

**RULES AND REGULATIONS GOVERNING THE IMPLEMENTATION OF  
REPUBLIC ACT NO. 9048**

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

ADMINISTRATIVE ORDER NO. 1, SERIES OF 2001

Subject: RULES AND REGULATIONS GOVERNING THE IMPLEMENTATION OF  
REPUBLIC ACT NO. 9048

Pursuant to Section 10 of R.A. No. 9048, which took effect on 22 April 2001, the following rules and regulations are hereby promulgated for the information, guidance and compliance of all concerned parties.

**PRELIMINARY STATEMENT**

Article 376 of the Civil Code provides that "No person can change his name or surname without judicial authority.". Article 412 of the same Code provides that "No entry in a civil register shall be changed or corrected, without a judicial order.".

Republic Act No. 9048 amended Articles 376 and 412. 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 which can be corrected or changed by the concerned city or municipal civil registrar or consul general in accordance with the provisions of this Act and its implementing rules and regulations.".

As provided under Section 10 of Republic Act No. 9048, the Civil Registrar General promulgated these rules and regulations, in consultation with the representatives from the Department of Justice, Department of Foreign Affairs, Office of the Supreme Court Administrator, University of the Philippines Law Center and Philippine Association of Civil Registrars.

**IMPLEMENTING RULES AND REGULATIONS**

Rule 1. Authority to correct clerical or typographical error and to change first name or nickname. - The city/municipal civil registrar, Consul General, including the Clerk of the Shari'a Court in his capacity as District or Circuit Registrar of Muslim Marriages, Divorces, Revocations of Divorces and Conversions, are hereby authorized to correct clerical or typographical error and to change first name or nickname in the civil register.

Rule 2. Definition of terms. - As used in this Order, the following terms shall mean:

- 2.1. City or Municipal Civil Registrar (C/MCR) - Refers to the head of the local civil registry office (LCRO) of the city or municipality, as the case may be, who is appointed by the city or municipal mayor in accordance with the provisions of existing laws.
- 2.2. Consul General (CG) - Refers to an official of the Department of Foreign Affairs who has been issued the consular commissions by the President and/or the Secretary of Foreign Affairs. In a foreign service establishment of the Philippines where there is no Consul General, the civil registration

function and duties herein provided for the Consul General shall be exercised and performed by the Consul or Vice Consul who should be similarly issued consular commissions by the President and/or the Secretary of Foreign Affairs.

- 2.3. District/Circuit Registrar (D/CR) - Refers to the Clerk of the Shari'a District or Circuit Court acting in the performance of its civil registration function with regard to Muslim Marriages, Divorces, Revocations of Divorces and Conversions under Title VI, Book Two of Presidential Decree No. 1083 which is otherwise known as the Code of Muslim Personal Laws.
- 2.4. Civil Registrar General (CRG) - Refers to the Administrator of the National Statistics Office (NSO) which is the agency mandated to carry out and administer the provisions of laws on civil registration.
- 2.5. Local Civil Registry Office (LCRO) - Refers to an office or department in the city or municipal government that is mandated to perform civil registration function.
- 2.6. Petitioner - Refers to a natural person filing the petition and who has direct and personal interest in the correction of a clerical or typographical error in an entry or change of first name or nickname in the civil register.
- 2.7. Indigent petitioner - Refers to a destitute, needy and poor individual who is certified as such by the social welfare and development office of the city/municipal government.
- 2.8. 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 that is harmless and innocuous, such as misspelled name or misspelled place of birth or the like, 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, status or sex of the petitioner.
- 2.9. First name - Refers to the name or nickname given to a person which may consist of one or more names in addition to the middle and last names.
- 2.10. Civil Register - Refers to the various registry books and related certificates and documents kept in the archives of the LCROs, Philippine Consulates, Office of the Civil Registrar General, and Shari'a District/Circuit Courts.
- 2.11. Newspaper of general circulation - Refers to a newspaper that is published for the dissemination of local news and general information; that has a bona fide subscription list of paying subscribers; and that is published at regular intervals.
- 2.12. Record-keeping civil registrar (RKCR) - Refers to the C/MCR in whose archive is kept the record, which contains the error to be corrected or the first name to be changed. This term shall be used only in cases involving migrant petitioner.
- 2.13. Petition-receiving civil registrar (PRCR) - Refers to the C/MCR of the city or municipality where the petitioner resides or is domiciled and who receives the petition on behalf of the RKCR in the case of a migrant petitioner.
- 2.14. Migrant petitioner (MP) - Refers to a petitioner whose present residence or domicile is different from the place where the civil registry record to be corrected was registered.
- 2.15. Spouse - Refers to one's legal wife or legal husband.
- 2.16. Guardian - Refers to a person lawfully invested with the power, and charged with the duty, of taking care of the person and managing the property and rights of another person, who, for defect of age, understanding, or self-control, is considered incapable of administering

