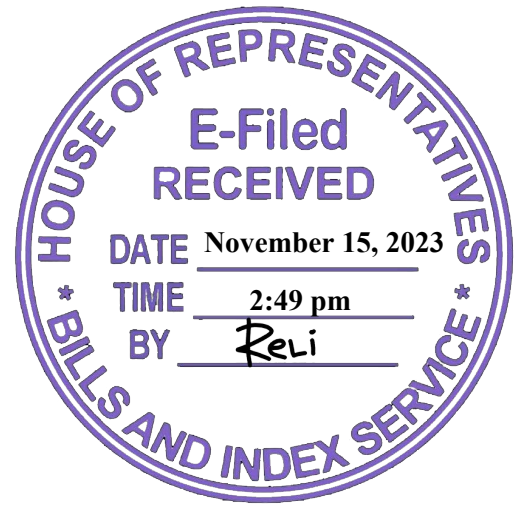




Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City, Metro Manila

**NINETEENTH CONGRESS**  
Second Regular Session

**House Bill No. 9555**



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Introduced by Representative **GERALDINE B. ROMAN**

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#### **EXPLANATORY NOTE**

On September 12, 2008, the Supreme Court, in *Republic of the Philippines v. Jennifer Cagandahan* (G.R. No. 166676), allowed Cagandahan to change the entry on his civil register from female to male on the basis of him being and intersex having developed a secondary male characteristic and was diagnosed to have Congenital Adrenal Hyperplasia (CAH). In the case, the Court opined that, “*Respondent is the one who has to live with his intersex anatomy. To him belongs the human right to the pursuit of happiness and of health. Thus, to him should belong the primordial choice of what courses of action to take along the path of his sexual development and maturation. In the absence of evidence that respondent is an “incompetent” and in the absence of evidence to show that classifying respondent as a male will harm other members of society who are equally entitled to protection under the law, the Court affirms as valid and justified the respondent’s position and his personal judgment of being a male.*”

*In so ruling we do no more than give respect to (1) the diversity of nature; and (2) how an individual deals with what nature has handed out. In other words, we respect respondent’s congenital condition and his mature decision to be a male. Life is already difficult for the ordinary person. We cannot but respect how respondent deals with his unordinary state and thus help make his life easier, considering the unique circumstances in this case.”*

In the same decision the Supreme Court allowed the change in the name of the Jennifer Cagandahan to Jeff Cagandahan, saying that “*The trial court’s grant of respondent’s change of name from Jennifer to Jeff implies a change of a feminine name to a masculine name. Considering the consequence that respondent’s change of name merely recognizes his preferred gender, we find merit in respondent’s change of name. Such a change will conform with the change of the entry in his birth certificate from female to male.*”

To date, while the intersex people celebrate the Court decision, most of them cannot avail of the remedy themselves as they still need to undergo the costly and tedious court litigation.

In March 2001, Republic Act No. 9048 was enacted with the goal of affording Filipinos the accessibility and efficiency to correct clerical and typographical errors in an entry or to change first names in local civil registry offices without the need for a judicial order. In July 2011, the law was amended to include other clerical and typographical errors and mistakes which include the sex of a person appearing in the civil register. While these laws authorize changes in civil register entries and first names or nicknames, they do not explicitly address the unique circumstances of intersex individuals.

This bill aims to rectify this oversight by providing a straightforward and accessible legal process for intersex individuals to change their sex and first names in the civil register without the need for a judicial order. This proposed legislation shall promote efficiency and inclusivity within the civil registration system, ensuring that intersex individuals are not burdened with costly and time-consuming court litigation. It acknowledges the importance of respecting an individual's right to self-determination and privacy regarding their gender identity and personal information.

In line with the recent developments and recognition of the rights of intersex individuals to self-determination as upheld by the Supreme Court, this bill seeks to affirm the *de jure* rights of Filipinos with intersex conditions to changing their sex and first name on their civil registry documents.

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

  
**GERALDINE B. ROMAN**



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**AN ACT AUTHORIZING THE CITY OR MUNICIPAL CIVIL REGISTRAR AND  
THE CONSUL GENERAL TO CHANGE THE SEX AND THE NAME OF AN  
INTERSEX PERSON APPEARING IN THE CIVIL REGISTER WITHOUT THE  
NEED OF A JUDICIAL ORDER**

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

**SECTION 1. *Short Title.*** – This Act shall be known as “*The Cagandahan Law.*”

**SECTION 2. *Declaration of Principles.*** – It is hereby declared the policy of the State to recognize the inherent dignity and rights of all individuals under the law. The State recognizes the importance of an efficient and accessible civil registration system that enables individuals to control and protect their personal information and identity, uphold individual rights and autonomy, and correct errors in their civil register entries. In furtherance of this policy, the State upholds the fundamental right of every person to privacy, self-determination, and non-discrimination.

