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SENATE
P.S. Res. No. 1019

Introduced by Senator JOEL VILLANUEVA

RESOLUTION

DIRECTING THE APPROPRIATE COMMITTEE/S OF THE SENATE TO CONDUCT AN INQUIRY INTO REPORTS ON THE LACK OF ACCESS OF OVERSEAS FILIPINOS TO GOVERNMENT SERVICES FOR THE ADMINISTRATIVE CORRECTION OF CIVIL REGISTRATION RECORDS IN PHILIPPINE EMBASSIES

WHEREAS, the Philippine Constitution provides that it is the policy of the State to “afford full protection to labor, local or overseas”¹;

WHEREAS, under Republic Act (R.A.) No. 8042, as amended, or the Migrant Workers and Overseas Filipinos Act of 1995, it was declared as the policy of the State to “provide adequate and timely social, economic and legal services to Filipino migrant workers” and to ensure that “[f]ree access to the courts and quasi-judicial bodies and adequate legal assistance shall not be denied to any persons by reason of poverty.”² R.A. 8042, as amended, also recognized that “it is imperative that an effective mechanism be instituted to ensure that the rights and interest of distressed overseas Filipinos, in general, and Filipino migrant workers, in particular, documented or undocumented, are adequately protected and safeguarded”³;

WHEREAS, R.A. No. 11641, or the Department of Migrant Workers Act, reiterated the State’s duty to “protect the rights and promote the welfare of Overseas Filipino Workers and their families, by ... providing timely and responsive services to address their needs regardless of legal status”⁴;

WHEREAS, it is important to ensure that Filipinos living and working abroad have access to civil registration services, which are essential to guarantee equal access for all citizens—regardless of location—to government services tied to civil registration;

¹ 1987 Philippine Constitution, art. XIII, sec. 3(1).

² Republic Act No. 8042, sec. 2(b).

³ *Id.*, at. Sec. 2(e).

⁴ Republic Act No. 11641, sec. 2.

WHEREAS, R.A. No. 9048, or “An Act Authorizing the City or Municipal Civil Registrar or the Consul General to Correct a Clerical or Typographical Error in an Entry and/or Change of First Name or Nickname in the Civil Register Without Need of a Judicial Order, Amending for This Purpose Articles 376 and 412 of the Civil Code of the Philippines,” as amended by R.A. No. 10172, provides an administrative process to correct clerical errors in civil registration documents, whereby local civil registrars or consul generals can correct or change “clerical or typographical errors and change of first name or nickname, the day and month in the date of birth or sex of a person where it is patently clear that there was a clerical or typographical error or mistake in the entry”⁵;

WHEREAS, under this law and its implementing rules and regulations, any person whose birth record was registered in the Philippines or any Philippine consulate but who is presently residing or domiciled in a foreign country⁶ may file their petitions for correction of clerical or typographical errors in civil registration documents with the consul general of the nearest Philippine Consulate⁷;

WHEREAS, despite the clear provisions of R.A. 9048, as amended, and its implementing rules and regulations, different consulates of the Department of Foreign Affairs (DFA) provide varying advice on how Overseas Filipinos (OFs) and Overseas Filipino Workers (OFWs) can correct errors in civil registry entries—for instance, the websites of the Philippine Consulates in Los Angeles, United States,⁸ Budapest, Hungary,⁹ and Sydney, Australia¹⁰ provide that Filipinos with civil registry entries not recorded by the consulate may file their petition with “the Civil Registry Section of the concerned Consulate/Embassy or Local Civil Registrar”;

WHEREAS, these directives result in confusion and are particularly concerning given that a survey conducted with OFWs revealed that only 37% receive paid vacation leave,¹¹ which makes it improbable for OFWs to allocate their scarce time with family and friends in their homeland solely to rectify their civil registration records with local civil registrars;

WHEREAS, the process for administrative correction of civil registry entries is excessively time-consuming with an average completion period of six (6) months, which further compounds the challenges faced by OFWs, who often have limited opportunities for extended stays in the Philippines due to their work commitments abroad;

⁵ Republic Act No. 9048, sec. 1, as amended by Republic Act No. 10172.

⁶ Implementing Rules and Regulations, Republic Act No. 9048, as amended by Office of the Civil Registrar General Administrative Order No. 1, s. 2012, Rule 4.1(4).

⁷ *Id.*

⁸ Philippine Consulate General, Los Angeles, California (2024). Administrative Correction in the Civil Register Entries (available at <https://www.philippineconsulateia.org/consular-services-2/civil-reg1stry-2/administrative-correction-in-the-civil-registry-entries>, last accessed April 30, 2024).

⁹ Embassy of the Philippines, Hungary (2024). Frequently Asked Questions – Civil Registry (available at <https://budapestpe.dfa.gov.ph/consular-services/civil-registry>, last accessed April 30, 2024).

¹⁰ Philippine Consulate General, Sydney, Australia (2024). Civil Registry (available at <https://sydneypcg.dfa.gov.ph/82-consular-services/civil-registry>, last accessed April 30, 2024).

¹¹ Tabuga, A. D., et al. (2021). Analyzing Filipino Migrant Workers' Access to Social Protection. Philippine Institute for Development Studies Discussion Paper Series, No. 2021-38, p. 22. Available at <https://www.pids.gov.ph/publication/discussion-papers/analyzing-filipino-migrant-workers-access-to-social-protection> (last accessed April 3, 2024).

WHEREAS, there is a need to examine the implementation of Philippine policies that are designed to make all government services more accessible to overseas Filipinos, especially OFWs;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE, as it is hereby resolved, to direct the appropriate Committee/s of the Senate to conduct an inquiry, in aid of legislation, into reports that OFWs do not have equitable access to services for administrative correction of their civil registration records, with a view to identifying gaps in applicable laws, if any, and introducing remedial legislation, if appropriate, to establish mechanism/s to realize the State goals of providing accessible and prompt services to OFs and OFWs.

Adopted,


JOEL VILLANUEVA *JP*