

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City

FIFTEENTH CONGRESS

First Regular Session

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**COMMITTEE REPORT NO. 874**

Submitted by the Committee on Justice on 11 APR 2011

Re: House Bill No. 4530

Recommending its approval in substitution of House Bill Nos. 214, 237, 1767, 2438, 2681, 2795, and 3834

Sponsors: Representatives Niel C. Tupas, Jr., Gunigundo I, Romualdo, Miraflores, Alvarez, Espina, Arnaiz, and Rodriguez R.

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Mr. Speaker:

The Committee on Justice, to which were referred House Bill No. 214, introduced by Representative Magtanggol T. Gunigundo I, entitled:

**"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"**

House Bill No. 237, introduced by Representative Pedro P. Romualdo, entitled:

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

House Bill No. 1767, introduced by Representative Florencio T. Miraflores, entitled:

**"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"**

House Bill No. 2438, introduced by Rep. Mercedes K. Alvarez, entitled:

**"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"**

House Bill No. 2681, introduced by Representative Rogelio J. Espina, entitled:

**"AN ACT  
AMENDING SECTION 2(3) OF RA 9048 OTHERWISE KNOWN AS AN ACT AUTHORIZING THE CITY OR MUNICIPAL CIVIL REGISTRAR OR THE CONSUL GENERAL TO CORRECT A CLERICAL OR TYPOGRAPHICAL ERROR IN AN ENTRY AND/OR CHANGE OF FIRST NAME OR NICKNAME 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"**

House Bill No. 2795, introduced by Representative George P. Arnaiz, entitled:

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

and House Bill No. 3834, introduced by Representatives Rufus B. Rodriguez and Maximo B. Rodriguez, Jr. entitled:

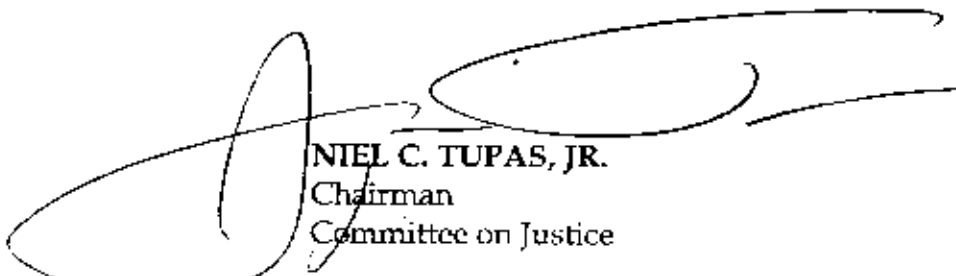
**"AN ACT  
TO INCLUDE PETITIONS TO CORRECT CLERICAL ERROR IN THE  
ENTRY FOR AGE OR GENDER OF A PERSON IN HIS CIVIL  
REGISTRY RECORDS TO BE FILED WITH THE LOCAL CIVIL  
REGISTRY OFFICE OR OFFICE OF THE CONSUL, AMENDING FOR  
THE PURPOSE REPUBLIC ACT 9048 OR THE CLERICAL ERROR  
LAW"**

has considered the same and recommends that the attached House Bill No. 4530 entitled:

**"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 THE  
SEX OF A PERSON APPEARING IN THE CIVIL REGISTER  
WITHOUT NEED OF A JUDICIAL ORDER, AMENDING FOR THE  
PURPOSE REPUBLIC ACT NO. 9048"**

be approved in substitution of HB Nos. 214, 237, 1767, 2438, 2681, 2795 and 3834 with Representatives Gunigundo I, Romualdo, Miraflores, Alvarez, Espina, Arnaiz, Rodriguez R., Jr., Rodriguez M., Tupas, Jr., Casiño and Relampagos, as authors thereof.

