



REPUBLIC OF THE PHILIPPINES  
**PHILIPPINE STATISTICS AUTHORITY**

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Reference No. 21ONS-03-1565

**MEMORANDUM CIRCULAR NO. 2021-19**

TO : ALL CONCERNED PSA OFFICIALS AND EMPLOYEES, CITY/MUNICIPAL REGISTRARS, AND PHILIPPINE FOREIGN SERVICE POST OFFICIALS AND STAFF

SUBJECT : Interim Measure to Relax the Procedural Requirement of Personal Filing or Appearance for Petition for Correction of Sex under the Implementing Rules and Regulations of Republic Act No. 10172

DATE : 22 September 2021

President Rodrigo R. Duterte declared Philippines under the State of Public Health Emergency pursuant to Presidential Proclamation No. 922 dated 08 March 2020. Further, Republic Act No. 11494 or the “Bayanihan to Heal as One Act” provides that it is the policy of the State to establish mechanisms to promote and protect the collective interests of all Filipinos in these challenging times.

Consequently, the Inter-Agency Task Force (IATF) for the Management of Emerging Infectious Diseases issued an Omnibus Guidelines on the Implementation of Community Quarantine imposing, among others, travel restrictions within and without our jurisdiction.

Rule 4.2 of the Implementing Rules and Regulations (IRR) of Republic Act No. 10172, otherwise known as “An Act Further Authorizing the City or Municipal Civil Registrar or the Consul General to Correct Clerical or Typographical Errors in the Day and Month in the Date of Birth or Sex of a Person Appearing in the Civil Register Without Need of a Judicial Order,” mandatorily requires that in the correction of clerical and typographical error in the entry of sex, **the verified petition shall be filed, in person, with the C/MCR of the city or municipality or the Philippine Consulate**, as the case may be, where the record containing the entry of sex in the birth certificate to be corrected is registered.

However, in view of the existing community quarantine and travel restrictions, the contemplated personal filing or appearance for the petition to correct sex before the City/Municipal Civil Registrar (C/MCR) or Philippine Consulate, duly afore-mentioned in the foregoing, is therefore quite a challenge to the petitioners especially those who are presently working overseas.



PSA Complex, East Avenue, Diliman, Quezon City, Philippines 1101  
Telephone: (632) 8938-5273  
www.psa.gov.ph

The Philippine Statistics Authority (PSA) has noted numerous concerns from the public regarding the difficulty in the conduct of personal filing of the said petition for correction, and fervently pleading thereof to provide them with alternative and convenient means to file their petitions for change of sex. As a matter of fact, this pressing concern has called the attention of PSA considering that renewal of expired passport of Filipinos abroad cannot be had in the absence of their rectified Civil Registry Document (CRD).

From the foregoing exceptionally meritorious case, it is therefore imperative and compelling, in the exercise of equity, to relax the strict application of the above Rule as an interim measure to address the challenge in the personal filing or appearance caused by the existing COVID-19 Pandemic in furtherance of the power of the Civil Registrar General (CRG) to provide overall direction in the implementation of the Civil Registry Law and related issuances and exercise technical supervision over the local civil registrars,<sup>1</sup> and to perform such other duties and functions as may be necessary to carry out the provisions of Republic Act No. 9048<sup>2</sup> in order to promote the collective interest of the public to correct their CRDs in these challenging times.

The PSA is fully aware that rules are not to be simply disregarded to ensure the orderly administration of petitions for correction. As a matter of prudence, we accord respect and utmost credence to the procedures set forth under the Rules. However, the exacting plea of the public necessitates us to relax the technical rule requiring personal filing to afford the petitioner the fullest opportunity to file migrant petition for correction of sex, in view of the special compelling circumstances. Further, in a number of cases, the Supreme Court has relaxed the application of procedural rules for the greater interest of substantial justice. Accordingly, it can only be upheld in proper cases and under justifiable causes and circumstances.<sup>3</sup>

In view of the exigency of public service and due consideration to the special compelling circumstances, it is hereby declared that the procedural requirement of personal filing for the petition for correction of sex be relaxed, and further to allow, for an interim, the filing of migrant petition for such correction pending the revision of the IRR. However, the C/MCR and Philippine Consulate must ensure strict observance of the other rules and requirements in the processing of gender correction as provided in the IRR.

Nonetheless, this Memorandum Circular shall not be read and construed to supersede, abrogate, modify, or nullify any of the provisions of the IRR of Republic Act No. 10172.

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<sup>1</sup> Section 11, Republic Act No. 10625.

<sup>2</sup> Section 11, Implementing Rules and Regulations of Republic Act No. 9048.

<sup>3</sup> Ng Ching Ting v. Philippine Business Bank, Inc., G.R. No. 224972, July 09, 2018.

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**THIS MEMORANDUM CIRCULAR SHALL TAKE EFFECT IMMEDIATELY AND IS TO REMAIN IN FORCE DURING THE STATE OF PUBLIC HEALTH EMERGENCY UNTIL SOONER REVOKED OR MODIFIED.**

**DENNIS S. MAPA, Ph. D.**

Undersecretary

National Statistician and Civil Registrar General

*EPA/HSD*