his own affairs. This term may refer also to those who, under Article 216 of the Family Code, are authorized to exercise substitute parental authority over the child in default of parents or a judicially appointed guardian. These persons are the following:

- 2.16.1. The surviving grandparent, as provided in Article 214 of the Family Code;
- 2.16.2. The oldest brother or sister, over twenty-one years of age, unless unfit or disqualified; and
- 2.16.3. The child's actual custodian, over twenty-one years of age, unless unfit or disqualified.

Rule 3. Who may file the petition. - Any person of legal age, having direct and personal interest in the correction of a clerical or typographical error in an entry and/or change of first name or nickname in the civil register, 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 behalf by his spouse, or any of his children, parents, brothers, sisters, grandparents, guardians, or persons duly authorized by law.

Rule 4. Where to file the petition. - The verified petition may be filed, in person, with the LCRO of the city or municipality or with the Office of the Clerk of the Shari'a Court, as the case may be, where the record containing the clerical or typographical error to be corrected, or first name to be changed, is registered.

When the petitioner had already migrated to another place within the Philippines and it would not be practical for such party, in terms of transportation expenses, time and effort to appear in person before the RKCR, the petition may be filed, in person, with the PRCR of the place where the migrant petitioner is residing or domiciled.

Any person whose civil registry 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, in person, with the nearest Philippine Consulate, or in accordance with Rule 3.

Rule 5. Processing of the petition. - The C/MCR shall:

- 5.1. Examine the petition as to completeness of requirements and supporting documents as required under Rule 8.
- 5.2. Determine whether or not the civil registry document, which is the subject of the petition, forms part of the civil register of his office. If it is part of the civil register of his office, he shall assume jurisdiction, otherwise, Rule 6 shall apply.
- 5.3. Receive the petition upon payment of the prescribed fees by the petitioner.
- 5.4. Ensure that posting or publication requirement is complied with in accordance with Rule 9.
- 5.5. Investigate and consider any third party intervention to the petition.
- 5.6. Enter all petitions in the appropriate record book, as may be prescribed by the CRG, indicating therein, among others, the following information:
  - 5.6.1. Petition number
  - 5.6.2. Name of petitioner
  - 5.6.3. Type of petition
  - 5.6.4. Date of petition

- 5.6.5. Date of receipt
- 5.6.6. Entry sought to be corrected/changed
- 5.6.7. Correction/Change made
- 5.6.8. Action taken or decision
- 5.7. Act on the petition within five (5) working days after the completion of the posting and/or publication requirement. In case the C/MCR, CG or D/CR approves the petition, he shall render his decision in a prescribed form in triplicate copies, indicating therein the entry sought to be corrected or the first name sought to be changed in the civil register, and the corresponding correction or change made.
- 5.8. Deny the petition for correction of clerical or typographical error based on any of the following grounds:
  - 5.8.1. The supporting documents are not authentic and genuine.
  - 5.8.2. The C/MCR has personal knowledge that a similar petition is filed or pending in court or in any other LCRO.
  - 5.8.3. The petition involves the same entry in the same document, which was previously corrected or changed under this Order.
  - 5.8.4. The petition involves the change of the status, sex, age or nationality of the petitioner or of any person named in the document.
  - 5.8.5. Such other grounds as the C/MCR may deem not proper for correction.
- 5.9. In the case of petition for change of first name or nickname, the C/MCR shall deny the petition based on any of the following grounds, in addition to Rule 5.8.1 to Rule 5.8.3:
  - 5.9.1. The first name or nickname sought to be changed is neither ridiculous, nor tainted with dishonor nor extremely difficult to write or pronounce.
  - 5.9.2. The new first name or nickname sought to be adopted has not been habitually and continuously used by the petitioner, and he has not been publicly known by that first name or nickname in the community.
  - 5.9.3. There is no confusion to be avoided or created with the use of the registered first name or nickname of the petitioner.
- 5.10. Record the decision in the appropriate record book as mentioned in Rule 5.6, and shall transmit said decision together with the records of proceedings to the OCRG within five (5) working days after the date of decision.

