

**Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila**

FIFTEENTH CONGRESS

First Regular Session

HOUSE BILL NO. 237

INTRODUCED BY CONGRESSMAN PEDRO P. ROMUALDO

EXPLANATORY NOTE

Since the enactment of Republic Act No. 9048 in 2001, there has been an increase clamor to expand the authority and jurisdiction of the Office of the Civil Registrar General in line with the correction of entry or typographical errors involving age and sex or gender. However, there is a need to define the parameters for this might open the floodgates for possible abuse.

Therefore, petitions for change of sex or gender including name or alias by a person who has undergone surgical operation must go through the regular courts rather than file a petition with the Office of the Civil Registrar.

The responsibility of the Office of the Civil Registrar General on this instance is only to annotate the approved name and change of sex or gender upon receipt of the final decision of the court.

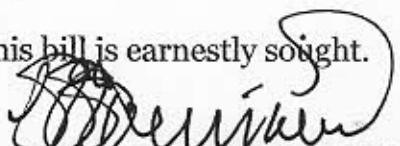
Petitions for correction of erroneous entry or typographical errors concerning age and gender or sex shall be within the expanded jurisdiction of the Office of the Civil Registrar General as long as the requisite documents shall be complied with by the petitioner.

Indigent applicants shall be exempted from payment of fees upon submission of a Certification from the local Social Welfare Officer of the concerned local government unit and a Clearance from the Bureau of Internal Revenue Clearance, which shall be issued free of charge, to show proof of their indigent state. In lieu of the requisite publication, petitions from indigent parties shall be posted by the Local Civil Registrar concerned for one (1) week in two (2) common public areas to serve notice to the public and shall be free of charge.

Those who will willfully violate the provisions of this Act shall be meted with stiffer fines and imprisonment or both as a warning to the public and government personnel or officials of the sanctity of our civil registration records. The fines to be meted out to the violators shall be credited to the Office of the Civil Registrar, the local government and the Local Civil Registrar where the petitioner originated.

The implementing rules and regulations shall be issued not later than two (2) months from the effectivity of this Act upon due consultation with the Office of the Civil Registrar General, the Department of Justice, the Department of Foreign Affairs, the Office of the Supreme Court Administrator, Publisher's Association of the Philippines, and the Philippine Association of Civil Registrars.

Your support for the early approval of this bill is earnestly sought.


PEDRO P. ROMUALDO

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AN ACT

**EXPANDING THE AUTHORITY AND JURISDICTION OF THE OFFICE OF
THE CIVIL REGISTRAR GENERAL THEREBY AMENDING REPUBLIC ACT
NO. 9048**

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

SECTION 1. Authority of the Office of the Civil Registrar. - The Office of the Civil Registrar General shall accept and act on Petitions for Correction of Erroneous Entry or Typographical Errors concerning age and gender or sex of the petitioner or his or her duly authorized representative upon submission of the following proof:

As to Age:

- a.) Sworn Affidavit from both parents attesting to the correct date of birth of their child;
- b.) Original or Authenticated copy of the Baptismal Certificate of the child duly issued by the Parish Priest, Pastor or Imam;

In case one or both parents are already deceased, at least two (2) older siblings of the petitioner can issue a sworn affidavit to attest to the correct age and date of birth of the petitioner, or in their absence;

As to Gender:

- a.) Sworn Affidavit from both parents attesting to the true gender or sex of their child at the time of birth;
- b.) Original or Authenticated copy of the Baptismal Certificate of the child duly issued by the Parish Priest, Pastor or Imam; or
- c.) Sworn Affidavit of Petitioner that he or she is the same person applying for the change of gender;
- d.) Official Copies of School records such as Forms 137 - 138 and Transcript of Records.

SEC. 2. Petition for Correction of Erroneous Entry or Typographical Error. - The Petitions for Correction of Erroneous Entry or Typographical Errors concerning age and gender or sex shall be published in two (2) newspapers of general circulation for two (2) consecutive days to allow third persons to oppose said petition prior to its final hearing and decision.

The Office of the Civil Registrar General shall have thirty (30) working days to act on the petitions involving age and gender.

SEC. 3. *Petition for Change of Gender and Name.* - A petition for a change of gender and name by virtue of a sex change or sex transplant shall be exclusively within the jurisdiction of the proper courts.

Provided, however, that the Office of the Civil Registrar General shall have a period of thirty (30) working days upon receipt of the final order of the Supreme Court or proper court as to the finality of a decision granting a petition involving a change of gender or sex by a person who has undergone sex change or sex transplant to annotate the changes in gender on the birth certificate of the person and the preferred name to match his or her new gender. It shall also require the person to submit five (5) certified copies of the court decision.

Provided, further, that this decision and change in the name and gender of the person be published in two (2) newspapers of general circulation as a notice to the whole world and proof of which shall be duly submitted to the Office of the Civil Registrar General prior to issuance of the updated birth certificate.

SEC. 4. *Payment of Fees.* - The Office of the Civil Registrar General shall be authorized to collect reasonable fees as a condition for accepting the petition for change of age, sex or gender. The reasonable fees for all petitions shall be uniform in all local government units with the same classifications. Provided, however, that an indigent petitioner shall be exempt from the payment of said fees upon submission of the following requisites:

- a.) Certification from the local Social Welfare Officer of the concerned local government unit; and
- b.) Bureau of Internal Revenue Clearance.

These requirements shall be issued free of charge by these concerned agencies.

Provided, however, that for indigent petitioners, it would suffice that the petition shall be posted for one (1) week in two (2) common public places in the Municipality and Province where the petitioner originated.

SEC. 5. *Penalty Clause.* - A person who violates any of the provisions of this Act shall, upon conviction, be penalized by imprisonment of not less than six (6) years but not more than twelve (12) years, or a fine of not less than Twenty-five thousand pesos but not more than Two hundred thousand pesos (P200, 000.00) or both at the discretion of the court.

Any person who makes a mockery of the civil registration system through fraud, willful deceit and dishonesty shall be penalized by imprisonment of not less than six (6) years but not more than twelve (12) years, or a fine of not less than Fifty thousand pesos but not more than Five hundred thousand pesos (P500, 000.00) or both at the discretion of the court.

In addition, if the offender is a government official or employee he shall suffer the penalties provided under civil service laws, rules and regulations including a fine of not less than Fifty thousand pesos but nor more than Five hundred thousand pesos (P 500,000.00).

The fines collected under this Act shall be credited in the following:

- a.) Thirty percent (30%) shall be credited to the Office of the Civil Registrar General;
- b.) Fifty percent (50%) shall be credited to the local government units concerned where the petitioner originated; and
- c.) Twenty percent (20%) shall be credited to the Local Civil Registrar concerned where the petitioner originated.

The funds from the meted fines shall be used in the following priority:

- a.) purchase of IT equipment

- b.) repair and improvement of the offices concerned; and
- c.) procurement of necessary supplies.

SEC. 6. *Implementing Rules and Regulations.* – The Office of the Civil Registrar General shall, in consultation with the Department of Justice, the Department of Foreign Affairs, the Office of the Supreme Court Administrator, Publisher's Association of the Philippines and the Philippine Association of Civil Registrars, issue the necessary rules and regulations for the effective implementation of this Act not later than two (2) months from the effectivity of this law.

SEC. 7. *Separability Clause.* – If any provision of this Act is declared unconstitutional, the same shall not affect the validity and effectivity of other provisions thereof.

SEC. 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.

SEC. 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,