

Republic Act No. 10172 Implementing Rules and Regulations

Republic of the Philippines
OFFICE OF THE CIVIL REGISTRAR GENERAL
National Statistics Office
Manila

ADMINISTRATIVE ORDER NO. 1, SERIES OF 2012

Subject: **RULES AND REGULATIONS GOVERNING THE IMPLEMENTATION OF REPUBLIC ACT NO. 10172 (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, Amending for this Purpose Act Numbered Ninety Forty-Eight.)**

Pursuant to Section 2 of Act No. 3753, the Office of the Civil Registrar General (OCRG) hereby promulgates the following rules and regulations of Republic Act No. 10172 which was approved on August 15, 2012 for the information, guidance and compliance of all concerned parties.

PRELIMINARY STATEMENT

Commonwealth Act No. 591 mandates the National Statistics Office (NSO) through the OCRG to carry out and administer the provisions of Act No. 3753 otherwise known as the "Civil Registry Law".

This Order shall be supplementary to Administrative Order No. 1, Series of 2001 (Implementing Rules and Regulations, Republic Act No. 9048).

Republic Act No. 10172 amended Sections 1, 2, 5 and 8 of Republic Act No. 9048. Section 1 of this Amendatory Law provides, *"No entry in a civil register shall be changed or corrected without a judicial order, except for clerical or typographical errors and change of first name or nickname, the day and month in the date of birth or sex of a person where it is patently clear that there was a clerical or typographical error or mistake in the entry, which can be corrected or changed by the concerned city or municipal civil registrar (C/MCR) or consul general in accordance with the provisions of this Act and its implementing rules and regulations."*

IMPLEMENTING RULES AND REGULATIONS

Rule 1. Authority to Correct Clerical or Typographical Error

The duly appointed C/MCR in accordance with the provisions of the existing laws, including the Consul General, are hereby authorized to correct clerical or typographical errors in the day and month (date of birth) or sex of a person in the civil register for birth.

Rule 2. Definition of Terms

As used in these rules, the following terms shall mean:

2.1. Clerical or typographical error - Refers to a mistake committed in the performance of clerical work in writing, copying, transcribing or typing an entry in the civil register on the entry of day and month in the date of birth or the sex of the person, which is visible to the eyes or obvious to the understanding, and can be corrected or changed only by reference to other existing record or records: Provided, however, that no correction must involve the change of nationality, age (refers to the correction on the year of birth), or legitimacy status of the petitioner/document owner.

2.2. Sex – Refers to the biological and physiological characteristics that define men and women.

2.3. Day and Month of Birth – Refers to the entry in the month and/or day of birth of the petitioner/document owner which is sought to be corrected.

2.4. Accredited Government Physician – Refers to a licensed doctor of medicine who is registered with the Professional Regulations Commission (PRC) and is employed in any government hospitals, health institutions, or public health offices.

2.5. Medical Certification – Refers to the certification issued by the accredited government physician attesting to the fact that the petitioner/document owner has not undergone sex change or sex transplant.

Rule 3. Who may file the petition.

3.1. For correction of entry on the day and/or month in the date of birth:

Any person of legal age, having direct and personal interest in the correction of a clerical or typographical error in the day and/or month in

the date of birth of a person in the civil register for birth, may file the petition.

A person is considered to have direct and personal interest when he is the owner of the record, or the 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; Provided; however, that when a person is a minor or physically or mentally incapacitated, the petition may be filed on his/her behalf by his/her spouse, or any of his/her children, parents, brothers; sisters; grandparents, guardians, or persons duly authorized by law.

3.2. For correction of a clerical or typographical error in sex:

The petitioner affected by such error shall personally file the petition with the civil registry office where the birth certificate is registered.

Rule 4. Where to file the petition

4.1. For correction of clerical and typographical error in the entry of the day and/or month in the date of birth.

The verified petition may be filed with the C/MCR of the city or municipality or the Philippine Consulate, as the case may be, where the birth record containing the day and/or month in the date of birth to be corrected is registered.

When the petitioner has migrated to another place within the Philippines and it is not practical for such party, in terms of transportation expenses, time and effort to appear before the C/MCR of the place of birth, the petition may be filed with the C/MCR of the place where the petitioner is residing or domiciled.

