registrar General, shall in consultation with the Department of Justice (DOJ), Department of Foreign Affairs (DFA), Office of the Supreme Court Administrator, the UP Law Center, issue the necessary rules/regulations for the effective implementation of this Act not later than one (1) month from its effectivity and to be submitted to the House of Representatives' Committees on Justice and Revision of Laws for final approval.

SECTION 7. SEPARABILITY CLAUSE. - If any portion or provision of this Act is declared void or unconstitutional, the remaining portion or provisions thereof shall not be affected by such declaration.

SECTION 8. REPEALING CLAUSE. - All laws, decrees, orders, rules and regulations, other issuances, or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 9. EFFECTIVITY. -This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in at least two (2) national newspapers of general circulation.

Approved,