Insofar as applicable, Rule 5 shall be observed also by the CG and D/CR.

Rule 6. Procedures for migrant petitioner. - When the petition is for or from a person who is a resident or domiciled in a place different from the place where the document sought to be corrected was registered, the following procedures shall be observed:

- 6.1. The PRCR shall perform the following:
  - 6.1.1. Examine the petition as to completeness of requirements and supporting documents as required under Rule 8.
  - 6.1.2. Receive the petition upon payment by the petitioner of prescribed fees as required under Rule 18.
  - 6.1.3. Ensure that posting or publication of the petition as required under Rule 9 is complied with.
  - 6.1.4. Endorse the petition and its supporting documents, including the filing fee in postal money order or in any other mode of payment to the RKCR.
- 6.2. The RKCR shall perform the following:
  - 6.2.1. Examine the petition as to completeness of requirements and

supporting documents as required under Rule 8 and as transmitted by the PRCR.

6.2.2. Observe the procedures under Rule 5.5 to Rule 5.9.

Insofar as applicable, Rule 6 shall be observed also by the CG and D/CR.

Rule 7. Availment of the privilege. - The correction of clerical or typographical error shall be availed of only once with respect to a particular entry or entries in the same civil registry record. However, with regard to the change of first name or nickname in the birth certificate, the privilege shall be availed of only once subject to Rule 12 hereunder.

Rule 8. Form and content of the petition. - The petition shall be in the prescribed form of an affidavit, subscribed and sworn to before any person authorized by law to administer oath. The affidavit shall set forth facts necessary to establish the merits of the petition and shall show affirmatively that the petitioner is competent to testify to the matters stated. The petitioner shall state the particular erroneous entry or entries sought to be corrected or the first name sought to be changed, and the correction or change to be made.

- 8.1. The petition for the correction of clerical or typographical error shall be supported with the following documents:
  - 8.1.1. 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;
  - 8.1.2. At least two (2) public or private documents showing the correct entry or entries upon which the correction or change shall be based;
  - 8.1.3. Notice or certification of posting
  - 8.1.4. Other documents which the petitioner or the C/MCR, or the CG, or D/CR may consider relevant and necessary for the approval of the petition.
- 8.2. In case of change of first name or nickname, the petition shall be supported with the following documents and shall comply with the following requirements:
  - 8.2.1. Documents required under Rule 8.1.
  - 8.2.2. 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:
    - 8.2.2.1. Employer, if employed
    - 8.2.2.2. National Bureau of Investigation
    - 8.2.2.3. Philippine National Police
  - 8.2.3. Affidavit of publication from the publisher and a copy of the newspaper clipping.
- 8.3. The C/MCR, CG or D/CR shall not accept a petition unless all requirements and supporting documents are complied with by the petitioner.
- 8.4. The petition and its supporting documents shall be filed in three (3) copies, and upon acceptance, shall be distributed as follows:
  - 8.4.1. First copy to the concerned C/MCR, CG or D/CR,
  - 8.4.2. Second copy to the OCRG, and
  - 8.4.3. Third copy to the petitioner.

Rule 9. Posting and publication of the petition. - The petition shall be posted by the concerned C/MCR, CG or D/CR in a conspicuous place provided for that purpose for ten (10) consecutive days after he finds the petition and its supporting documents

sufficient in form and substance.

For a change of first name, the petition shall, in addition to the above-stated posting requirements, be published at least once a week for two (2) consecutive weeks in a newspaper of general circulation. As proof of publication, the petitioner shall attach to the petition a clipping of the publication and an affidavit of publication from the publisher of the newspaper where publication was made.