Respectfully submitted,



NIEL C. TUPAS, JR.  
Chairman  
Committee on Justice

The Honorable  
The Speaker  
House of Representatives  
Quezon City

Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City

FIFTEENTH CONGRESS

First Regular Session

House Bill No. <sup>26</sup> 4530

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Introduced by: Representatives Gunigundo I, Romualdo, Miraflores, Alvarez,  
Espina, Arnaiz, Rodriguez R., Jr., Rodriguez M., Tupas, Jr., Casiño and  
Relampagos  
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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 THE PERTINENT  
PROVISIONS OF REPUBLIC ACT NO. 9048

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

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

3               "SECTION 1.   *Authority to Correct Clerical or*  
4               *Typographical Error and Change of First Name or Nickname.* - No  
5 entry in a civil register shall be changed or corrected without a  
6 judicial order, except for clerical or typographical errors WHICH  
7 INCLUDE MISTAKE IN THE ENTRY IN THE DATE OF BIRTH  
8 OR THE SEX OF A PERSON and change of first name or

1        nickname, which can be corrected or changed by concerned city or  
2        municipal civil registrar or consul general in accordance with the  
3        provisions of this Act and its implementing rules and regulations.”

4        SEC. 2. Section 2, paragraph (3) of Republic Act No. 9048, otherwise  
5        known as the , is hereby amended to read as follows:

6                “SEC. 2. *Definition of Terms.* - As used in this Act, the  
7        following terms shall mean:

8                (3) “Clerical or typographical error refers to a mistake  
9        committed in the performance of clerical work in writing, copying,  
10        transcribing or typing an entry in the civil register that is harmless  
11        and innocuous, such as misspelled name or misspelled date of  
12        birth, MISTAKE IN ENTRY IN THE DATE OF BIRTH OR THE SEX  
13        OF A PERSON or the like, which is visible to the eyes or obvious to  
14        the understanding, and can be corrected or changed only by  
15        reference to other existing record or records. *Provided, however,* That  
16        no correction must involve the change of nationality, [age,] OR  
17        status [or sex] of the petitioner.”

18        SEC. 3. Section 5 of R.A. No. 9048 is hereby amended to read as follows:

19                “SEC. 5. *Form and Contents of the Petition.* - The petition  
20        FOR CORRECTION OF A CLERICAL OR TYPOGRAPHICAL  
21        ERROR, OR FOR CHANGE OF FIRST NAME OR NICKNAME, AS  
22        THE CASE MAY BE, shall be in the form of an affidavit,

1 subscribed and sworn to before any person authorized by law to  
2 administer oaths. The affidavit shall set forth facts necessary to  
3 establish the merits of the petition and shall show affirmatively that  
4 the petitioner is competent to testify to the matters stated. The  
5 petitioner shall state the particular erroneous entry or entries which  
6 are sought to be corrected and/or the change sought to be made.

7 The petition shall be supported with the following  
8 documents:

9 (1) A certified true machine copy of the certificate or of the  
10 page of the registry book containing the entry or entries sought to  
11 be corrected or changed.

12 (2) At least two (2) public or private documents showing the  
13 correct entry or entries upon which the correction or change shall  
14 be based; and

15 (3) Other documents which the petitioner or the city or  
16 municipal civil registrar, or the consul general may consider  
17 relevant and necessary for the approval of the petition.

18 [In case of change of first name or nickname, the petition  
19 shall likewise be supported with the documents mentioned in the  
20 immediately preceding paragraph.]