Any person whose birth record was reported abroad and presently residing in the Philippines, the petition may be filed with the C/MCR of the place of residence following the procedures of migrant petition.

Any person whose birth record was registered in the Philippines, or in any Philippine Consulate, but who is presently residing or domiciled in a foreign country, may file the petition with the nearest Philippine Consulate.

4.2. For 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.

Rule 5. Processing of the petition

Insofar as applicable, Rule 5 of Administrative Order No. 1, Series of 2001, shall be observed.

Rule 6. Form and content of the petition

Insofar as applicable, Rule 8 of Administrative Order No. 1, Series of 2001 shall be observed. In addition, as supporting documents to the petition, the following shall be submitted:

- 6.1. Earliest school record or earliest school documents;
- 6.2. Medical records;
- 6.3. Baptismal certificate and other documents issued by religious authorities;
- 6.4. A clearance or a certification that the owner of the document has no pending administrative, civil or criminal case, or no criminal record, which shall be obtained from the following:

- 6.4.1. Employer, if employed;
- 6.4.2. National Bureau of Investigation; and
- 6.4.3. Philippine National Police.

6.5. The petition for the correction of sex and day and/or month in the date of birth shall include the affidavit of publication from the publisher and a copy of the newspaper clipping; and

6.6. In case of correction of sex, the petition shall be supported with a medical certification issued by an accredited government physician that the petitioner has not undergone sex change or sex transplant.

Rule 7. Posting and publication of the petition.

Insofar as applicable, Rule 9 of Administrative Order No. 1, Series of 2001 shall be observed.

Rule 8. Duties of the C/MCR

Insofar as applicable, Rule 10 of Administrative Order No. 1, Series of 2001 shall be observed.

In addition, the C/MCR shall issue a certification on the authenticity of the

certification issued by the accredited government physician certifying that the petitioner/document owner has not undergone sex change or sex transplant.

Rule 9. Duties and powers of the CRG

Insofar as applicable, Rule 11 of Administrative Order No. 1, Series of 2001 shall be observed.

Rule 10. Authority to collect filing and other fees

The C/MCR is hereby authorized to collect from every petitioner three thousand pesos (P3,000.00) for petition to correct the day and/or month in the date of birth or sex. An indigent petitioner shall be exempt from paying the required payment, provided that the petition is supported by a certification from the City/Municipal Social Welfare Office that the petitioner/document owner is indigent.

In the case of a petition filed with the CG, a filing fee of one hundred fifty U.S. dollars (\$150.00) or its equivalent value in local currency for the correction of clerical or typographical error is required.

In the case of a migrant petition, there shall be a service fee of one thousand pesos (P1,000.00) to be collected by the PRCR.

When a petitioner/document owner files petition for correction of clerical error under R.A. 9048, simultaneously, with a petition for correction of clerical error under R.A. 10172, and the same document is involved, the petitioner/document owner shall pay only the amount of P3,000.00 corresponding to the fee under R.A. 10172.

All fees collected by the C/MCR or the consul general pursuant to this Law shall accrue to the funds of the Local Civil Registry Office concerned or the Office of the Consul General for modernization of the office and hiring of new personnel and procurement of supplies, subject to government accounting and auditing rules.

The local legislative body shall ratify the fees herein prescribed upon effectivity of this Order. Prior to ratification by the local legislative body, all fees collected in connection with this Order shall go to the LCRO trust fund, provided, however, that the fees prescribed therein shall be uniform in all cities and municipalities in the country, and in all Philippine Consulates.

Rule 11. Retroactivity clause

This Order shall have retroactive effect insofar as it does not prejudice or impair vested or acquired rights in accordance with the Civil Code and other laws.

Rule 12. Separability clause

If any portion or provision of this Order is declared void or unconstitutional, the remaining portions or provisions thereof shall not be affected by such declaration.

Rule 13. Repealing clause.

All circulars, memoranda, rules and regulations or parts thereof inconsistent with the provisions of this Order are hereby repealed or modified accordingly.

Rule 14. Effectivity clause.

This Order shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two newspapers of general circulation.

Approved this 24th day of October 2012.

CARMELITA N. ERICTA
Civil Registrar General