In the case of migrant petitioner, the petition shall be posted first at the office of the PRCR for ten (10) consecutive days before sending it to the RKCR. Upon receipt, the RKCR shall post again the petition in his office for another ten (10) consecutive days. When the petition is for a change of first name, the migrant petitioner shall publish the petition in a newspaper of general and national circulation.

In the case where a person's civil registry record or records were registered in the Philippines or in any of the Philippine Consulates, but the persons presently resides or is domiciled in a foreign country, posting and/or publication, as the case may be, shall be done in the place where the petition is filed and in the place where the record sought to be corrected is kept.

Rule 10. Duties of the C/MCR. - The C/MCR shall have the following duties:

- 10.1. Examine the petition and its supporting documents.
- 10.2. If necessary, conduct investigation by interviewing and asking probing questions to the petitioner.
- 10.3. Post the petition in a conspicuous place provided for that purpose for ten (10) consecutive days after he finds the petition and its supporting documents sufficient in form and substance.
- 10.4. Act on the petition and render a decision not later than five (5) working days after the completion of the posting and/or publication requirement.
- 10.5. Transmit a copy of the decision together with the records of the proceedings to the OCRG within five (5) working days after the date of the decision.
- 10.6. Perform such other duties and functions as may be necessary to carry out the provisions of R.A. 9048.

Insofar as applicable, the CG and the D/CR shall perform the duties of the C/MCR as provided for under this Rule.

Rule 11. Duties and powers of the CRG. - The CRG shall have the following duties and powers:

- 11.1. Impugn the decision of the C/MCR or CG or D/CR within ten (10) working days after receipt of the decision granting the petition based on any of the following grounds:
  - 11.1.1. The error is not clerical or typographical.
  - 11.1.2. The correction of an entry in the civil register is substantial or controversial as it involves the change of the age, sex, nationality or civil status of a person.
  - 11.1.3. The petition for correction of clerical or typographical error was not posted, or the petition for change of first name was not published as required under Rule 9.
  - 11.1.4. The basis used in changing the first name or nickname of the person does not fall under any of the following circumstances:
    - 11.1.4.1. The name or nickname is ridiculous, tainted with dishonor or extremely difficult to write or pronounce.
    - 11.1.4.2. 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.

11.1.4.3. The change of first name or nickname will avoid confusion.

11.1.5. The C/MCR does not have authority to take cognizance of the case.

11.2. Notify the C/MCR or the CG or the D/CR of the action taken on the decision not later than ten (10) working days from the date of impugning or approving the decision.

11.3. Act on all appeals or reconsideration duly filed by the petitioner.

11.4. Devise or cause to be devised the forms necessary or required for the effective implementation of this Order.

11.5. Perform such other duties and functions as may be necessary to carry out the provisions of R.A. 9048.

Rule 12. Effect of approving the petition for change of name. - When the petition for a change of first name is approved by the C/MCR or CG or D/CR and such decision has not been impugned by the CRG, the change shall be reflected in the birth certificate by way of marginal annotation. In case there are other civil registry records of the same person which are affected by such change, the decision of approving the change of first name in the birth certificate, upon becoming final and executory, shall be sufficient to be used as basis in changing the first name of the same person in his other affected records without need for filing a similar petition. In such a case, the successful petitioner shall file a request in writing with the concerned C/MCR, CG or D/CR to make such marginal annotation, attaching thereto a copy of the decision.

Rule 13. Effect of denying the petition. - Where the petition is not granted by the C/MCR, CG or D/CR, as the case may be, the petitioner may either appeal the decision to the CRG within ten (10) working days from receipt of the decision, or file the appropriate petition with the proper court. In case the petitioner opts to appeal the decision to the CRG, the latter shall render decision within thirty (30) calendar days after receipt of the appeal. The CRG shall furnish the C/MCR, CG or D/CR a copy of the decision not later than ten (10) working days after the date of the decision.

Rule 14. Appeal. - When the petition is denied by the C/MCR, the petitioner may appeal the decision to the CRG, in which case, the following guidelines shall be observed:

14.1. The adversely affected petitioner shall file the notice of appeal to the concerned C/MCR within ten (10) working days after the receipt of the latter's decision.

14.2. The C/MCR shall, within five (5) working days after the receipt of the notice of appeal from the petitioner, submit the petition and all supporting documents to the CRG.

