

What You Need To Know About

Republic Act 9048

Act Authorizing the C/MCR or 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

WHAT IS REPUBLIC ACT 9048?

Republic Act (RA) 9048 authorizes the city or municipal civil registrar or the consul general to correct a clerical or typographical error in an entry and/or change the first name or nickname in the civil register without need of a judicial order.

RA 9048 amends Articles 376 and 412 of the Civil Code of the Philippines, which prohibit the change of name or surname of a person, or any correction or change of entry in a civil register without a judicial order.

President Gloria Macapagal-Arroyo approved the act on 22 March 2001. With the law taking effect on 22 April 2001, the Civil Registrar-General promulgated Administrative Order No. 1 Series of 2001, which was published in the newspaper in August that year.

WHAT CORRECTIONS CAN BE MADE BY RA 9048?

RA 9048 allows these corrections:

correction of clerical or typographical errors in any entry in civil registry documents, except corrections involving the change in sex, age, nationality and status of a person.

(A clerical or typographical error refers to an obvious mistake committed in clerical work, either in writing, copying, transcribing, or typing an entry in the civil register that is harmless and innocuous, such as a misspelled name or

misspelled place of birth and the like, and can be corrected or changed only by reference to other existing record or records.)

change of a person's first name in his/her civil registry document under certain grounds specified under the law through administrative process.

WHAT ARE THE CONDITIONS UNDER RA 9048 THAT THE PETITIONER NEEDS TO COMPLY WITH?

(1) The petitioner finds the first name or nickname to be ridiculous, tainted with dishonor or extremely difficult to write or pronounce;

(2) The new first name or nickname has been habitually and continuously used by the petitioner and he has been publicly known by that first name or nickname in the community; or,

(3) The change will avoid confusion.

WHO MAY FILE THE PETITION?

Whether it is for correction of clerical or typographical error, or for change of first name, the petition may be filed by a person of legal age who must have a direct and personal interest in the correction of the error or in the change of first name in the civil register.

A person is considered of legal age when he is eighteen years old and above. Thus, a minor (less than eighteen years old) cannot by himself file a petition, either for correction of clerical or typographical error or for change of his first name.

Only the following persons are considered to have a direct and personal interest in the correction of clerical error or change of first name:

1. Owner of the record that contains the error to be corrected or first name to be changed
2. Owner's spouse, children, parents, brothers, sisters, grandparents, guardian, or any other person duly authorized by law or by the owner of the document sought to be corrected.

WHAT SHOULD BE THE FORM AND CONTENT OF THE PETITION?

The petition, whether it is for correction of clerical error or for a change of first name, should be accomplished properly and in the prescribed form. Section 5 of RA 9048 and Rule 8 of Administrative Order No. 1, S. 2001 require that the petition should be in the form of an affidavit, hence, it should be subscribed and sworn to before a person authorized to administer oath.

Basically, the petition must contain the following facts or information:

- Merits of the petition
- Competency of the petitioner
- Erroneous entry to be corrected and proposed correction; first name to be changed and the proposed new first name

WHAT SUPPORTING DOCUMENTS ARE REQUIRED FOR CORRECTING A CLERICAL OR TYPOGRAPHICAL ERROR IN A CIVIL REGISTRY DOCUMENT?

The petition shall not be processed unless the petitioner supports it with the required documents. The supporting documents should be authentic and genuine, otherwise, the petition shall be denied or disapproved pursuant to Rule 5.8 of Administrative Order No. 1, S. 2001. The following supporting documents are admissible as basic requirements:

1. Certified machine copy of the certificate containing the alleged erroneous entry or entries
2. Not less than 2 public or private documents upon which the correction shall be based. Examples of these documents are the following: baptismal certificate, voter's affidavit, employment record, GSIS/SSS record, medical record, school record, business record, driver's license, insurance, land titles, certificate of land transfer, bank passbook, NBI/police clearance, civil registry records of ascendants, and others.
3. Notice and Certificate of Posting
4. Certified machine copy of the Official Receipt of the filing fee
5. Other documents as may be required by the City/Municipal Civil Registrar (C/MCR)

WHAT ARE THE SUPPORTING PAPERS FOR CHANGE OF FIRST NAME?

As in the case of correction of clerical error, no petition for change of first name shall be accepted unless the petitioner submits the required supporting papers, as follows:

1. All the documents required of the petitioner for the correction of clerical error shall also be required of the petitioner for change of first name.
2. Clearance from authorities such as clearance from employer, if employed; the National Bureau of Investigation; the Philippine National Police; and other clearances as may be required by the concerned C/MCR.
3. Proof of Publication. An affidavit of publication from the publisher and copy of the newspaper clippings should be attached.

HOW MUCH IS THE FEE IN FILING A PETITION?

The C/MCR and the District/Circuit Registrar (D/CR) are authorized to collect from every petitioner the following rates of filing fees:

- One thousand pesos (P1,000.00) for the correction of clerical error
- Three thousand pesos (P3,000.00) for the change of first name

In the case of a petition filed with the Consul General (CG), the fees are the same for all Philippine Consulates. The fees are the following:

- Fifty U.S. dollars (\$50.00) for the correction of clerical or typographical error
- One hundred fifty U.S. dollars (\$150.00) for the change of first name

A migrant petitioner shall pay an additional service fee to the Petition Receiving Civil Registrar (PRCR).

This service fee shall accrue to the local treasury of the PRCR.

- Five hundred pesos (P500.00) for correction of clerical or typographical error
- One thousand pesos (P1,000.00) for change of first name

WHERE SHOULD THE PETITION BE FILED?

The general rule is that petition shall be filed with the Local Civil Registry Office (LCRO) where the record containing the clerical error to be corrected or first name to be changed is kept. Included in this general rule is the case of the Office of the Clerk of Shari'a Court where records of divorces, revocations of divorces, conversions to Islam are kept and where some Muslim marriages are registered.

However, in case the petitioner is a migrant within or outside the Philippines, meaning his present residence or domicile is different from where his civil registry record or records are registered, he may file the petition in the nearest LCRO in his area. His petition will be treated as a migrant petition.

For further inquiries, write, call or visit:

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