21 NO PETITION FOR CORRECTION OF ERRONEOUS  
22 ENTRY CONCERNING THE DATE OF BIRTH OR THE SEX OF

1 A PERSON SHALL BE ENTERTAINED EXCEPT IF THE  
2 PETITION IS ACCOMPANIED BY EARLIEST SCHOOL RECORD  
3 OR EARLIEST CIVIL DOCUMENTS SUCH AS, BUT NOT  
4 LIMITED TO, MEDICAL RECORDS, BAPTISMAL CERTIFICATE  
5 AND OTHER DOCUMENTS ISSUED BY RELIGIOUS  
6 AUTHORITIES; NOR SHALL ANY ENTRY INVOLVING  
7 CHANGE OF GENDER CORRECTED EXCEPT IF THE PETITION  
8 IS ACCOMPANIED BY A CERTIFICATION ISSUED BY AN  
9 ACCREDITED GOVERNMENT PHYSICIAN ATTESTING TO THE  
10 FACT THAT THE PETITIONER HAS NOT UNDERGONE SEX  
11 CHANGE OR SEX TRANSPLANT.

12 [In addition, t] The petition FOR CHANGE OF FIRST  
13 NAME OR NICKNAME, OR FOR CORRECTION OF  
14 ERRONEOUS ENTRY CONCERNING THE DATE OF BIRTH OR  
15 THE SEX OF A PERSON, AS THE CASE MAY BE, shall be  
16 published at least once a week for two (2) consecutive weeks in a  
17 newspaper of general circulation. Furthermore, the petitioner shall  
18 submit a certification from the appropriate law enforcement  
19 agencies that he/SHE has no pending case or no criminal record.

20 The petition and its supporting papers shall be filed in three  
21 (3) copies to be distributed as follows: first copy to the concerned  
22 city or municipal civil registrar, or the consul general; second copy

1 to the Office of the Civil Registrar General; and the third copy to  
2 the petitioner.”

3 SEC. 4. Section 8 R.A. 9048 is hereby amended to read as follows:

4 “SEC. 8. *Payment of Fees.* – The city or municipal civil  
5 registrar or the consul general shall be authorized to collect  
6 reasonable fees as a condition for accepting the petition. An  
7 indigent petitioner shall be exempt from the payment of the said  
8 fee.

9 THE FEES COLLECTED BY THE CITY OR MUNICIPAL  
10 CIVIL REGISTRAR OR THE CONSUL GENERAL PURSUANT TO  
11 THIS ACT SHALL ACCRUE TO THE FUNDS OF THE LOCAL  
12 CIVIL REGISTRY OFFICE CONCERNED OR THE OFFICE OF  
13 THE CONSUL GENERAL FOR MODERNIZATION OF THE  
14 OFFICE AND, HIRING OF NEW PERSONNEL AND  
15 PROCUREMENT OF SUPPLIES, SUBJECT TO GOVERNMENT  
16 ACCOUNTING & AUDITING RULES.”

17 SEC. 5. *Implementing Rules and Regulations.* – The Civil Registrar  
18 General shall, in consultation with the Department of Justice (DOJ), Department  
19 of Foreign Affairs, the Office of the Supreme Court Administrator and the  
20 Philippine Association of Civil Registrars, issue the necessary rules and  
21 regulations for the effective implementation of this Act not later than two (2)  
22 months from its effectivity.

1        SEC. 6. *Separability Clause.* - If any portion or provision of this Act is  
2        declared void or unconstitutional, the remaining portion or provisions thereof  
3        shall not be affected by such declaration.

4        SEC. 7. *Repealing Clause.* - All laws, decrees, orders, rules and  
5        regulations, other issuances, or parts thereof inconsistent with the provisions of  
6        this Act are hereby repealed or modified accordingly.

7        SEC. 8. *Effectivity.* - This Act shall take effect fifteen (15) days after its  
8        complete publication in the Official Gazette or in at least two (2) national  
9        newspapers of general circulation.

10        Approved,

Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Diliman, Quezon City

FIFTEENTH CONGRESS  
First Regular Session

HOUSE BILL NO. 214

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

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**EXPLANATORY NOTE**

This re-filed bill is originally HB 2166 that we filed in the 14<sup>th</sup> 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.