14.3. The CRG shall render decision on the appeal within thirty (30) calendar days after receipt thereof. The decision of the CRG shall be transmitted to the concerned C/MCR within ten (10) working days after the date of the decision. Within ten (10) working days after receipt of the decision, the C/MCR shall notify the petitioner and shall carry out the decision.

14.4. When the petitioner fails to seasonably file the appeal, the decision of the C/MCR disapproving the petition shall become final and executory, and the only option left for the petitioner shall be to file the appropriate petition with the proper court.

14.5. The petitioner may file the appeal to the CRG on any of the following grounds:

- 14.5.1. A new evidence is discovered, which when presented, shall materially affect, alter, modify or reverse the decision of the C/MCR.
- 14.5.2. The denial of the C/MCR is erroneous or not supported with evidence.
- 14.5.3. The denial of the C/MCR is done with grave abuse of authority or discretion.

Insofar as applicable, Rule 14 shall be observed in the case of a petition denied by the CG or D/CR.

Rule 15. Failure of the CRG to impugn. - If the CRG fails to impugn the decision of the C/MCR, CG or D/CR within ten (10) working days after receipt of the decision granting the petition, such decision shall become final and executory.

Rule 16. Effect of impugning the decision. - Where the decision of the C/MCR, CG or D/CR is impugned by the CRG, the petitioner may appeal the decision by way of reconsideration with the latter within fifteen (15) working days from receipt of the decision and shall be based only on the ground of new evidence discovered, or file the appropriate petition with the proper court. The decision which shall be rendered by the CRG within thirty (30) calendar days after receipt of the appeal shall be final and executory.

Rule 17. Recording, filing and retrieval of decision. - The CRG shall prescribe the proper recording, filing and retrieval system of the decisions.

Rule 18. Authority to collect filing and other fees. - The C/MCR or the D/CR is hereby authorized to collect from every petitioner a filing fee in the amount of one thousand pesos (P1,000.00) for the correction of clerical or typographical error, and three thousand pesos (P3,000.00) for change of first name or nickname. An indigent petitioner as defined under Rule 2.7, shall be exempt from the payment of said fee.

In the case of a petition filed with the CG, a filing fee of fifty U.S. dollars (\$50.00) or its equivalent value in local currency for the correction of clerical or typographical error, and one hundred fifty U.S. dollars (\$150.00) or its equivalent value in local currency for the change of first name, shall be collected.

In the case of a migrant petitioner for correction of clerical or typographical error, there shall be a service fee of five hundred pesos (P500.00) to be collected by the PRCR. In case the petition is for change of name, the service fee is one thousand pesos (P1,000.00). The service fee shall accrue to the city or municipal government of the PRCR. The PRCR shall also collect the filing fee from the migrant petitioner, which shall be in the form of postal money order or other form of payment which shall be payable to and transmitted to the RKCR, together with the petition and supporting documents.

When the petitioner files petition for correction of clerical or typographical error, simultaneously with a petition for change of first name, and the same document is involved, the petitioner shall pay only the amount corresponding to the fee for the petition for change of first name.

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 herein shall be uniform in all cities and municipalities in the

country, and in all Philippine Consulates.

Rule 19. Penalty clause. - A person who violates any of the provisions of R.A. No. 9048 and of this Order 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 shall suffer the penalties provided under existing civil service laws, rules and regulations.

Rule 20. Periodic review. - The Civil Registrar General may call for periodic review of the IRR as may be necessary.

Rule 21. 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 22. 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 23. 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 24. Effectivity clause. - This Order shall take effect fifteen (15) days after its publication in a newspaper of general circulation.

APPROVED this 24th day of July 2001:

For the Office of the Civil Registrar General:  
(Sgd.) CARMELITA N. ERICTA

In consultation with:

For the Department of Justice:  
(Sgd.) ANTONIO A. ABANILLA

For the Department of Foreign Affairs:  
(Sgd.) FRANKLIN M. EBDALIN

For the Office of the Supreme Court Administrator:  
(Sgd.) WILHELMINA D. GERONGA