Every individual has the fundamental right to privacy, encompassing the right to control and protect their personal information, medical history, and identity.

All citizens have the right to self-determination with respect to their personal information, including but not limited to decisions related to the correction of clerical or typographical errors in the civil register and changes of first names or nicknames.

No person shall be subject to any form of discrimination, stigmatization, or marginalization. It shall therefore intensify its efforts to fulfill its duties under the Equal Protection Clause and Bill of Rights provisions of the Philippine Constitution, and international and domestic laws to respect, protect, and fulfill the rights and dignity of every individual.

Furthermore, the State recognizes the fundamental freedom of its citizens to determine choices as long as they do not harm other members of society who are equally entitled to protection under the law.

**SECTION 3. *Definition of Terms.*** – Whenever referred to under this Act, the following terms shall be understood as:

- a) "**City or Municipal Civil Registrar**" refers to the head of the local civil registry office of the city or municipality, as the case may be, who is appointed as such by the city or municipal mayor in accordance with the provisions of existing laws.
- b) "**Civil Register**" refers to the various registry books and related certificates and documents kept in the archives of the local civil registry offices, Philippine Consulates and of the Office of the Civil Registrar General.
- c) "**Civil Registrar General**" refers to the Administrator of the National Statistics Office which is the agency mandated to carry out and administer the provision of laws on civil registration.
- d) "**First name**" refers to a name or nickname given to a person which may consist of one or more names in addition to the middle and last names.
- e) "**Intersex**" is an umbrella term used to describe a wide range of innate bodily variations in sex characteristics. Intersex people are born with physical sex characteristics (such as sexual anatomy, reproductive organs, hormonal patterns, and/or chromosomal patterns) that do not fit typical definitions for male or female bodies.
- f) "**Applicant**" refers to the intersex person filing the application for the change of entry in his or her Certificate of Live Birth particularly the entry on sex with or without change of first name or nickname in the civil register.
- g) "**Primary sex characteristics**"- physical traits that indicate their biological sex, such as chromosomes, external genitalia, gonads, hormones, and internal reproductive organ that are present at birth
- h) "**Secondary sex characteristics**"- physical traits that indicate their biological sex, such as chromosomes, external genitalia, gonads, hormones, and internal reproductive organ that develop after birth

**SECTION 4. *Authority to change the entry on the sex of an intersex person in the civil registry.*** – The concerned city or municipal civil registrar or the consul general shall have the authority to change, without a judicial order, the sex in the civil register of an intersex person upon proving that he or she is an intersex based on his or her primary and/or secondary sex characteristics in accordance with this Act and its implementing rules and regulations, subject to requirements under Section 6 of this Act.; *Provided, That*, the changing of sex and/or first name shall be made *de jure* applicable to intersex people of legal age due to the inborn nature of their medical condition.

**SECTION 5. *Who may file and where to file the application.*** - The intersex person, who is at least 18 years of age, may file, in person, a notarized application with the local civil registry office of the city or municipality where the record being sought to be changed is kept.

In case the applicant has already migrated to another place in the country and it would not be practical for such party, in terms of transportation expenses, time and effort to appear in person before the local civil registrar keeping the documents to be corrected or changed, the application may be filed, in person, with the local civil registrar of the place where the interested party is presently residing or domiciled. The two (2) local civil registrars concerned will then communicate to facilitate the processing of the application.

Citizens of the Philippines who are presently working, residing, domiciled, or found in foreign countries may file their application, in person, with the nearest Philippine Consulates.

Applications under this act may be filed online pursuant to the rules that may be set out on the Implementing Rules of this Act.

Provided, that if the application raises grounds other than those covered by this Act necessitating judicial proceedings, the Regional Trial Court with jurisdiction over the local civil registrar's office of the city or municipality where the record being sought to be corrected or changed is kept shall have jurisdiction over the entire application and shall decide on all the corrections and/or changes sought.

The applications filed with the city or municipal civil registrar or the consul general shall be processed in accordance with this Act and its implementing rules and regulations.

**SECTION 6. *Change in the first name of an intersex person.*** – An application for change on the sex of an intersex person in the civil register may include a prayer to change the applicant's first name to conform to such change.

**SECTION 7. *Form and Contents of the Application.*** – An application for a change in the sex of an intersex person in the civil register with or without prayer for a change of first name, 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 application and shall show affirmatively that the applicant is competent to testify to the matters stated.

