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SENATE

S. No. 3113

REF

BY: Per

Prepared by the Committee on Justice and Human Rights with Senators
Trillanes and Escudero as Authors thereof.

AN ACT

1
2 FURTHER AUTHORIZING THE CITY OR MUNICIPAL CIVIL REGISTRAR
3 OR THE CONSUL-GENERAL TO CORRECT CLERICAL OR
4 TYPOGRAPHICAL ERRORS IN THE DAY AND MONTH IN THE DATE OF
5 BIRTH OR SEX OF A PERSON APPEARING IN THE CIVIL REGISTER
6 WITHOUT NEED OF A JUDICIAL ORDER, AMENDING FOR THIS
7 PURPOSE REPUBLIC ACT NUMBERED NINETY FORTY EIGHT

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

8 SECTION 1. Section 1 of Republic Act No. 9048, hereinafter referred to as
9 the Act, is hereby amended to read as follows:

10 **“Section 1. Authority to Correct Clerical or Typographical Error and Change of**
11 **First Name or Nickname** – No entry in a civil register shall be changed or corrected
12 without a judicial order, except for clerical or typographical errors and change of
13 first name or nickname, **THE DAY AND MONTH IN THE DATE OF BIRTH**
14 **OR SEX OF A PERSON WHERE IT IS PATENTLY CLEAR THAT THERE**
15 **WAS A CLERICAL OR TYPOGRAPHICAL ERROR OR MISTAKE IN THE**
16 **ENTRY**, which can be corrected or changed by the concerned city or municipal
17 civil registrar or consul general in accordance with the provisions of this Act and
18 its implementing rules and regulations.”

19 Sec. 2. Section 2, Paragraph (3) of the Act is likewise amended to read as
20 follows:

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

23 (1) xxx xxx

24 (2) xxx xxx

1 (3) "Clerical or typographical error" refers to a mistake committed in the
2 performance of clerical work in writing, copying, transcribing or typing an
3 entry in the civil register that is harmless and innocuous, such as misspelled
4 name or misspelled place of birth, **MISTAKE IN THE ENTRY OF DAY**
5 **AND MONTH IN THE DATE OF BIRTH OR THE SEX OF THE PERSON**
6 or the like which is visible to the eyes or obvious to the understanding, and
7 can be corrected or changed only by reference to other existing record or
8 records: *Provided, however,* That no correction must involve the change of
9 nationality, age, **OR** status [or sex] of the petitioner."
10

11 Sec. 3. Section 5 of the Act is hereby amended to read as follows:

12 "**Section 5. Form and Contents of the the Petition.** The petition **FOR**
13 **CORRECTION OF A CLERICAL OR TYPOGRAPHICAL ERROR, OR**
14 **FOR CHANGE OF FIRST NAME OR NICKNAME, AS THE CASE MAY**
15 **BE,** shall be in the form of an affidavit, subscribed and sworn to before any
16 person authorized by law to administer oaths. The affidavit shall set forth
17 facts necessary to establish the merits of the petition and shall show
18 affirmatively that the petitioner is competent to testify to the matters stated.
19 The petitioner shall state the particular erroneous entry or entries, which are
20 sought to be corrected and/or the change sought to be made.

21 The petition shall be supported with the following documents:

- 22 (1) A certified true machine copy of the certificate or of the page of
23 the registry book containing the entry or entries sought to be
24 corrected or changed.
- 25 (2) At least two (2) public or private documents showing the
26 correct entry or entries upon which the correction or change
27 shall be based; and
- 28 (3) Other documents which the petitioner or the city or municipal
29 civil register or the consul general may consider relevant and
30 necessary for the approval of the petition.

31 [In case of change of first name or nickname, the petition shall
32 likewise be supported with the documents mentioned in the immediately
33 preceding paragraph.] **NO PETITION FOR CORRECTION OF**
34 **ERRONEOUS ENTRY CONCERNING THE DATE OF BIRTH OR THE**
35 **SEX OF A PERSON SHALL BE ENTERTAINED EXCEPT IF THE**

1 PETITION IS ACCOMPANIED BY EARLIEST SCHOOL RECORD OR
2 EARLIEST SCHOOL DOCUMENTS SUCH AS, BUT NOT LIMITED TO,
3 MEDICAL RECORDS, BAPTISMAL CERTIFICATE AND OTHER
4 DOCUMENTS ISSUED BY RELIGIOUS AUTHORITIES; NOR SHALL
5 ANY ENTRY INVOLVING CHANGE OF GENDER CORRECTED
6 EXCEPT IF THE PETITION IS ACCOMPANIED BY A CERTIFICATION
7 ISSUED BY AN ACCREDITED GOVERNMENT PHYSICIAN
8 ATTESTING TO THE FACT THAT THE PETITIONER HAS NOT
9 UNDERGONE SEX CHANGE OR SEX TRANSPLANT. [In addition, t]
10 The petition FOR CHANGE OF FIRST NAME OR NICKNAME, OR FOR
11 CORRECTION OF ERRONEOUS ENTRY CONCERNING THE DAY
12 AND MONTH IN THE DATE OF BIRTH OR THE SEX OF A PERSON,
13 AS THE CASE MAY BE, shall be published at least once a week for two (2)
14 consecutive weeks in a newspaper of general circulation. Furthermore, the
15 petitioner shall submit a certification from the appropriate law enforcement
16 agencies that he has no pending case or no criminal record.

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

21
22 SEC. 4. Section 8 of the Act is hereby amended to read as follows:

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

27 THE FEES COLLECTED BY THE CITY OR MUNICIPAL CIVIL
28 REGISTRAR OR THE CONSUL GENERAL PURSUANT TO THIS
29 ACT SHALL ACCRUE TO THE FUNDS OF THE LOCAL CIVIL
30 REGISTRY OFFICE CONCERNED OR THE OFFICE OF THE CONSUL
31 GENERAL FOR MODERNIZATION OF THE OFFICE AND HIRING
32 OF NEW PERSONNEL AND PROCUREMENT SUPPLIES, SUBJECT
33 TO GOVERNMENT ACCOUNTING AND AUDITING RULES.”

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

4

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

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

Approved,