

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

SEVENTEENTH CONGRESS

First Regular Session

HOUSE BILL NO. 3514

HOUSE OF REPRESENTATIVES	
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REGISTRATION UNIT BILLS AND INDEX SERVICE	

INTRODUCED BY REPRESENTATIVE XAVIER JESUS D. ROMUALDO

EXPLANATORY NOTE

The late Representative Pedro P. Romualdo originally filed a version of this bill in the 15th Congress. This bill was then re-filed in the 16th Congress. The Explanatory Note of the late Representative Romualdo is herein reproduced and adopted as the explanation for the filing of this bill:

The proposed measure concerns the exemption of indigent petitioners from the publication requirement of Republic Act No. 9048, as amended by Republic Act No. 10172 which was approved into law on August 15, 2012 by His Excellency, President Benigno S. Aquino III.

To avoid nefarious activities just to get away with the publication requirement, any indigent petitioner to avail of the exemption provided in this Act shall secure a Certificate of Indigency from the Office of the Local Social Welfare and Development Officer where the petition is being lodged and shall submit the same with the petition for the change of first name or nickname, or for correction of erroneous entry concerning the day and month in the date of birth or the sex of a person at the Office of the Local Civil Registrar prior to processing of the petitioner's application.

Upon receipt of the petition and the Certificate of Indigency, the Local Civil Registrar shall cause the printing of the name of the petitioner and the posting of the name in two (2) common areas already identified in the Implementing Rules and Regulations to show to the whole world and provide third parties or the general public to file an opposition against said petition.

Many potential petitioners would like to rectify the problem of their birth or civil registration records upon discovery however they cannot carry out their intention with the high cost of publication which they cannot totally afford.

This proposal would provide our indigent petitioners the opportunity to apply and rectify their birth records from the Local Civil Registrar with less cost considering the importance of our birth records in many legal transactions.

In view of the foregoing, the support of the Members of Congress for the prompt and timely passage of this proposed measure is earnestly requested.



XAVIER JESUS D. ROMUALDO

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AN ACT
AMENDING REPUBLIC ACT NO. 9048, AS AMENDED, BY EXEMPTING
INDIGENTS FROM THE PUBLICATION REQUIREMENT THEREOF AND
CHANGING THE PENALTIES PROVIDED THEREIN, AND FOR OTHER PURPOSES

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

1 SECTION 1. Section 5 of Republic Act (RA) No. 9048, as amended, is hereby further
2 amended to read as follows:

3
4 Section 5. Form and Contents of the Petition. – The petition for correction
5 of a clerical or typographical error, or for change of first name or nickname, as the
6 case may be, shall be in the form of an affidavit, subscribed and sworn to before
7 any person authorized by law to administer oaths. The affidavit shall set forth facts
8 necessary to establish the merits of the petition and shall show affirmatively that the
9 petitioner is competent to testify to the matters stated. The petitioner shall state the
10 particular erroneous entry or entries, which are sought to be corrected and/or the
11 change sought to be made.

12
13 The petition shall be supported with the following documents:

14
15 (1) A certified true machine copy of the certificate or of the page of the
16 registry book containing the entry or entries sought to be corrected or changed;

17
18 (2) At least two (2) public or private documents showing the correct
19 entry or entries upon which the correction or change shall be based; and

1 (3) Other documents which the petitioner or the city or municipal civil
2 registrar or the consul general may consider relevant and necessary for the
3 approval of the petition.
4

5 No petition for correction of erroneous entry concerning the date of birth or
6 the sex of a person shall be entertained except if the petition is accompanied by
7 earliest school record or earliest school documents such as, but not limited to,
8 medical records, baptismal certificate and other documents issued by religious
9 authorities; nor shall any entry involving change of gender corrected except if the
10 petition is accompanied by a certification issued by an accredited government
11 physician attesting to the fact that the petitioner has not undergone SEX
12 REASSIGNMENT THERAPY OR SURGERY [sex change or sex transplant. The
13 petition for change of first name or nickname, or for correction of erroneous entry
14 concerning the day and month in the date of birth or the sex of a person, as the case
15 may be, shall be published at least once a week for two (2) consecutive weeks in a
16 newspaper of general circulation].
17

18 [Furthermore, the petitioner shall submit a certification from the appropriate
19 law enforcements, agencies that he has no pending case or no criminal record.]
20

21 The petition and its supporting papers shall be filed in three (3) copies to be
22 distributed as follows: first copy to the concerned city or municipal civil registrar,
23 or the consul general; second copy to the Office of the Civil Registrar General; and
24 third copy to the petitioner.
25

26 THE PETITION FOR CHANGE OF FIRST NAME OR NICKNAME, OR
27 FOR CORRECTION OF AN ERRONEOUS ENTRY CONCERNING THE DAY
28 AND MONTH IN THE DATE OF BIRTH OR THE SEX OF A PERSON, AS
29 THE CASE MAY BE, SHALL BE PUBLISHED AT LEAST ONCE A WEEK
30 FOR TWO (2) CONSECUTIVE WEEKS IN A NEWSPAPER OF GENERAL

