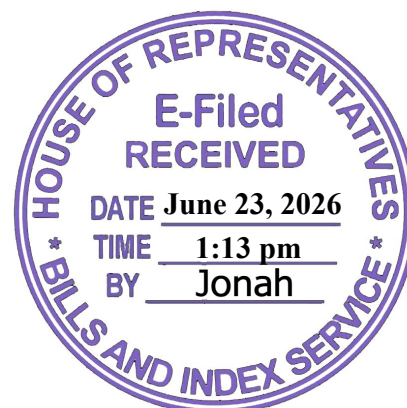


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 9929



**Introduced by AKBAYAN Representatives PERCIVAL V. CENDAÑA,
JOSE MANUEL TADEO "CHEL" I. DIOKNO, and DADAH KIRAM ISMULA and
Dinagat Islands Representative KAKA BAG-AO**

**AN ACT RECOGNIZING LIVED IDENTITIES, PROVIDING ADMINISTRATIVE
LEGAL RECOGNITION PROCESS AND APPROPRIATING FUNDS THEREFOR**

Explanatory Note

The fundamental right to self-determination is recognized as an inherent aspect of human dignity and personal autonomy under international human rights law. The Yogyakarta Principles on the Application of International Human Rights Law in Relation to Sexual Orientation and Gender Identity states that, "each person's self-defined sexual orientation and gender identity is integral to their personality and is one of the most basic aspects of self-determination, dignity, and freedom."¹

Yet according to the Supreme Court in *Silverio v Republic*,² our laws have not yet caught up with the medical and scientific advances in understanding gender identity. Since 2022, the United Nations Human Rights Committee has been urging the Philippine government to adopt legal gender recognition procedures.

The Lived Identities Recognition Act (LIRA) is a response to this legal gap. The bill aims to establish a clear statutory authority to recognize lived identities on the basis of gender identity. It provides an accessible administrative procedure for name change and gender recognition. It protects the right to privacy and non-discrimination. It declares that all persons, regardless of gender identity, are equal before the law and entitled to the same dignity, protection, and recognition.

¹ Principle 3. Yogyakarta Principles on the Application of International Human Rights Law in Relation to Sexual Orientation and Gender Identity (2007).

² GR No. 174689 October 22, 2007.

According to the Philippine Constitution, the State values the dignity of every human person and guarantees full respect for human rights.³ It further guarantees that no person shall be denied the equal protection of the laws.⁴ Without legal recognition, persons of diverse sexual orientation, gender identity or expression and sex characteristics (SOGIESC) are discriminated against in employment, health services, education, and other settings. They are made more vulnerable to violence and psychological trauma.

Proclaiming one's lived identity is an act of courage and pride. The least that the State can do is recognize, support, and protect it.

In view of the foregoing, the immediate passage of this Act is earnestly sought.



PERCIVAL V. CENDAÑA
Akbayan Representative



JOSE MANUEL TADEO
"CHEL" I. DIOKNO
Akbayan Representative



DADA D. KIRAM ISMULA
Akbayan Representative



KAKA BAG-AO
Dinagat Islands Representative

³ Article II, Section 11, 1987 Philippine Constitution

⁴ Article III, Section 1, 1987 Philippine Constitution

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

ARTICLE I. GENERAL PROVISIONS

SECTION 1. *Short Title.* This Act shall be known as the "Lived Identities Recognition Act (LIRA)."

