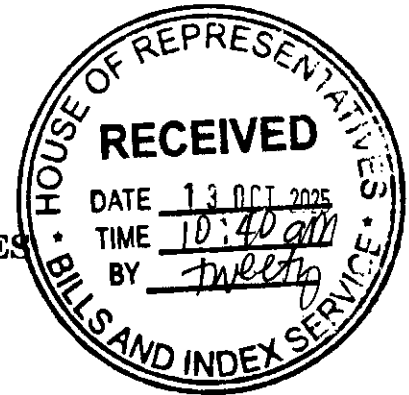


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Batasan Hills, Quezon City

Twentieth Congress
First Regular Session



House Bill No. **5474**

Introduced by AKBAYAN Representatives Percival Cendaña, Atty. Jose Manuel "Chel" Diokno, and Dadah Kiram Ismula and Dinagat Islands Representative Kaka Bag-ao

AN ACT

AUTHORIZING THE CITY OR MUNICIPAL CIVIL REGISTRAR AND THE CONSUL GENERAL TO CHANGE THE SEX AND THE FIRST NAME OF AN INTERSEX PERSON APPEARING IN THE CIVIL REGISTER WITHOUT THE NEED OF A JUDICIAL ORDER, AMENDING FOR THIS PURPOSE REPUBLIC ACT NO. 9048 AND REPUBLIC ACT NO. 10172

EXPLANATORY NOTE

In March 2001, Republic Act No. 9048 was enacted with the goal of affording Filipinos the accessibility and efficiency to correct clerical and typographical errors in an entry or to change first names in local civil registry offices without the need for a judicial order.

On September 12, 2008, the Supreme Court, in *Republic of the Philippines v. Jennifer Cagandahan* (G.R. No. 166676), allowed Cagandahan to change the entry on his civil register from female to male on the basis of him being and intersex having developed a secondary male characteristics and was diagnosed to have Congenital Adrenal Hyperplasia (CAH).

In ruling, Supreme Court further opines that, "*we do no more than give respect to (1) the diversity of nature; and (2) how an individual deals with what nature has handed out. In other words, we respect respondent's congenital condition and his mature decision to be a male. Life is already difficult for the ordinary person. We cannot but respect how respondent deals with his unordinary state and thus help make his life easier, considering the unique circumstances in this case.*"

While the intersex people celebrate the Court decision, most of them cannot avail of the remedy themselves.

In July 2011, the Republic Act No. 9048 was amended to include other clerical and typographical errors and mistakes which include the sex of a person appearing in the civil register. While these laws authorize changes in civil register entries and first names or nicknames, they do not explicitly address the unique circumstances of intersex individuals.

This proposed legislation bill aims to provide a straightforward and accessible legal process for intersex individuals to change their sex and first names in the civil register without the need for a judicial order. This bill shall promote efficiency and inclusivity within the civil registration system, ensuring that intersex individuals can avail of administrative remedies to correct civil registry documents just like any Filipino. It acknowledges the importance of respecting an individual's right to self-determination and privacy regarding their gender identity and personal information.

For the rights of intersex people, the immediate passage of this bill is sought.



Rep. Percival Cendaña

AKBAYAN Party-list



Rep. Jose Manuel Tadeo "Chel" Diokno

AKBAYAN Party-list



Rep. Kaka Bag-ao

Lone District of Dinagat Islands



Rep. Dadan Kiram Ismula

AKBAYAN Party-list

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

- 1 **SECTION 1. Short Title.** – This Act shall be known as “The Cagandahan Law.”
2
3 **SEC. 2.** A new Section 2 is hereby inserted in Republic Act No. 9048, hereinafter
4 referred to as the Act, as amended by Republic Act No. 10172, and shall read as
5 follows:
6
7 “Section 2. Declaration of Principles. – It is hereby declared the policy of the State to
8 recognize the inherent dignity and rights of all individuals under the law. The State
9 recognizes the importance of an efficient and accessible civil registration system that
10 enables individuals to control and protect their personal information and identity,
11 uphold individual rights and autonomy, and correct errors in their civil register
12 entries. In furtherance of this policy, the State upholds the fundamental right of every
13 person to privacy, self-determination, and non-discrimination.
14

1 Every individual has the fundamental right to privacy, encompassing the right to
2 control and protect their personal information, medical history, and identity.

3
4 All citizens have the right to self-determination with respect to their personal
5 information, including but not limited to decisions related to the correction of clerical
6 or typographical errors in the civil register and changes of first names or nicknames.

7
8 No person shall be subject to any form of discrimination, stigmatization, or
9 marginalization. It shall therefore intensify its efforts to fulfill its duties under the
10 Equal Protection Clause and Bill of Rights provisions of the Philippine Constitution,
11 and international and domestic laws to respect, protect, and fulfill the rights and
12 dignity of every individual.

13
14 Furthermore, the State recognizes the fundamental freedom of its citizens to
15 determine choices as long as they do not harm other members of society who are
16 equally entitled to protection under the law.”