For the University of the Philippines Law Center:  
(Sgd.) GISELLA DIZON-REYES

For the Philippine Association of Civil Registrars:  
(Sgd.) RAMON M. MATABANG

**RULES AND REGULATIONS GOVERNING  
THE IMPLEMENTATION OF REPUBLIC ACT NO. 9255**

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

ADMINISTRATIVE ORDER NO. 1  
Series of 2004

Subject: RULES AND REGULATIONS GOVERNING THE IMPLEMENTATION OF REPUBLIC ACT NO. 9255 (An Act Allowing Illegitimate Children to Use the Surname of their Father, Amending for the Purpose, Article 176 of Executive Order No. 209, Otherwise Known as the "Family Code of the Philippines")

As mandated by Commonwealth Act No. 591, the Office of the Civil Registrar General hereby promulgates the following Implementing Rules and Regulations of Republic Act No. 9255 signed by President Arroyo on February 24, 2004 and took effect on March 19, 2004, 15 days after publication in a newspaper of general circulation.

Rule 1. Coverage

1.1 These Rules shall apply to all illegitimate children born before or after the effectivity of R.A. 9255. This includes:

1.1.1 Unregistered births;

1.1.2 Registered births where the illegitimate children use the surname of the mother.

Rule 2. Definition of Terms

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

2.1. Public document refers to affidavit of recognition executed by the father such as the Affidavit of Admission of Paternity or the Affidavit of Acknowledgment.

2.2. Private handwritten instrument an instrument executed in the handwriting of the father and duly signed by him where he expressly recognizes paternity to the child.

2.3. Local Civil Registry Office (LCRO) a department in the city/municipal government mandated to perform civil registration functions.

2.4. Office of the Civil Registrar General (OCRG) refers to the national government office mandated to carry out and administer the provisions of the laws on civil registration headed by the Civil Registrar General who is also the Administrator of the National Statistics Office (NSO).

2.5. Affidavit to Use the Surname of the Father (AUSF) - an affidavit to be executed in order to use the surname of the father. The AUSF is a registrable document.

2.6. Guardian - refers to a person lawfully invested with the power, and charged with the duty, of taking care of one who, for defect of age, understanding, or self control, is considered incapable in administering his own affairs. This term also refers to those authorized to exercise substitute parental authority over the child in default of parents or a judicially appointed guardian (Title IX, Family Code). Those exercising substitute parental authority are the following:

2.6.1 The surviving grandparent (Article 214, Family Code);

2.6.2 The oldest brother or sister, over 21 years of age, unless unfit or disqualified (Article 216(2), Family Code); and

2.6.3 The child's actual custodian, over 21 years of age, unless unfit or disqualified (Article 216 (3), Family Code).

### Rule 3. Who may file

Under these rules, the father, mother, child if of age, or the guardian, may file the public document or Affidavit to Use the Surname of the Father (AUSF) in order for the child to use the surname of the father.

### Rule 4. Where to file

4.1. The public document or AUSF executed within the Philippines shall be filed at the Local Civil Registry Office (LCRO) where the child was born, if the birth occurred within the Philippines.

4.2. The public document or AUSF executed outside the Philippines shall be filed at the LCRO of Manila, if the birth occurred within the Philippines.

4.3. The public document or AUSF whether executed within or outside the Philippines shall be filed at the LCRO of Manila, if the birth occurred outside the Philippines.

### Rule 5. What to file

The following shall be filed at the LCRO:

5.1. Certificate of Live Birth with accomplished Affidavit of Acknowledgement/ Admission of Paternity at the back

5.2. Public document

5.3. AUSF, including all supporting documents

### Rule 6. When to register

The public document not made on the record of birth, or the AUSF shall be registered within twenty (20) days from the date of execution at the place where the birth was registered. Otherwise the procedures of late registration shall be applied.

### Rule 7. Requirements for the Child to Use the Surname of the Father

## 7.1 For Births Not Yet Registered

7.1.1 The illegitimate child shall use the surname of the father if a public document is executed by the father, either at the back of the Certificate of Live Birth or in a separate document.

7.1.2 If admission of paternity is made through a private handwritten instrument, the child shall use the surname of the father, provided the registration is supported by the following documents:

- a. AUSF
- b. Consent of the child, if 18 years old and over at the time of the filing of the document
- c. Any two of the following documents showing clearly the paternity between the father and the child:
  - 1) Employment records
  - 2) SSS/GSIS records
  - 3) Insurance
  - 4) Certification of membership in any organization
  - 5) Statement of Assets and Liabilities
  - 6) Income Tax Return (ITR)

## 7.2 For Births Previously Registered under the Surname of the Mother

7.2.1 If filiation has been expressly recognized by the father, the child shall use the surname of the father upon the submission of the accomplished AUSF.