SEC 2. *Declaration of Policy.* The State hereby declares its policy to affirm:

- a) Lived identity as an inherent aspect of personhood and constitutes a fundamental right of all persons, safeguarded under Article II, Section 11 and Article III, Section 1 of the 1987 Constitution;
- b) The legal recognition of lived identities shall be accessible and free from undue medical or judicial preconditions;
- c) The inherent dignity and equality of people of diverse sexual orientation, gender identity or expression, and sex characteristics (SOGIESC);
- d) The necessity of harmonizing existing laws pertaining to civil registration, family rights, and State records to align with the principles enunciated herein; and

- 1 e) The fundamental right to privacy and privileged communications shall be
2 protected including sensitive personal information in public and private records.
3

4 SEC. 3. *Definition of Terms.* For the purpose of this Act, the following terms shall be
5 understood as:
6

- 7 a) *Gender Identity* refers to a person's deeply felt internal and individual
8 experience of gender, which may or may not correspond with the sex assigned
9 at birth;
10
11 b) *Non-Binary* refers to a gender identity that falls outside the conventional
12 male/female binary;
13
14 c) *Intersex* refers to a general term used for a variety of conditions in which
15 individuals are born with sex characteristics, including but not limited to
16 chromosomes, gonads, or genitals, that do not fit typical definitions of male or
17 female;
18
19 d) *Sex Characteristics* refers to the physical features relating to sex, including
20 chromosomes, gonads, internal and external reproductive organs, and
21 secondary sex characteristics.
22
23 e) *Gender Marker* refers to an entry on a certificate of live birth reflecting a
24 person's sex at birth and self-determined gender identity.
25
26 f) *Gender Self-Determination* refers to the inherent right of an individual to define
27 and express their own gender identity without external coercion, discrimination,
28 or arbitrary interference.
29
30 g) *Gender Transitioning or Reassignment* refers to the process whereby people
31 usually change from the gender expression associated with their assigned sex
32 at birth to another gender expression that better matches their gender identity.
33 People may transition socially by using methods such as changing their name,
34 pronoun, clothing, hair styles, and/or the ways that they move and speak. It
35 may or may not involve hormones and/or surgeries to alter the physical body.
36
37 h) *Lived Identity* constitutes preferred or chosen name and gender marker based
38 on one's self-determined gender identity. It refers to how persons understand
39 and experience their gender in the roles or social groups they occupy. It is
40 commonly experienced and expressed by themselves in their daily lives,
41 personal biographies, social interactions, and cultural contexts.
42

- 1 i) *Lived Name* refers to the name, usually a first name, that is different from a
2 person's legal name and is habitually used or known in the community. It
3 represents an individual's gender identity, cultural identity, or reputational
4 identity. It may be similar to a nickname, middle name, or shortened derivative
5 of a legal name.
6

7 SEC 4. *Legal Recognition and Effect.* The legal recognition of a person's lived identity
8 under this Act shall have the following effects:
9

- 10 a) *Presumption of Validity.* A gender marker or name change effected under this
11 Act shall be presumed valid for all legal intents and purposes, including but not
12 limited to, civil status, personal identification, and public records.
13
14 b) *Scope of Application.* The affirmed lived identity shall be recognized across all
15 government agencies and private entities, including but not limited to, civil
16 registries, educational institutions, employment records, healthcare providers,
17 and financial institutions.
18
19 c) *Non-Derogation of Rights.* Nothing in this Act shall be construed to diminish or
20 abrogate any rights or obligations acquired or incurred prior to the legal
21 recognition of gender identity, including rights related to marriage, parental
22 relationships, or succession, unless explicitly provided otherwise by this Act.
23
24 d) *Privacy and Confidentiality.* All records pertaining to an individual's gender
25 identity and any changes thereto shall be treated with the utmost
26 confidentiality, and unauthorized disclosure shall be subject to applicable
27 privacy laws and penalties.
28

29 ARTICLE II. NAME CHANGE 30

31 SEC 5. *Administrative Name Change Process.* -
32

- 33 a) To recognize lived identities, an administrative mechanism for effecting name
34 change shall be established. It shall apply to the following circumstances:
35 i. Transgender and non-binary individuals seeking alignment of their name
36 with their lived identities;
37 ii. Intersex persons necessitating name changes due to initial sex
38 misclassification; and
39 iii. Victim-survivor of gender-based violence or child abuse seeking name
40 changes for reasons of personal safety and mental health.
41
42 b) Eligibility and Requirements. – Applicants, 18 years of age or older, shall

