

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

Fifteenth Congress
First Regular Session

HOUSE BILL NO. 1767

Introduced by Honorable Florencio T. Miraflores

EXPLANATORY NOTE

This bill seeks to expand the authority of the city or municipal civil registrar or the consul general by including the correction of clerical and typographical errors in the date of birth or sex of a person appearing in the civil register without need of a judicial order.

Republic Act No. 9048 was enacted for the purpose of amending Articles 376 and 412 of the Civil Code of the Philippines. The law authorizes the city and municipal civil registrars or consuls-general to change or correct without judicial order, certain clerical or typographical errors in the civil register. The law does not include, however, other entries such as "sex" and "date of birth" where typographical or clerical errors are likewise commonly committed.

A simple "x" on the wrong line or entry causes grave or serious problems on the registrant. For example, an application for marriage license might be denied because the typist marked "x" on a wrong gender. Likewise, a registrant whose date of birth was erroneously entered encounters similar problems particularly in the processing of papers for school enrollment, travel abroad or retirement benefits.

The inaccuracies of entries in the civil register remains a major source of inconvenience and untold miseries suffered by individuals who were not responsible for these errors. Requiring these individuals to go to court for proper remedy exacerbates their sorry plight.

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


FLORENCIO T. MIRAFLORES

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HOUSE BILL NO. 1767

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AN ACT

FURTHER AUTHORIZING THE CITY OR MUNICIPAL CIVIL REGISTRAR OR THE CONSUL GENERAL TO CORRECT CLERICAL OR TYPOGRAPHICAL ERROR IN THE DATE OF BIRTH OR SEX OF A PERSON APPEARING IN THE CIVIL REGISTER WITHOUT NEED OF A JUDICIAL ORDER, AMENDING FOR THE PURPOSE REPUBLIC ACT NUMBERED NINETY FORTY EIGHT.

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

SECTION. 1. Section 1 of Republic Act No. 9048 is hereby amended to read as follows:

"Sec. 1. Authority to Correct Clerical or Typographical Error and Change of First Name or Nickname. - No entry in a civil register shall be changed or corrected without a judicial order, except for clerical or typographical errors and change of first name or nickname, THE DAY AND MONTH IN THE DATE OF BIRTH OR SEX OF A PERSON which can be corrected or changed by the concerned city or municipal civil registrar or consul general in accordance with the provisions of this Act and its implementing rules and regulations."

SEC. 2. Section 2 of Republic Act No. 9048 is likewise amended to read as follows:

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

(1) xxx_ xxx xxx xxx

(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 place of birth, MISTAKE IN THE ENTRY OF DAY AND MONTH IN THE DATE OF BIRTH OR THE SEX OF A PERSON 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, age, or status [or sex] of the petitioner.

SEC. 3. The title of Republic Act No. 9048 is hereby amended to read as follows:

"AN ACT AUTHORIZING THE CITY OR MUNICIPAL CIVIL REGISTRAR OR THE CONSUL GENERAL TO CORRECT A CLERICAL OR TYPOGRAPHICAL ERROR IN AN ENTRY OR CHANGE OF FIRST NAME OR NICKNAME, THE DATE OF BIRTH OR SEX OF A PERSON IN THE CIVIL REGISTER WITHOUT NEED OF A JUDICIAL ORDER, AMENDING FOR THIS PURPOSE ARTICLES 376 AND 412 OF THE CIVIL CODE OF THE PHILIPPINES."

SEC. 4. This Act shall take effect fifteen (15) days after its publication in at least two (2) national newspapers of general circulation.

Approved,