1 CIRCULATION. HOWEVER, IF THE PETITIONER IS AN INDIGENT, SUCH
2 PUBLICATION SHALL NOT BE REQUIRED; PROVIDED, THAT THE
3 PETITIONER SHALL SECURE A CERTIFICATE OF INDIGENCE FROM THE
4 SOCIAL WELFARE OFFICER OF THE CITY OR MUNICIPALITY WHERE
5 HE OR SHE RESIDES AND FILE THE SAME WITH HIS OR HER PETITION;
6 PROVIDED, FINALLY, THAT THE CITY OR MUNICIPAL CIVIL
7 REGISTRAR TO WHOM SUCH PETITION IS PRESENTED SHALL KEEP A
8 DISTINCT AND SEPARATE RECORD FOR INDIGENT PETITIONERS.
9

10 SEC. 2. Section 6 of the same Act, as amended, is hereby further amended to read as
11 follows:
12

13 Section 6. Duties of the City or Municipal Civil Registrar or the Consul
14 General. – The city or municipal civil registrar or the consul general to whom the
15 petition is presented shall examine the petition and its supporting documents. He
16 shall post the petition in a conspicuous place provided for that purpose for ten (10)
17 consecutive days after he finds the petition and its supporting documents sufficient
18 in form and substance. IN ADDITION, SUCH CITY OR MUNICIPAL CIVIL
19 REGISTRAR, IN THE CASE OF AN INDIGENT PETITIONER WHOSE
20 PETITION FOR CHANGE OF FIRST NAME OR NICKNAME, OR FOR
21 CORRECTION OF ERRONEOUS ENTRY CONCERNING THE DAY AND
22 MONTH IN THE DATE OF BIRTH OR THE SEX OF A PERSON, AS THE
23 CASE MAY BE, IS EXEMPTED FROM THE REQUIREMENT OF
24 PUBLICATION IN A NEWSPAPER OF GENERAL CIRCULATION, SHALL
25 CAUSE THE POSTING OF A COPY OF THE PETITION FOR TWO (2)
26 CONSECUTIVE WEEKS IN TWO (2) PUBLIC PLACES IN THE CITY OR
27 MUNICIPALITY WHERE THE RECORD BEING SOUGHT TO BE
28 CORRECTED OR CHANGED IS KEPT AND/OR WHERE THE PETITION
29 WAS FILED.
30

1 The city or municipal civil registrar or the consul general shall act on the petition
2 and shall render a decision not later than five (5) working days after the completion
3 of the posting and/or publication requirement. He shall transmit a copy of his
4 decision together with the records of the proceedings to the Office of the Civil
5 Registrar General within five (5) working days from the date of the decision.
6

7 SEC. 3. Section 9 of the same Act, as amended, is hereby further amended to read as
8 follows:
9

10 Section 9. Penalty Clause. – IN ADDITION TO THE LIABILITIES
11 ATTACHING FOR THE COMMISSION OF ANY OTHER FELONY OR
12 CRIMINAL OFFENSE, a person who violates any of the provisions of this Act,
13 INCLUDING ONE WHO, THROUGH FALSE OR FRAUDULENT
14 REPRESENTATIONS OR DECLARATIONS OR BY OTHER FRAUDULENT
15 MEANS, DISHONESTY, OR DECEIT, OBTAINS OR CAUSES TO OBTAIN
16 FOR ANOTHER EXEMPTIONS PROPER ONLY FOR BONA FIDE
17 INDIGENTS, shall, upon conviction, be penalized by imprisonment of not less than
18 six (6) MONTHS [years] but not more than SIX (6) [twelve (12)] years, or a fine of
19 not less than FIFTY THOUSAND PESOS (P50,000.00) [Ten thousand pesos
20 (P10,000.00)] but not more than TWO HUNDRED THOUSAND PESOS
21 (P200,000.00) [One Hundred Thousand pesos (P100,000.00)], or both, at the
22 discretion of the court.
23

24 In addition, if the offender is a government official or employee, he OR SHE shall
25 suffer the PENALTY OF REMOVAL FROM GOVERNMENT SERVICE AND
26 PERMANENT DISQUALIFICATION FROM PUBLIC OFFICE OR
27 EMPLOYMENT [penalties provided under civil service laws, rules and
28 regulations].
29

1 SEC. 4. *Implementing Rules and Regulations.* – The National Statistician, as the Civil
2 Registrar General, in consultation with the Department of Social Welfare and
3 Development, Department of Justice, the Department of the Interior and Local
4 Government, and the Philippine Association of Civil Registrars, shall promulgate the
5 rules and regulations for the implementation of the amendments to RA No. 9048 as
6 introduced by this Act not later than one hundred eighty (180) days from the effectivity
7 of this Act.

8
9 SEC. 5. *Separability Clause.* – If any provision of this Act is declared invalid or
10 unconstitutional, the other provisions not affected thereby shall continue to be in full
11 force and effect.

12
13 SEC. 6. *Repealing Clause.* – All laws, decrees, executive orders and issuances, rules and
14 regulations, and other issuances, or parts thereof, that are inconsistent with the provisions of this
15 Act are hereby repealed or modified accordingly.

16
17 SEC. 7. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its
18 publication in the Official Gazette or newspaper of general circulation.

19
20 Approved,
21