1 submit:

2 i. A sworn affidavit containing:

- 3 1. The applicant's current full name and desired full name;
- 4 2. A declaration of the reason for the proposed name change; and
- 5 3. A sworn affirmation of the absence of fraudulent intent

6 ii. Supporting documents including, but not limited to the following:

- 7 1. A duly authenticated birth certificate issued by the Philippine
- 8 Statistics Authority (PSA);
- 9 2. Two (2) identifying documents, at least one of which must bear
- 10 a photograph of the applicant, to prove habitual use of lived
- 11 name;
- 12 3. Other supporting documents including news clippings, election
- 13 materials, utility bills reflecting habitual use of lived name;
- 14 4. Affidavits of witnesses attesting to the habitual use of lived
- 15 name of the applicant;
- 16 5. Any clearance from law enforcement agencies such as the
- 17 National Bureau of Investigation, the Philippine National Police,
- 18 Barangay, or a certificate of no pending case from a relevant
- 19 court;
- 20 6. For victim-survivor of gender-based violence or child abuse with
- 21 concerns for personal safety or mental health, any document or
- 22 affidavit attesting to the fact thereof.

23
24 c) Prohibited Names. – Names intended to ridicule, cause offense, or evade
25 criminal, civil, or administrative liability shall be prohibited.

26 27 ARTICLE III. GENDER RECOGNITION

28
29 SEC 6. *Administrative Gender Recognition Process.* –

30
31 a) Any person who has attained the age of eighteen (18) years may apply for
32 Gender Recognition through a sworn affidavit filed with the Philippine Statistics
33 Authority (PSA) or the relevant local civil registry office.

34
35 b) Administrative Procedure. – The PSA shall establish and implement an
36 administrative procedure for the processing of applications for legal gender
37 recognition, which shall be initiated via a sworn affidavit executed by the
38 applicant;

39
40 c) Gender Marker Options. Applicants shall be afforded the option to select from
41 the following gender markers:

42

- i. Male (M)
- ii. Female (F)
- iii. Non-Binary (X)

d) Documentary Requirements. Any of the following supporting documents may be submitted:

- i. Prior identification documents reflecting the applicant's gender identity;
- ii. Medical records or certificate substantiating gender identity;
- iii. Affidavits of witnesses attesting to the gender identity of the applicant.

Provided that, no medical, psychological, psychiatric, or surgical requirements are not mandatory.

ARTICLE IV. ADMINISTRATIVE PROCESS

SEC. 7. *Limitation.* Application for Name Change and Gender Recognition shall be permitted per applicant once within a ten (10) year period upon approval of this Act. *Provided That*, persons under Section 5(a) who have availed of remedies to correct their name and gender marker under existing laws are not prohibited from applying for recognition of lived identities under this Act.

SEC. 8. *Duties of the Local Civil Registry and the Philippine Statistics Authority (PSA) and Other National Government Institutions.* –

- a) Application for Name Change and Gender Recognition shall be filed at the local civil registry office or PSA where the applicant's birth is recorded. A reasonable amount shall be collected from the applicant as filing fee. The same shall be waived for indigent applicants.
- b) The processing period shall not exceed thirty (30) days from the date of filing, without the necessity of court intervention, unless the application is contested in courts. The application may be published in news outlets or in bulletin boards of local civil registry offices. Approval of the LCR and PSA shall be automatic in the absence of any indicators of fraud.
- c) Upon approval, the applicant shall receive:
 - i. An updated PSA certificate of live birth, devoid of any annotations pertaining to the name change.
 - ii. A Certificate of Name Change or Gender Recognition
- d) Applicants may concurrently request a name change and a gender marker

1 update.