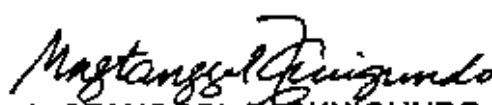
As principal author of Republic Act 9048 or the *Gunigundo Law* that has helped thousands of people seeking rectification of the errors in their civil registry records or documents without the aid of judicial order, we recognize that the existing law could not be availed of by numerous incidents of mistakes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

  
ATTY. MAGTANGGOL T. GUNIGUNDO

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**

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**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,**

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

FIFTEENTH CONGRESS

First Regular Session

HOUSE BILL NO. \_\_\_\_\_

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.

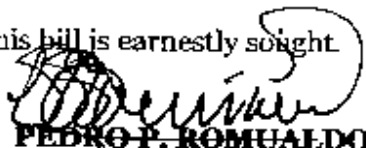
Petitions for correction of erroneous entry or typographical errors concerning age and gender or sex shall be within the expanded jurisdiction of the Office of the Civil Registrar General as long as the requisite documents shall be complied with by the petitioner.

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

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

FIFTEENTH CONGRESS

First Regular Session

HOUSE BILL NO. \_\_\_\_\_

INTRODUCED BY CONGRESSMAN PEDRO P. ROMUALDO

**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 not 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.
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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,

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

FIFTEENTH CONGRESS  
First Regular Session

HOUSE BILL NO. 2438

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Introduced by: **HON. MERCEDES K. ALVAREZ**

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EXPLANATORY NOTE

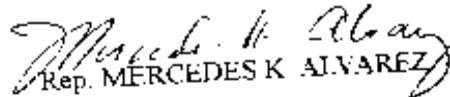
This bill seeks to expand the authority of the city or municipal civil registrar or the civil registrar general by including the correction of clerical and typographical errors the month or day in the date of birth or sex of a person without need of a judicial order.

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 civil registrar general the authority to correct such errors or change of first name. Unfortunately such law did not cover 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 common understanding and can be easily corrected or changed by reference to other existing records or records such as baptismal certificates, official school records, medical certificates, COMELEC 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 work 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 the Petitioner 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 be faced with the problem of having errors in the entry of his or her certificate of live birth and track the correction of these errors which were not intentionally made by the registrant. The passage of this is earnestly requested.

  
Rep. MERCEDES K. ALVAREZ

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

FIFTFENTH CONGRESS  
First Regular Session

HOUSE BILL NO. 2438

---

Introduced by: HON. MERCEDES K. ALVAREZ

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**AN ACT FURTHER AUTHORIZING THE CITY OR MUNICIPAL CIVIL REGISTRAR C  
THE CONSUL GENERAL TO CORRECT CLERICAL OR TYPOGRAPHICAL ERROR I  
THE DATE OF BIRTH OR SEX OF A PERSON APPEARING IN THE CIVIL REGISTER  
WITHOUT NEED OF A JUDICIAL ORDER, AMENDING FOR THE PURPOSE REPUBL.  
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 AN ENTRY 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 THE 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,

\_\_\_\_\_  
[Signature]

\_\_\_\_\_  
[Signature]

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

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*

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,

Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City

\_\_\_ *th* Congress  
\_\_\_ Regular Session  
HOUSE BILL NO. 2681

Introduced by HON. ROGELIO J. ESPINA

**EXPLANATORY NOTE**

It is common knowledge that, often, the civil registrar commits error in entering the circumstances, details and information of a newly registered individual, especially those of newly born babies, on its record. Due to their inadvertences, an individual suffers from difficulties, confusions and sometimes ridicules of other people for something not of their own making. It had been a relief to many that the correction of names which were inadvertently misspelled or places or dates of birth which were wrongly entered may now be easily obtained through a simple and affordable administrative procedure before the Local Civil Registrar without the need of any judicial order.

However, the law RA 9048, which made simple the correction of these patent errors before the Civil Registrar failed to include therein the correction of those erroneously entered sex (gender) of an individual which, through physical examination and comparison with other existing records from birth, may be determined outright.

