

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

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 2438

Introduced by: HON. MERCEDES K. ALVAREZ

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 the month or day in the date of birth or sex of a person without need of a judicial order.

Republic Act No. 9048 remedied the clerical and typographical errors as well as a change of first name by when the latter law gave the city or municipal civil registrar as well as the consul general the authority to correct such errors or change of first name. Unfortunately such law did not cover the errors in the certificate of live birth as to the month or day of the date of birth as well as the sex or gender of a Petitioner.

There is a need to include these errors in the definition of "clerical or typographical errors" in Republic Act No. 9048 for several reasons. One reason is that these errors conform to the definition provided in Republic Act No. 9048. These errors are visible to the eyes or are obvious to the understanding and can be easily corrected or changed by reference to other existing record or records, such as baptismal certificates, official school records, medical certificates, COMELEC voter's registration and the like.

A simple error as to the gender or date of birth of a registrant can cause a problematic situation to the latter. Such problems include delay in the processing of papers for workers who wish to employ abroad, delay in the processing of application for board examinations as well as delay in the processing of claims and the like. In addition, the filing of a case for the correction of an entry in the certificate of live birth also entails huge expenses to the Petitioner. These expenses include the legal fees of counsel as well as the filing fees and publication fees required by the courts.

If these bill will be passed into law this will eliminate the inconvenience a registrant will incur if faced with the problem of having errors in the entry of his or her certificate of live birth and will fast track the correction of these errors which were not intentionally made by the registrant. Thus, the passage of this is earnestly requested.


Rep. MERCEDES K. ALVAREZ

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HOUSE BILL NO. 2438

Introduced by: HON. MERCEDES K. ALVAREZ

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 9048.

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:

“Section 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, 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 concerned city or municipal civil registrar or consul general in accordance with the provisions of this Act and its implementing rules and regulations.”

SECTION 2. Section 2 of Republic Act No. 9048, paragraph 3, is likewise amended to read as follows:

Sec. 2. *Definitions of Terms.* — As used in this Act, the following terms shall mean:

(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 of the petitioner.

SECTION 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 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.”

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

Approved,