2
3 e) On the basis of an updated PSA certificate of live birth, an applicant may update
4 public and private records to reflect name and/or gender change, including but
5 not limited to:

- 6 i. Passports, licenses, and educational records;
- 7 ii. Bank accounts and employment records; and
- 8 iii. Insurance policies and medical records.

9
10 f) Fraud Prevention and Penalties. False declarations made under this Act shall be
11 punishable under Article 172 (Falsification by Private Individual and Use of
12 Falsified Documents) of the Revised Penal Code.

13
14 g) Appeal Process. Denied applications may be appealed to the PSA Civil Registrar-
15 General within thirty (30) days.

16
17 SEC. 9. *Legal Effects.* – Updated PSA certificate of live birth shall have no retroactive
18 legal effect and shall not invalidate:

- 19
20 a) Previously contracted marriages;
- 21 b) Parental relationships;
- 22 c) Completed legal transactions; and
- 23 d) Other existing obligations and contracts.

24
25 SEC. 10. *Legal Recognition of Foreign Decree Granting Name and Gender Change.*—
26 In accordance with the Apostille Convention, change of name and/or gender marker
27 approved by competent authorities in foreign jurisdictions shall be recognized in the
28 Philippines, provided that the applicant submits the foreign decree granting the same
29 together with other documents required under this Act.

30
31 SEC. 11. *Privacy and Non-Discrimination.* –

32
33 a) This Act protects name change and gender recognition process as a sensitive
34 personal information and strictly prohibits the forced disclosure of any
35 individual's gender history.

36
37 b) Data Protection. –

- 38 i. All pre-amendment records pertaining to gender identity shall be sealed
39 within the PSA's encrypted vault.
- 40 ii. Access to such sealed records shall be permitted only via a court-issued
41 subpoena.
- 42 iii. Unauthorized disclosure of such protected information shall be

1 punishable by a fine ranging from Five Hundred Thousand Pesos
2 (Php 500,000.00) to Two Million Pesos (Php 2,000,000.00) and
3 imprisonment for a term of three (3) to six (6) years, in accordance with
4 Republic Act No. 10173 (Data Privacy Act of 2012).

5
6 *Provided that*, persons who have availed of remedies to correct their name and
7 gender marker under other existing laws shall be allowed to apply for an
8 updated PSA certificate of live birth, devoid of any annotations.

9
10 c) Discrimination in employment, education, health and other public and private
11 programs and services based on lived identities and/or the legal recognition
12 thereof shall be prohibited.

13
14 d) Penalties – Any person violating Section 11(c) shall be subject to fines ranging
15 from Fifty Thousand Pesos (Php 50,000.00) to Two Hundred Thousand Pesos
16 (Php 200,000.00) and other applicable administrative sanctions.

17 18 ARTICLE IV. FINAL PROVISIONS

19
20 SEC. 12. *Implementing Rules and Regulations (IRR)*. – The PSA, the Commission on
21 Human Rights (CHR), in close consultation with relevant LGBTQIA+ organizations and
22 human rights organizations, shall formulate and promulgate the Implementing Rules
23 and Regulations (IRR) of this Act within ninety (90) days from its enactment.

24
25 SEC 13. *Appropriations*. – The implementation of this Act shall be funded by five
26 percent (5%) of the Gender and Development (GAD) budget of the PSA.

27
28 SEC. 14. *Separability Clause*. – Should any provision of this Act be declared
29 unconstitutional or invalid, the remaining provisions not affected thereby shall remain
30 in full force and effect.

31
32 SEC. 15. *Repealing Clause*. – Conflicting provisions of Act 3753, Republic Act No. 9048,
33 10172, Civil Code and the Rules of Court are hereby amended. Except as otherwise
34 expressly provided in this Act, all other laws, decrees, executive orders, proclamations
35 and administrative regulations or parts thereof inconsistent herewith are hereby
36 repealed or modified accordingly.

37
38 SEC 16. *Effectivity*. – This Act shall take effect thirty (30) days following its complete
39 publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,