17
18 **SEC. 3.** Section 2 of the Act, as amended, is likewise renumbered and further
19 amended to read as follows:

20
21 “Section 2. 3. Definition of Terms. – As used in this Act, the following terms shall
22 mean:

23 (1) xxx xxx

24 (2) xxx xxx

25 (3) ‘Clerical or typographical error’ refers to a mistake committed in the performance
26 of clerical work in writing, copying, transcribing or typing an entry in the civil register
27 that is harmless and innocuous, such as misspelled name or misspelled place of birth,
28 mistake in the entry of day and month in the date of birth or the sex of the person or
29 the like, which is visible to the eyes or obvious to the understanding, and can be
30 corrected or changed only by reference to other existing record or records: Provided,
31 however, That no correction must involve the change of nationality, age, or status of
32 the petitioner; Provided, further, that the correction of sex and/or first name shall be
33 made de jure applicable to intersex people of legal age due to the inborn nature of
34 their medical condition.

35 (4) xxx xxx

36 (5) xxx xxx

37 (6) xxx xxx

38 (7) "Intersex" is an umbrella term used to describe a wide range of innate bodily
39 variations in sex characteristics. Intersex people are born with physical sex
40 characteristics (such as sexual anatomy, reproductive organs, hormonal patterns,
41 and/or chromosomal patterns) that do not fit typical definitions for male or female
42 bodies.

43 (8) “Sex characteristics” refers to the chromosomal, gonadal and anatomical features
44 of a person, which include primary characteristics such as reproductive organs and

1 genitalia and/or in chromosomal structures and hormones; and secondary
2 characteristics such as muscle mass, hair distribution, breasts and/or structure.”

3
4 **SEC. 4.** Section 4 of the Act, as amended, is hereby renumbered and further amended
5 to read as follows:

6
7 “Section 4 5. Grounds for Change of First Name or Nickname. – The petition for
8 change of first name or nickname may be allowed in any of the following cases:

9 (1) xxx xxx

10 (2) xxx xxx

11 (3) xxx xxx

12 (4) For intersex people, the correction of sex and/or first name shall be made de jure
13 applicable due to the inborn nature of their medical condition; Provided, that they
14 are of legal age.”

15
16 **SEC. 5.** Section 5 of the Act. as amended, is hereby renumbered and further amended
17 to read as follows:

18
19 “Section 5. Form and Contents of the Petition. – The petition for correction of a clerical
20 or typographical error, or for change of first name or nickname, as the case may be,
21 shall be in the form of an affidavit, subscribed and sworn to before any person
22 authorized by law to administer oaths. The affidavit shall set forth facts necessary to
23 establish the merits of the petition and shall show affirmatively that the petitioner is
24 competent to testify to the matters stated. The petitioner shall state the particular
25 erroneous entry or entries, which are sought to be corrected and/or the change sought
26 to be made.

27
28 The petition shall be supported with the following documents:

29
30 (1) A certified true machine copy of the certificate or of the page of the registry
31 book containing the entry or entries sought to be corrected or changed;

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

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

37
38 No petition for correction of erroneous entry concerning the date of birth or the sex of
39 a person shall be entertained except if the petition is accompanied by earliest school
40 record, earliest school documents or other documents such as, but not limited to,
41 medical records, baptismal certificate and other documents issued by religious
42 authorities, or official decree or record issued by a foreign government. For petition
43 for correction of erroneous entry concerning the sex or gender of an intersex person,
44 the application shall be supported by a medical certificate from a competent and

1 licensed physician attesting to the presence of an intersex characteristic or trait in
2 the applicant. The petition for change of first name or nickname, or for correction of
3 erroneous entry concerning the day and month in the date of birth or the sex of a
4 person, as the case may be, shall be published at least once a week for two (2)
5 consecutive weeks in a newspaper of general circulation.

6
7 Furthermore, the petitioner shall submit a certification from the appropriate law
8 enforcements, agencies that he has no pending case or no criminal record.

9
10 The petition and its supporting papers shall be filed in three (3) copies to be
11 distributed as follows: first copy to the concerned city or municipal civil registrar, or
12 the consul general; second copy to the Office of the Civil Registrar General; and third
13 copy to the petitioner."

14
15 **SEC. 6.** A new Section 10 is hereby inserted in the Act, as amended, and shall read
16 as follows:

17
18 "Section 10. Reissuance of a Certificate of Live Birth. –Upon approval of the petition,
19 a new certificate of live birth shall be issued containing the new name and/or gender
20 marker of the petitioner. All rights, duties, and protections incurred in good faith
21 before reissuance of a new certificate of live birth shall be considered valid."
22

23
24 **SEC. 7.** A new Section 11 is hereby inserted in the Act, as amended, and shall read
25 as follows:

26
27 "Section 11. Confidentiality Clause. – All records and information related to the
28 correction of clerical or typographical errors in the civil register and changes of first
29 names or nicknames shall be treated with the utmost confidentiality in accordance
30 with Republic Act No.10173 or the Data Privacy Act. Civil registrars, officials,
31 employees and all other persons involved in the process shall ensure the non-
32 disclosure of sensitive personal information except as required by law or with the
33 express consent of the individual concerned."
34

35 **Sec. 8.** All subsequent Sections of Republic Act No. 9048, as amended, shall hereafter
36 be renumbered accordingly.

37
38 **Sec. 9. Separability Clause.** – If any provision of this Act shall at any time be found
39 to be unconstitutional or invalid, the remainder thereof not affected by such
40 declaration shall remain in full force and effect.

41
42 **Sec. 10. Repealing Clause.** – Any laws, decrees, rules or regulations inconsistent
43 with the provisions of this Act are hereby repealed or modified accordingly.
44

1 **Sec. 11. Effectivity Clause.** – This Act shall take effect fifteen (15) days after its
2 publication in the Official Gazette or in at least two (2) newspapers of general
3 circulation.

Approved,