

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

First Regular Session
15th Congress

House Bill No. 4710

Introduced by Representative Emil L. Ong

AN ACT AMENDING SECTION 2, PARAGRAPH 3 OF REPUBLIC ACT NO. 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 Philippines in Congress assembled:

Section 1. Paragraph 3 of Section 2 of Republic Act No. 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, is hereby amended to read as follows:

(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 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, status or sex of the petitioner, except, when there is a mistake in the entry as to the proper gender of the petitioner as when a male instead of female or vice versa was entered in his certificate of live birth. In this case, before effecting the proper correction of entries, the petitioner shall be required to undergo physical examination to be conducted by a government physician to ascertain the true gender of the former and to determine that he did not undergo any operation for sex change.

Section 2. This Act shall effect fifteen (15) days after publication in the Official Gazette or two news papers of general circulation.



EMIL L. ONG

Representative, 2nd District of Northern Samar

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EXPLANATORY NOTE

This measure seeks to amend, paragraph 3 of Republic Act No. 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

The approval into law of Republic Act No. 9048 in March 2001 has given breathing room to those persons who have problems in the correction of mistakes committed in the performance in the clerical work in writing, copying, transcribing or typing an entry in the civil register to correct the same without judicial order. However, this law allows only correction of entry that is harmless and innocuous, such as misspelled name or misspelled place 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. It does not allow correction of substantial and significant entry such as nationality, age, status or sex of the petitioner. Because of this, persons seeking correction of substantial entry in the Birth Certificate are being hampered by this limitation since correction on these entries requires full blown hearing in the proper Regional Trial Court.

It is for this purpose that this bill aims to remedy. Given the factual reality that cases like these entail tedious process not to mention the monetary consideration in hiring private lawyers and the time required in hearing the case, this humble representation firmly believes that it just fitting that correction of some substantial entries in the birth certificate should also be allowed in an administrative proceeding. While it is true that correction of substantial entry in the birth certificate should undergo full blown hearing as it affects the status of a person, and must be proved or established as a fact, this rule should not be absolute. An exception must be provided. This humble representation proposes that correction of entry as to the gender of a person should be allowed without judicial order. However, correction of entry as to the gender of petitioner who underwent sex change should not be allowed. This proposed measure shall cover only cases of wrong entry in the gender of the petitioner.

The petitioner should not be made to suffer the tedious and expensive process of litigation because of the mistake committed by local civil registrar in wrongly entering proper gender of the former. The true gender of a person may be ascertained by a licensed doctor without resorting to court process. Likewise, it can be determined whether or not a person underwent sex change. Hence, to prevent circumvention of the law, before correction should be effected, the petitioner shall be required to undergo physical examination to be conducted by a government physician to ascertain his true gender and to determine whether or not the petitioner underwent sex change.

In light of all the foregoing, early passage of this bill into law is earnestly sought.



EMIL L. ONG

Representative, Second District, Northern Samar