Thus, this bill seeks to include in the authority of the City or Municipal Civil Registrar or the Consul General the correction of erroneously entered sex (gender) of an individual in the records of the civil registrar without need of any judicial order. Provided that said error is due solely to the inadvertence, negligence or human mistake.

The approval of this bill is earnestly sought.

  
ROGELIO J. ESPINA  
Public Servant  
Lone District, Biliran

Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City

\_\_\_ *th* Congress  
\_\_\_ Regular Session

HOUSE BILL NO. 2681

Introduced by HON. ROGELIO J. ESPINA

AN ACT AMENDING SECTION 2 (3) OF RA 9048 OTHERWISE KNOWN AS AN ACT AUTHORIZING THE CITY OR MUNICIPAL CIVIL REGISTRAR OR THE CONSUL GENERAL TO CORRECT A CLERICAL OR TYPOGRAPHICAL ERROR IN AN ENTRY AND/OR CHANGE OF FIRST NAME OR NICKNAME 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

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

SECTION 1. Section 02 (3) is amended as follows:

**"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 registry that is harmless and innocuous, such as misspelled name, or misspelled place of birth, or **an erroneously entered sex** (gender) or that which is visible to the eyes or obvious to the understanding and that 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, status, or sex due to a sex change procedure of the petitioner.

SECTION 2. *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 3. This act shall take effect upon approval.

Approved.



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

Fiftieth Congress  
First Regular Session

**HOUSE BILL NO. 2795**

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*Introduced by :* **Honorable George P. Arnaiz**

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**EXPLANATORY NOTE**

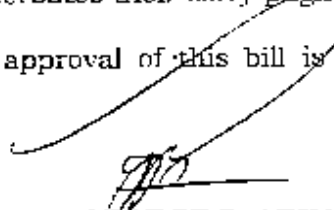
This bill seeks to expand the authority of the city or municipal civil registrar or the consul general by including the correction of clerical and typographical errors in the family name, date of birth or sex of a person appearing in the civil register without need of a judicial order.

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", "DATE OF BIRTH" and "FAMILY NAME" 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.

  
**GEORGE P. ARNAIZ**



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

Fifteenth Congress  
First Regular Session

**HOUSE BILL NO. 2795**

Introduced by: **Honorable George P. Arnaiz**

**AN ACT**  
**FURTHER AUTHORIZING THE CITY OR MUNICIPAL CIVIL REGISTRAR OR THE CONSUL GENERAL TO CORRECT CLERICAL OR TYPOGRAPHICAL ERROR IN THE FAMILY NAME, DATE OF BIRTH OR SEX OF A PERSON APPEARING IN THE CIVIL REGISTER WITHOUT NEED OF A JUDICIAL ORDER, AMENDING 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, FAMILY NAME, 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 provision of this Act and its implementing rules and regulations.\*

SECTION 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

(2) "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 referee 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.

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 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,

HOUSE OF REPRESENTATIVES

*Introduced by Representative Rufus B. Rodriguez and  
Representative Maximo B. Rodriguez, Jr.*

House Bill No. **3834**

**EXPLANATORY NOTE**

This re-filed bill is originally HB 2166 that was filed in the 14<sup>th</sup> 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 typographically 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 to its merits.

Republic Act 9048 or the Gunigundo Law, which has helped thousands of people seeking rectification of the errors in their civil registry records or documents without the aid of judicial order, 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.



RUFUS B. RODRIGUEZ

MAXIMO B. RODRIGUEZ, JR.

HOUSE OF REPRESENTATIVES

*Introduced by Representative Rufus B. Rodriguez and  
Representative Maximo B. Rodriguez, Jr.*

House Bill No. 3834

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 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. IMPLEMENTATION 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 of 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 (2) national newspapers of general circulation.

