

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

SIXTEENTH CONGRESS

First Regular Session

HOUSE BILL NO. 2328



INTRODUCED BY REPRESENTATIVE XAVIER JESUS "XJ" D. ROMUALDO

EXPLANATORY NOTE

The late Representative Pedro P. Romualdo originally filed a version of this bill in the previous Congress. The Explanatory Note of the late Representative Romualdo is herein reproduced and adopted as the explanation for the filing of this bill:

The proposed measure concerns the exemption of indigent petitioners from the publication requirement of Republic Act No. 9048, as amended by Republic Act No. 10172 which was approved into law on August 15, 2012 by His Excellency, President Benigno S. Aquino III.

To avoid nefarious activities just to get away with the publication requirement, any indigent petitioner to avail of the exemption provided in this Act shall secure a Certificate of Indigency from the Office of the Local Social Welfare and Development Officer where the petition is being lodged and shall submit the same with the petition for the change of first name or nickname, or for correction of erroneous entry concerning the day and month in the date of birth or the sex of a person at the Office of the Local Civil Registrar prior to processing of the petitioner's application.

Upon receipt of the petition and the Certificate of Indigency, the Local Civil Registrar shall cause the printing of the name of the petitioner and the posting of the name in two (2) common areas already identified in the Implementing Rules and Regulations to show to the whole world and provide third parties or the general public to file an opposition against said petition.

Many potential petitioners would like to rectify the problem of their birth or civil registration records upon discovery however they cannot carry out their intention with the high cost of publication which they cannot totally afford.

This proposal would provide our indigent petitioners the opportunity to apply and rectify their birth records from the Local Civil Registrar with less cost considering the importance of our birth records in many legal transactions.

In view of the foregoing, the support of the Members of Congress for the prompt and timely passage of this proposed measure is earnestly requested.


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**AN ACT AMENDING REPUBLIC ACT NO. 9048, AS AMENDED,
BY EXEMPTING INDIGENTS FROM THE PUBLICATION REQUIREMENT THEREOF AND CHANGING
THE PENALTIES PROVIDED THEREIN, AND FOR OTHER PURPOSES**

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

Section 1. Section 5 of Republic Act No. 9048, as amended, is hereby amended to read as follows:

Section 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, 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 or entries, which are sought to be corrected and/or the change sought to be made.

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.

No petition for correction of erroneous entry concerning the date of birth or the sex of a person shall be entertained except if the petition is accompanied by earliest school record or earliest school documents such as, but not limited to, medical records, baptismal certificate and other documents issued by religious authorities; nor shall any entry involving change of gender corrected except if the petition is accompanied by a certification issued by an accredited government physician attesting to the fact that the petitioner has not undergone sex change or sex transplant. FURTHERMORE, THE PETITIONER SHALL SUBMIT A CERTIFICATION FROM THE APPROPRIATE LAW ENFORCEMENT AGENCIES THAT HE OR SHE HAS NO PENDING CASE OR NO CRIMINAL RECORD. ~~[The petition for change of first name or nickname, or for correction of erroneous entry concerning the day and month in the date of birth or the sex of a person, as the case may be, 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.

THE PETITION FOR CHANGE OF FIRST NAME OR NICKNAME, OR FOR CORRECTION OF ERRONEOUS ENTRY CONCERNING THE DAY AND MONTH IN THE DATE OF BIRTH OR THE SEX OF A PERSON, AS THE CASE MAY BE, SHALL BE PUBLISHED AT LEAST ONCE A WEEK FOR TWO (2) CONSECUTIVE WEEKS IN A NEWSPAPER OF GENERAL CIRCULATION. HOWEVER, IF THE PETITIONER IS AN INDIGENT, SUCH PUBLICATION SHALL NOT BE REQUIRED; PROVIDED, THAT THE PETITIONER SHALL SECURE A CERTIFICATE OF INDIGENCE FROM THE SOCIAL WELFARE OFFICER OF THE CITY OR MUNICIPALITY WHERE HE OR SHE RESIDES AND FILE THE SAME WITH

HIS OR HER PETITION; PROVIDED, FINALLY, THAT THE CITY OR MUNICIPAL CIVIL REGISTRAR TO WHOM SUCH PETITION IS PRESENTED SHALL KEEP A DISTINCT AND SEPARATE RECORD FOR INDIGENT PETITIONERS.

