

FIFTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)

SENATE
Office of the Secretary

12 FEB -7 94:43

SENATE

S. B. No. 3117

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INTRODUCED BY SENATOR MANNY VILLAR

EXPLANATORY NOTE

This bill seeks to amend the pertinent provisions of Republic Act 9048 by further authorizing the local civil registrar or the Consul General to correct clerical or typographical error in the date of birth or sex of a person appearing in the civil register without need of a judicial order.

Republic Act 9048 has simplified the correction of clerical errors in the civil register, and has declogged the courts by removing the burden of resolving cases of this nature. Further, this administrative correction has made this remedy accessible and less costly to the public. The records of the National Statistics Office will bear that thousands of cases have been filed and resolved on a shorter period of time, not to mention that this administrative correction is an income-generating measure for the agency concerned.

To further authorize the public officials concerned, under the proposed measure, to correct the date of birth and sex as a result of a typographical error or mistake would further benefit the public and the agency concerned.

To prevent abuse of this measure and the circumvention of the law on substantial corrections, and as a safeguard, the bill strictly specified the evidence to be presented as to grant relief.

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


MANNY VILLAR

FIFTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)

Office of the Secretary

12 FEB -7 24:44

SENATE

S.B. No. 3117

RE: CV

Introduced by SENATOR MANNY VILLAR

AN ACT

FURTHER AUTHORIZING THE CITY OR MUNICIPAL CIVIL REGISTRAR OR THE CONSUL GENERAL TO CORRECT CLERICAL OR TYPOGRAPHICAL ERROR IN THE DATE OF BIRTH OR SEX OF A PERSON APPEARING IN THE CIVIL REGISTER WITHOUT NEED OF A JUDICIAL ORDER, AMENDING FOR THE PURPOSE THE PERTINENT PROVISIONS OF REPUBLIC ACT NO. 9048

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 is hereby amended to read as follows:

“SECTION 1. Authority to Correct Clerical or Typographical Error and Change of First Name or Nickname. – No entry in a civil register shall be changed or corrected without a judicial order, except for clerical or typographical errors WHICH INCLUDE MISTAKE IN THE ENTRY IN THE DATE OF BIRTH OR THE SEX OF A PERSON and change of first name or nickname 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, paragraph (3) of Republic Act No. 9048 is hereby amended to read as follows:

“SEC. 2. Definition of Terms. – As used in this Act, the following terms shall mean:

“(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 name or misspelled place of birth, MISTAKE IN THE ENTRY IN THE DATE OF BIRTH OR THE SEX OF A 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 [or sex] of the petitioner.”

SECTION 3. Section 5 of Republic Act No. 9048 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, 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.

[In case of change of first name or nickname, the petition shall likewise be supported with the documents mentioned in the immediately preceding paragraph.]

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 CIVIL 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.

[In addition, t]The petition FOR CHANGE OF FIRST NAME OR NICKNAME, OR FOR CORRECTION OF ERRONEOUS ENTRY CONCERNING 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 enforcement agencies that he/SHE 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 the third copy to the petitioner."

SECTION 4. Section 8 of Republic Act No. 9048 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. Implementing Rules and Regulations. – The Civil Registrar General shall, in consultation with the Department of Justice (DOJ), the Department of Foreign Affairs, the Office of the Supreme Court Administrator and the Philippine Association of Civil Registrars, issue the necessary rules and regulations for the effective implementation of this Act not later than two (2) months from its effectivity.

SECTION 6. Separability Clause. – If any portion or provision of this Act is declared void or unconstitutional, the remaining portion or provisions hereof shall not be affected by such declaration.

SECTION 7. Repealing Clause. – All laws, decrees, orders, rules and regulations, other issuances or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 8. Effectivity. – This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in at least two (2) national newspapers of general circulation.

Approved