The application 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; and
- (2) A medical certificate from a competent and licensed physician attesting to the presence of an intersex characteristic or trait in the applicant;

The application 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 third copy to the applicant.

The application shall be published at least once a week for two (2) consecutive weeks in a newspaper of general circulation in the city or province where the application is filed or in the newspaper of general circulation if filed in the Philippine consulates.

Furthermore, the applicant shall submit a certification from the appropriate law enforcement, agencies that he or she has no pending case or no criminal record: Provided that, the pendency of a case or the presence of a criminal record shall not be a ground to deny the application; Provided, further, that the local civil registrar or the consul general shall furnish a copy of its order granting with finality the application to the concerned court or courts.

The local registrar shall likewise furnish all other appropriate government agencies with a copy of the final order for these agencies. Such government agencies shall make the necessary corrections to their record reflecting the sex and/or name of the applicant.

**SECTION 8. *Application of Minor Children.*** – In the case of a minor child, any change in sex in his or her civil register based on the intersex trait with or without prayer for a change of name shall be done through a petition filed in court, considering the best interest of the child. The decision in such proceeding shall not bar the intersex person from availing remedy under this Act upon reaching the age of majority.

**SECTION 9. *Duties of the City or Municipal Civil Registrar or the Consul General.*** - The city or municipal civil registrar or the consul general to whom the application is presented shall examine the application and its supporting documents. He or she shall post the application in two (2) conspicuous places provided for that purpose for ten (10) consecutive days after he or she finds the application and its supporting documents sufficient in form and substance.

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

**SECTION 10. *Duties and Powers of the Civil Registrar General.*** – The civil registrar general shall, within ten (10) working days from receipt of the decision granting an application, exercise the power to impugn such decision by way of an objection based on this Act.

The civil registrar general shall immediately notify the city or municipal civil registrar or the consul general of the action taken on the decision. Upon receipt of the notice thereof, the city or municipal civil registrar or the consul general shall notify the applicant of such action.

The applicant may seek reconsideration with the civil registrar general or file the appropriate application with the proper court.

Suppose the civil registrar general fails to exercise his power to impugn the decision of the city or municipal civil registrar or of the consul general within the period prescribed herein. In that case, such decision shall become final and executory.

Where the application is denied by the civil registrar general, the applicant may file an appropriate action with the proper court.

**SECTION 11. *Sealing of Records.*** - Should the Application be granted, a new Certificate of Live Birth shall be issued by the Local Civil Registrar reflecting the corrected and/or changed entries. The old certificate of live birth shall be sealed and kept confidential. The same may not be released without an order from a competent court.

**SECTION 12. *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 application. An indigent applicant shall be exempt from the payment of the said fee. For this purpose, the applicant shall be considered an indigent upon presenting at least ONE of the following:

- a) Certification of Indigency from the Barangay
- b) Certification of Indigency from the Department of Social Worker and Development
- c) Affidavit of Indigency
- d) Other documents that the city or municipal civil registrar or the consul general deems sufficient to prove indigency

**SECTION 13. *Penalty Clause.*** - A person who violates any of the provisions of this Act shall, upon conviction, be penalized by imprisonment of not less than six (6) years but not more than twelve (12) years, or a fine of not less than Ten thousand pesos (P10,000.00) but not more than One Hundred Thousand pesos (P100,000.00), or both, at the discretion of the court.

In addition, if the offender is a government official or employee he or she shall suffer the penalties provided under civil service laws, rules and regulations.

**SECTION 14. *Confidentiality Clause.*** – All records and information related to the correction of clerical or typographical errors in the civil register and changes of first names or nicknames shall be treated with the utmost confidentiality. Civil registrars, officials, and employees involved in the process shall ensure the non-disclosure of sensitive personal information except as required by law or with the express consent of the individual concerned.

**SECTION 15. *Implementing Rules and Regulations.*** - The civil registrar general shall, in consultation with the Department of Justice, the Department of Foreign Affairs, the Office of the Supreme Court Administrator, the University of the Philippines Law Center and the Philippine Association of Civil Registrars, issue the necessary rules and regulations for the effective implementation of this Act not later than three (3) months from the effectivity of this law.

**SECTION 16. *Separability Clause.*** - If any portion or provision of this Act is declared void or unconstitutional, the remaining portions or provisions thereof shall not be affected by such declaration.

**SECTION 17. *Repealing Clause.*** - All laws, decrees, orders, rules and regulations, other issuances, or parts inconsistent with this Act's provisions are hereby repealed or modified accordingly.

**SECTION 18. *Effectivity Clause.*** - This Act shall take effect fifteen (15) days after its complete publication in at least two (2) national newspapers of general circulation.