Approved,

## **FACT SHEET**

**House Bill Nos. 214, 237, 1767, 2438, 2681, 2795 and 3834**

(Approved by the Committee on 09 February 2011)

**AN ACT TO FURTHER AUTHORIZING THE CITY OR MUNICIPAL CIVIL REGISTRAR OR THE CONSUL GENERAL TO CORRECT CLERICAL OR TYPOGRAPHICAL ERROR IN THE FAMILY NAME, 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."**

*Introduced by: REPS. GUNIGUNDO I, ROMUALDO, MIRAFLORES, ALVAREZ, ESPINA, ARNAIZ, RODRIGUEZ R., CASIÑO and RELAMPAGOS*

*Committee Referral: COMMITTEE ON JUSTICE*

*Committee Chairperson: REP. NIEL C. TUPAS, JR.*

### **OBJECTIVES:**

- To address the problem of delay in the processing of vital documents for workers who wish to go abroad, applications for board examinations, and claims for benefits of workers, retirees, and pensioners.
- To reduce the cost of correcting errors in the register of birth or marriage by allowing administrative corrections instead of judicial proceeding.
- To declog court dockets by authorizing administrative corrections, thereby improving the administration of justice.

### **KEY PROVISIONS:**

- Authorizes the city or municipal civil registrar or the consul general to correct clerical and typographical errors in the date of birth, or sex of a person in the civil register without need of a judicial order.
- Provides that the petition for change of gender shall be entertained and erroneous entry as to the sex of a person shall be corrected only if the same 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.
- Requires publication of the petition for correction of erroneous entry or typographical error concerning the date of birth or sex at least once a week for two consecutive weeks in a newspaper of general circulation.
- Provides that fees collected by the city or municipal civil registrar or the consul general shall accrue to the funds of the local civil registry office concerned or the Office of the Consul General for IT modernization, hiring of new personnel and procurement of supplies, subject to audit by the Commission on Audit.

#### **RELATED LAWS:**

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- Republic Act No. 9048 otherwise known as "The Clerical Error Law"
- Article 376 and 412 of the Civil Code of the Philippines (judicial authority or order in the change of name or surname of a person).



House of Representatives  
Committee Affairs Department

LEGAL CLUSTER

Received by : \_\_\_\_\_  
Date : 2/9/11  
Time : 1:45 pm

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City, Metro Manila  
15<sup>th</sup> Congress  
1<sup>st</sup> Regular Session

**COMMITTEE ON JUSTICE**

FOR : THE HONORABLE SPEAKER  
THRU : THE DEPUTY SECRETARY GENERAL FOR COMMITTEE AFFAIRS  
RE : SPOT REPORT OF THE MEETINGS OF THE COMMITTEE ON JUSTICE HELD ON 09  
FEBRUARY 2011, TUESDAY, 9:30 A.M. AT CONFERENCE ROOM NO 11, MITRA  
BUILDING, HOUSE OF REPRESENTATIVES  
DATE : 09 FEBRUARY 2011

**A. JOINT WITH THE COMMITTEE ON HUMAN RIGHTS**

- The Committee on Justice and the Committee on Human Rights approved the Committee Report on the Substitute Bill to House Bill Nos. 307, 440 and 629, respectively authored by Reps. Roilo Golez, Juan Edgardo Angara and Simeon Datumanong, re: Defining the Use and Protection of the Red Cross, Red Crescent, Red Crystal and Red Lion and Sun Emblems, Providing Penalties for Violations Thereof and for Other Purposes.

