

Title: Rommel Jacinto Dantes Silverio v. Republic of the Philippines

Facts: Rommel Jacinto Dantes Silverio, the petitioner, was born as a male in Manila, Philippines, and named after his birth. Over the years, Silverio identified as female and underwent several medical procedures in the United States, including psychological examinations, hormone treatments, and breast augmentation. These culminated in a sex reassignment surgery in Bangkok, Thailand, on January 27, 2001. Consequently, Silverio lived as a female and sought legal recognition of her gender change. She petitioned the Regional Trial Court of Manila to change her first name from “Rommel Jacinto” to “Mely” and her sex from “male” to “female” in her birth certificate. The trial court granted the petition.

The Republic of the Philippines, represented by the Office of the Solicitor General (OSG), contested the decision in the Court of Appeals, asserting that there was no legal basis for such a change. The appellate court set aside the lower court’s ruling and Silverio moved the case to the Supreme Court of the Philippines seeking a judgment in her favor.

Issues: The legal issues raised were:

1. Whether the law permits the change of a person’s first name and sex in the civil registry based on the result of sex reassignment surgery.
2. Whether an individual’s claim for change of name and sex can be granted on the grounds of substantial compliance with statutory requirements, including rules for change of name and correction of errors in the civil registry.
3. Whether equity can serve as the basis for the changes sought in the absence of statutory support for sex reassignment.

Court’s Decision: The Philippine Supreme Court denied the petition for the following reasons:

- The change of name under Republic Act (RA) 9048 is administrative, not judicial, and does not provide for changes on grounds of sex reassignment.
- The alleged change of sex is not a clerical or typographical error, and RA 9048 explicitly excludes changes in nationality, age, status, or sex from correction.
- The sex of an individual as recorded in the birth certificate is determined at birth and is immutable unless there is an error. In Silverio’s case, there was no error recorded, therefore, the entry regarding sex does not warrant correction or change.
- Sex reassignment is not among the acts or events included in the Civil Code provisions governing corrections in the civil registry.

- Granting the petition has significant legal and policy implications, particularly affecting the institution of marriage and the administration of laws specific to men or women.

Doctrine: The Supreme Court, in this case, established that Philippine law does not authorize a change in the civil registry entries of name or sex based on sex reassignment surgery. It reiterated that the birth certificate reflects historical facts as they existed at the time of birth and that such entries, especially pertaining to sex, are immutable unless there is a clerical or typographical error.

Historical Background: At the time this case was decided, the Philippines lacked legislation explicitly dealing with the legal recognition of gender reassignment. Birth certificates in the Philippines have been considered historical records of facts at birth, and the legal framework surrounding changes to civil registry records primarily covers clerical or typographical errors rather than substantial changes such as sex reassignment. The petition in this case challenged these traditional norms by invoking grounds of justice and equity to justify a change in the petitioner's legal sex, placing the question of transgender rights within the scope of the high court's interpretation of an unchanged and historical legal structure.