

Filipinos abroad may file a petition before the Philippine Consulate General in New York to correct a clerical or typographical error in an entry and/or cause a change of First Name or Nickname in the Civil Register without need of a judicial order. This may be done under Republic Act 9048, as amended by Republic Act 10172

WHAT IS REPUBLIC ACT 9048, AS AMENDED BY R.A. 10172?

Republic Act (RA) 9048, as amended authorizes the City or Municipal Civil Registrar or the Consul General to correct certain clerical or typographical errors in an entry in the civil register without need of a judicial order.

President Gloria Macapagal-Arroyo approved the R.A. 9048 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.

Eleven years thereafter, Republic Act No. 10172 was enacted into law, expanding the list of clerical or typographical errors under R.A. 9048 that may be corrected without a judicial order. This was followed by Administrative Order No. 1, Series of 2012 of the Civil Registrar General, which is the Implementing Rules and Regulations of the said R.A. 10172.

WHAT CORRECTIONS CAN BE MADE BY RA 9048, AS AMENDED BY R.A. 10172?

RA 9048, as amended by R.A. 10172, allows the following corrections:

- Correction of **clerical or typographical errors** in any entry in civil registry documents.

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 the following:

(a) 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

(b) day and/or month of birth

(c) gender/sex (*provided that this correction is not a result of a sex-reassignment*)

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

WHAT ARE THE CONDITIONS FOR CHANGE OF FIRST NAME OR NICKNAME?

(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 FOR CORRECTION OF CLERICAL OR TYPOGRAPHICAL

ERROR?

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:

- Owner of the record that contains the error to be corrected or first name to be changed
- 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 ARE THE BASIC REQUIREMENTS TO FILE A PETITION FOR CORRECTION OF CLERICAL OR TYPOGRAPHICAL ERROR?

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.

The petition for the correction of clerical or typographical error shall be supported with the following documents:

- (a) 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;
- (b) At least two (2) public or private documents showing the correct entry or entries upon which the correction or change shall be based;
- (c) Notice or certification of posting;
- (d) Other documents which the petitioner or the Consul General may consider relevant and necessary for the approval of the petition.

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:

(1) Same supporting documents for correction clerical or typographical error;

(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:

1 Employer, if employed

2 National Bureau of Investigation

3 Philippine National Police

(3) Affidavit of Publication from the publisher and a copy of the newspaper clipping.

In case of correction of DAY AND/OR MONTH in the date of birth or SEX of a person, the petition shall be supported with the following documents:

(i) Earliest school record or earliest school documents;

- (ii) Medical records;
- (iii) Baptismal certificate and other documents issued by religious authorities;
- (iv) 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:

- 1 Employer, if employed;
- 2 National Bureau of Investigation; and
- 3. Philippine National Police.

- (v) Affidavit of Publication from the publisher and a copy of the newspaper

clipping.

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

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 or Philippine Consulate General if abroad. His petition will be treated as a migrant petition.

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

PROCEDURES IN FILING THE PETITION FOR CORRECTION OF CLERICAL/TYPOGRAPHICAL ERROR

For civil registry reported at the Philippine Consulate General in New York:

1. Submit the Petition together with all the required documents stated above and provide necessary information during interview at the Civil Registry Unit (CRU).
2. Pay the corresponding fees at the Cashier.
3. Return to CRU and submit the Official Receipt. CRU Staff to inform petitioner on the date of release in conformity with the required 10-day posting and 5-day decision of the Consul General.
4. Posting of Petition at the Philippine Consulate General's bulletin for 10 consecutive days.
5. Philippine Consulate General issues the Certificate of Posting.

6. After 5 days, the Consul General acts on the Petition.

7. Petitioner can claim the approved petition on the Consul Generals level on the appointed date or may submit a self-addressed stamped prepaid priority envelope if unable to claim in person.

8. Philippine Consulate General sends the approved petition to the Department of Foreign Affairs (DFA) in Manila through the diplomatic pouch scheduled the following month.

9. DFA Manila sends the approved petition to the Office of the Civil Registrar General (OCRG) Manila.

10. OCRG acts on the approved petition.

11. OCRG Manila forwards decision to DFA Manila.

12. DFA Manila forwards OCRG's decision to the Philippine Consulate General.

13. Philippine Consulate General issues the Certificate of Finality. CRU Staff informs the client of the decision of the OCRG.

14. If the petition is affirmed by the OCRG, the Philippine Consulate General sends to DFA Manila the Certificate of Finality, and certified true copies of the un-annotated civil registry document, certified true copies of the annotated civil registry document, certified true copies of the Petition, together with the covering despatch.

If the petition is impugned, the Philippine Consulate General, within 15 days upon receipt of the

impugned petition, files a motion for reconsideration to OCRG and sends said motion to the OCRG through DFA Manila.