**B. COMMITTEE ON JUSTICE**

- The Committee on Justice approved the Committee Report on the Substitute Bill to House Bill Nos. 214, 237, 1767, 2438, 2681, 2795 and 3834, respectively authored by Reps. Magtanggol Gunigundo I, Pedro Romualdo, Florencio Miraflores, Mercedes Alvarez, Rogelio Espina, George Arnaiz, Rufus Rodriguez and Maximo Rodriguez re: 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 the Pertinent Provisions of Republic Act No. 9048. Reps. Teodoro Casiño and Rene Relampagos, chairman of the Committee on Human Rights, manifested their intention to be made co-authors of the substitute bill.
- The Committee also approved the Committee Report on the various substitute bills to House Bills re: creation of additional court salas, to wit:
  - HB Nos. 60 and 2157 re: 3 RTC branches (Davao City) by Rep. Karlo Nograles
  - HB Nos. 126 re: 2 RTC branches (Municipalities of Compostela and Macomi, Province of Compostela Valley) by Rep. Ma. Carmen Zamora-Apsay
  - HB No. 142 re: RTC branch (City of Tanauan, Batangas) by Rep. Nelson Collantes
  - HB No. 163 and 688 re: 6 MeTC branches and 2 RTC branches (Valenzuela City) by Reps. Magtanggol Gunigundo I and Rexlon Gatchalian

- HB No. 335 re: RTC branch (Pili, Camarines Sur) by Rep. Luis Villafuerte
- HB Nos. 525, 526 and 527 re: 2 RTC branches and MTC branch (Naga City and Caceres City, Cebu) by Rep. Eduardo Guillas
- HB No. 1108 re: RTC branch (Municipality of Cajidiocan, Romblon) by Rep. Eleandro Jesus Madrona
- HB No. 1115 re: 2 RTC branches Tacloban) by Rep. Ferdinand Martin Romualdez
- HB No. 1174 re: 2 RTC branches (Barotac Viejo, Iloilo) by Rep. Niel Tupas, Jr.
- HB No. 1315 re: RTC branch (Bislig, Surigao del Sur) by Rep. Florencio Garay
- HB No. 1482 re: RTC branch (Bogo, Cebu City) by Rep. Benhur Salimbangon
- HB Nos. 2049, 2178 and 2179 re: 5 RTC branches (Calamba, Cabuyao and Los Baños, Laguna) by Rep. Justin Chipeco
- HB No. 2226 re: RTC branch (Lubuagan, Kalinga) by Rep. Manuel Agyao
- HB No. 2721 re: RTC branch (Sagay City, Negros Occidental) by Rep. Alfredo Marañon III
- HB No. 619 re: RTC branch (Casiguran, Aurora) by Rep. Juan Edgardo Angara
- HB No. 1407 re: 1407 re: 2 MTC branches (Cagayan de Oro) by Rep. Rufus Rodriguez
- HB Nos. 426 and 1455 re: 4 RTC branches (Zamboanga City) by Rep. Maria Isabelle Climaco and Erico Basilio Fabian
- HB No. 1904 re: RTC branch (Carmona, Cavite) by Rep. Roy Loyola
- HB No. 2720 re: RTC branch (Guimbal, Iloilo) by Rep. Janette Garin
- HB No. 3060 re: 2 RTC branches (Sta. Rosa, Laguna) by Rep. Danilo Ramon Fernandez
- HB No. 3229 re: 5 MeTC branches (Muntinlupa City) by Rep. Rodolfo Biazon
- HB No. 3256 re: 2 RTC branches (La Carlota and Bago, Negros Occidental) by Rep. Jeffrey Ferrer
- HB No. 3459 re: 2 MTC branches (Puerto Princesa) by Rep. Victorino Dennis Socrates
- HB No. 2395 re: 3 RTC branches and 2 MeTC branches (Navotas) by Rep. Tobias Tiangco
- HB No. 3206 re: RTC branch (Isabela) by Rep. Rodolfo Albano

Prepared by:

Noted by:

  
ATTY. NARCISA H. GUEVARRA  
Committee Secretary

  
ATTY. DAVID ROBERT U. AMORIN  
Service Director  
Cluster 5 (Legal/Political 1)

cc: The Deputy Speaker  
The Honorable Chairman, Committee on Rules  
The Secretary General  
The Executive Director, Committee Affairs Department  
The Deputy Executive Director, Committee Affairs Department  
The Service Director, Committee Administrative Support Service