Section 2. Section 6 of Republic Act No. 9048, as amended, is hereby amended to read as follows:

Section 6. Duties of the City or Municipal Civil Registrar or the Consul General. – The city or municipal civil registrar or the consul general to whom the petition is presented shall examine the petition and its supporting documents. He shall post the petition in a conspicuous place provided for that purpose for ten (10) consecutive days after he finds the petition and its supporting documents sufficient in form and substance. IN ADDITION, SUCH CITY OR MUNICIPAL CIVIL REGISTRAR, IN THE CASE OF AN INDIGENT PETITIONER WHOSE PETITION FOR CHANGE OF FIRST NAME OR NICKNAME, OR FOR CORRECTION OF ERRONEOUS ENTRY CONCERNING THE DAY AND MONTH IN THE DATE OF BIRTH OR THE SEX OF A PERSON, AS THE CASE MAY BE, IS EXEMPTED FROM THE REQUIREMENT OF PUBLICATION IN A NEWSPAPER OF GENERAL CIRCULATION, SHALL CAUSE THE POSTING OF A COPY OF THE PETITION FOR TWO (2) CONSECUTIVE WEEKS IN TWO (2) PUBLIC PLACES IN THE CITY OR MUNICIPALITY WHERE THE RECORD BEING SOUGHT TO BE CORRECTED OR CHANGED IS KEPT AND/OR WHERE THE PETITION WAS FILED.

The city or municipal civil registrar or the consul general shall act on the petition and shall render a decision not later than five (5) working days after the completion of the posting and/or publication requirement. He shall transmit a copy of his decision together with the records of the proceedings to the Office of the Civil Registrar General within five (5) working days from the date of the decision.

Section 3. Section 9 of Republic Act No. 9048, as amended, is hereby amended to read as follows:

Section 9. Penalty Clause. – IN ADDITION TO THE LIABILITIES ATTACHING FOR THE COMMISSION OF ANY OTHER FELONY OR CRIMINAL OFFENSE, a person who violates any of the provisions of this Act, INCLUDING ONE WHO, THROUGH FALSE OR FRAUDULENT REPRESENTATIONS OR DECLARATIONS OR BY OTHER FRAUDULENT MEANS, DISHONESTY, OR DECEIT, OBTAINS OR CAUSES TO OBTAIN FOR ANOTHER EXEMPTIONS PROPER ONLY FOR BONA FIDE INDIGENTS, shall, upon conviction, be penalized by imprisonment of not less than six (6) MONTHS [years] but not more than SIX (6) [twelve (12)] years, or a fine of not less than FIFTY THOUSAND PESOS (P50,000.00) [Ten thousand pesos (P10,000.00)] but not more than TWO HUNDRED THOUSAND PESOS (P200,000.00) [One Hundred Thousand pesos (P100,000.00)], or both, at the discretion of the court.

In addition, if the offender is a government official or employee, he OR SHE shall suffer the PENALTY OF REMOVAL FROM GOVERNMENT SERVICE AND PERMANENT DISQUALIFICATION FROM PUBLIC OFFICE OR EMPLOYMENT [penalties provided under civil service laws, rules and regulations].

Section 4. The Civil Registrar General, in consultation with the Department of Social Welfare and Development, Department of Justice, the Department of the Interior and Local Government, and the Philippine Association of Civil Registrars, shall promulgate the rules and regulations for the implementation of the amendments to Republic Act No. 9048 introduced by this Act not later than one (1) month from the effectivity of this Act.

Section 5. If any provision of this Act is declared invalid or unconstitutional, the other provisions not affected thereby shall continue to be in full force and effect.

Section 6. All laws, decrees, executive orders, proclamations, rules and regulations and other issuances or parts thereof which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

Section 7. This Act shall take effect fifteen (15) days after its publication in two (2) newspaper of general circulation.

Approved,