

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. **1041**



By HON. FERDINAND MARTIN G. ROMUALDEZ

EXPLANATORY NOTE

This bill aims to further expand the authority of the City or Municipal Civil Registrar or the Consul General to correct clerical or typographical errors in the middle name or surname of a person appearing in the Civil Register without the need of a judicial order.

On 15 August 2012, President Benigno C. Aquino signed Republic Act No. 10172, which extended the administrative procedure for change in first name or nickname under Republic Act No. 9048 to include clerical or typographical errors in the sex/gender and birth date. Erroneous entries will be corrected through a petition. Petitioners have to submit sworn affidavits which should be supported by the earliest school record, medical records, or a baptismal certificate. Petitions to change the gender recorded in a birth certificate must also be accompanied by a certification from a government doctor saying the petitioner has not undergone a sex change or sex transplant.

The civil registrar maintains vital records and most important documents of the general public. For this reason, a simple erroneous entry in the civil registrar can cause grave or serious problems on the part of the registrant. Unfortunately, clerical or typographical errors in the middle name and/or surname cannot be corrected without going to court. It is indeed frustrating to spend for legal services when the error was committed by the clerk who prepared the birth certificate.

Hence, the approval of this bill is earnestly sought.


FERDINAND MARTIN G. ROMUALDEZ

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HOUSE BILL NO. 1041

Introduced by HON. FERDINAND MARTIN G. ROMUALDEZ

AN ACT
FURTHER AUTHORIZING THE CITY OR MUNICIPAL CIVIL REGISTRAR
OR THE CONSUL GENERAL TO CORRECT CLERICAL OR TYPOGRAPHICAL
ERRORS IN THE MIDDLE NAME OR SURNAME OF A PERSON APPEARING IN
THE CIVIL REGISTER WITHOUT NEED OF A JUDICIAL ORDER, AMENDING
FOR THIS PURPOSE REPUBLIC ACT NUMBERED NINETY FORTY-EIGHT, AS
AMENDED, AND FOR OTHER PURPOSES

*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, as amended, hereinafter
referred to as the Act, is hereby amended to read as follows:

*"SECTION 1. Authority to Correct Clerical or Typographical Error and Change of
First Name or Nickname, Middle Name or Surname, the Day and Month in the Date
of Birth or Sex of a Person. – 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, middle name or surname, the day and month in
the date of birth or sex of a person where it is patently clear that there was a clerical
or typographical error or mistake in the entry, 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."*

SECTION 2. Section 2, of the Act 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

(2) 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 first name or middle
name or surname, or misspelled place of birth, mistake in the entry of day and month

in the date of birth or the sex of the 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."

(4) xxx xxx

(5) xxx xxx

(6) xxx xxx

(7) "Middle Name" refers to a name between a person's first name and surname.

(8) "Surname" refers to a family name or last name added to a given name.

SECTION 3. Section 3 of the Act is hereby amended to read as follows:

"SEC. 3. *Who May File the Petition and Where.*- Any person having direct and personal interest in the correction of a clerical or typographical error in an entry and/or change of first name or nickname, middle name or surname, or misspelled place of birth, mistake in the entry of day and month in the date of birth or the sex of the person or the like, in the civil register may file, in person, a verified petition with the local civil registry office of the city or municipality where the record being sought to be corrected or changed is kept.

In case the petitioner has already migrated to another place in the country and it would not be practical for such party, in terms of transportation expenses, time and effort to appear in person before the local civil registrar keeping the documents to be corrected or changed, the petition may be filed, in person, with the local civil registrar of the place where the interested party is presently residing or domiciled. The two (2) local civil registrars concerned will then communicate to facilitate the processing of the petition.

Citizens of the Philippines who are presently residing or domiciled in foreign countries may file their petition, in person, with the nearest Philippine Consulates.

The petitions filed with the city or municipal civil registrar or the consul general shall be processed in accordance with this Act and its implementing rules and regulations.

All petitions for the clerical or typographical errors and/or change of first names or nicknames, middle name or surname, or misspelled place of birth, mistake in the entry of day and month in the date of birth or the sex of the person or the like, may be availed of only once.

SECTION 4. Section 5 of the Act is hereby amended to read as follows:

"SEC. 5. *Form and Contents of the Petition.* – The petition for correction of a clerical or typographical error, or for change of first name or nickname or surname, as the case may be, shall be in the form of an affidavit, subscribed and sworn to before any person authorized by law to administer oaths. The affidavit shall set forth facts necessary to establish the merits of the petition and shall show affirmatively that the petitioner is competent to testify to the matters stated. The petitioner shall state the particular erroneous entry, which is sought to be corrected.

The petition shall be supported with the following documents:

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

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

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

The petition for correction of erroneous entry concerning the surname of a person shall be published at least once a week for two (2) consecutive weeks in a newspaper of general circulation.

Furthermore, the petitioner shall submit a certification from the appropriate law enforcements, agencies that he has no pending case or no criminal record.

The petition and its supporting papers shall be filed in three (3) copies to be distributed as follows: first copy to the concerned city or municipal civil registrar, or the consul general; second copy to the Office of the Civil Registrar General; and third copy to the petitioner."

SECTION 5. Section 8 of the Act is hereby amended to read as follows:

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

The fees collected by the city or municipal civil registrar or the consul general pursuant to this Act shall accrue to the funds of the Local Civil Registry Office concerned or the Office of the Consul General for modernization of the office and hiring of new personnel and procurement of supplies, subject to government accounting and auditing rules."

SECTION 5. *Separability Clause.* – If any provision of this Act shall at any time be found to be unconstitutional or invalid, the remainder thereof not affected by such declaration shall remain in full force and effect.

SECTION 6. *Repealing Clause.* – Any laws, decrees, rules or regulations inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 7. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in at least two (2) newspapers of general circulation.

Approved.