7.2.2 If filiation has not been expressly recognized by the father, the child shall use the surname of father upon submission of a public document or a private handwritten instrument supported by the documents listed in Rule 7.1.2.

7.3 Except in Item 7.2.1, the consent of the illegitimate child is required if he/she has reached the age of majority. The consent may be contained in a separate instrument duly notarized.

## Rule 8. Effects of Recognition

### 8.1 For Births Not Yet Registered

8.1.1 The surname of the father shall be entered as the last name of the child in the Certificate of Live Birth. The Certificate of Live Birth shall be recorded in the Register of Births.

8.1.2 If admission of paternity is done at the back of the Certificate of Live Birth, no annotation is made in the Certificate of Live Birth. However, annotation shall be made in the Register of Births as follows:

"Acknowledged by (name of father) on (date) pursuant to RA 9255."

8.1.3 If admission of paternity is made in a separate public document,

the proper annotation shall be made in the Certificate of Live Birth and the Register of Births. The annotation shall be as follows:

"Acknowledged by (name of father) on (date) pursuant to RA 9255."

8.1.4 In case of delayed registration, follow the provisions under 8.1.1 to 8.1.3 and comply with the requirements under Rule 25 of Administrative Order No. 1 series of 1993. Proper annotation with regard to delayed registration shall be made.

8.2 For Births Previously Registered under the Surname of the Mother

8.2.1 If admission of paternity was made either at the back of the Certificate of Live Birth or in a separate public document or in a private handwritten document, the public document or AUSF shall be recorded in the Register of Legal Instruments. Proper annotation shall be made in the Certificate of Live Birth and the Register of Births as follows:

"The surname of the child is hereby changed from (original surname) to (new surname) pursuant to RA 9255."

The original surname of the child appearing in the Certificate of Live Birth and Register of Births shall not be changed or deleted.

8.2.2 If filiation was not expressly recognized at the time of registration, the public document or AUSF shall be recorded in the Register of Legal Instruments. Proper annotation shall be made in the Certificate of Live Birth and the Register of Births as follows:

"Acknowledged by (name of father) on (date). The surname of the child is hereby changed from (original surname) to (new surname) on (date) pursuant to RA 9255."

Rule 9. Issuance of Certified Copy of Certificate of Live Birth and LCR Form 1A

In the issuance of the certified copy, proper annotations as provided under Rule 8 shall be made on the Certificate of Live Birth or on the certified transcription (LCR Form 1A) from the Register of Births.

Rule 10. Duties of the Local Civil Registrar

10.1. Examines the authenticity of the Certificate of Live Birth and/or ascertains the truth of the facts stated in the affidavit and the documents presented.

10.2. Accepts for registration the following documents:

- a. Certificate of Live Birth
- b. Public document
- c. AUSF

- 10.3. Records the entries in the Certificate of Live Birth in the Register of Births, and the public document and AUSF in the Register of Legal Instruments.
- 10.4. Annotates the Certificate of Live Birth and the remarks portion of the Register of Births.
- 10.5. Issues certified copies of Certificate of Live Birth or certified transcription (LCR form 1A) with annotations.
- 10.6. Distributes the annotated Certificate of Live Birth, registered public document or AUSF including any supporting document as follows:
  - a. First copy to owner of the document;
  - b. Second copy to the OCRG;
  - c. Third copy to the LCRO.

Rule 11. Retroactivity Clause

These rules shall have retroactive effect for all births occurring within and outside the Philippines.

Rule 12. Separability Clause

If any portion or provision of this Implementing Rules and Regulations is declared void or unconstitutional, the remaining portions or provisions thereof shall not be effected by such declaration.

Rule 13. Repealing Clause

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

Rule 14. Effectivity

These rules shall take effect 15 days after its publication in a newspaper of general circulation in the Philippines.

APPROVED this 14th day of May 2004.

(Sgd.) CARMELITA N. ERICTA  
Civil Registrar General