15. DFA Manila transmits to OCRG the Certificate of Finality, and certified true copies of the un-annotated civil registry document, certified true copies of the annotated civil registry document, certified true copies of the Petition together with the endorsement letter (if petition has been affirmed) OR the Motion for Reconsideration (if the petition has been impugned).

16. Petitioner may request at PSA/NSO Manila an authenticated copy of the corrected or annotated Civil Registry document paper three days after DFA Manila has forwarded to OCRG the Certificate of Finality and certified true copies of the un-annotated civil registry document, certified true copies of the annotated civil registry document, certified true copies of the Petition together with the endorsement letter.

For Migrant Petition for Correction of Clerical Error:

1 – 5 Please see above procedures for filing petition for correction of clerical

error in the civil registry documents registered at the Philippine Consulate

General.

6. The Consul General acts on the petition after 5 days. The Consul General's action is only to forward said petition to the Local Civil Registrar (LCR) where the record of civil registry

document is registered.

7. Philippine Consulate General sends the petition to the Department of Foreign Affairs (DFA) in Manila through the diplomatic pouch scheduled the following month.

8. DFA Manila forwards the petition to the Local Civil Registrar where the record of civil registry document is registered.

9. The LCR will contact and ask the Petitioner to pay for the additional service fee.

10. Petitioner or his representative proceeds to LCR, pay the appropriate fee and submit the Official Receipt. LCR to inform petitioner or his representative on the date of release in conformity with the required 10-day posting and 5-day decision of the LCR.

11. Upon receipt of payment, LCR prepares Notice of Posting.

12. LCR posts the Petition at a conspicuous place for said purpose for 10 consecutive days.

13. LCR issues Certificate of Posting.

14. LCR acts on the petition after 5 days. LCR informs Petitioner or his representative that the petition has been approved.

15. Petitioner or his representative proceed to LCR and get copy of the approved petition at LCR level on the appointed date.

16. LCR mails the approved petition to OCRG Manila.

17. OCRG acts on the approved petition.

18. OCRG Manila forwards decision to LCR.

19. LCR issues the Certificate of Finality.

20. If the petition is affirmed by the OCRG, LCR mails to OCRG Manila the Certificate of Finality, record sheet, annotated Civil Registry Document, and endorsement letter.

If the petition is impugned, the LCR, within 15 days upon receipt of the impugned petition, files a motion for reconsideration to OCRG and sends said motion to the OCRG.

21. Petitioner may request at PSA/NSO Manila an authenticated copy of the corrected or annotated Civil Registry document paper three days after LCR has forwarded the Certificate of Finality, record sheet, annotated Civil Registry Document, and endorsement letter to OCRG Manila.

PROCEDURES IN FILING THE PETITION FOR CHANGE OF FIRST NAME

For civil registry reported at the Philippine Consulate General in New York

1. Submit Petition and all the required documents stated above and provide necessary information during interview at the Civil Registry Unit (CRU).

2. Pay the corresponding fees at the Cashier.

3. Return to CRU and secure endorsement/notice of publication, present the Official Receipt and entrust all the documents for preparation and approval of the petition.

4. CRU Staff prepares the Endorsement/Notice of Publication and gives it to the Petitioner.

5. Posting of Petition at the Philippine Consulate General's bulletin for 10 consecutive days.

In addition to the posting of the petition at the Philippine Consulate General, the Petitioner need to have the Notice of Publication published at least once a week for two (2) consecutive weeks in a newspaper of general circulation.

6. The Petitioner submits to the Philippine Consulate General the proof of publication: An affidavit from the publisher of the newspaper where the publication was made and copy of the news clipping.

7. Philippine Consulate General issues the Certificate of Posting.

8. After 5 days, the Consul General acts on the Petition.

9. Petitioner can claim the approved petition on the Consul General's level on the appointed date or may submit a self-addressed stamped prepaid priority envelope if unable to claim in person.

10. Philippine Consulate General sends the approved petition to the Department of Foreign Affairs (DFA) in Manila through the diplomatic pouch scheduled the following month.

11. DFA Manila sends the approved petition to the Office of the Civil Registrar General (OCRG) Manila.

12. OCRG acts on the approved petition.

13. OCRG Manila forwards decision to DFA Manila.

14. DFA Manila forwards OCRG's decision to the Philippine Consulate General.

15. Philippine Consulate General issues the Certificate of Finality. CRU Staff informs the client of the decision of the OCRG.

16. If the petition is affirmed by the OCRG, the Philippine Consulate General sends to DFA Manila the Certificate of Finality, and certified true copies of the un-annotated civil registry document, certified true copies of the annotated civil registry document, certified true copies of the Petition, together with the covering despatch.

If the petition is impugned, the Philippine Consulate General, within 15 days upon receipt of the impugned petition, files a motion for reconsideration to OCRG and sends said motion to the

OCRG through DFA Manila.

17. DFA Manila transmits to OCRG the Certificate of Finality, and certified true copies of the un-annotated civil registry document, certified true copies of the annotated civil registry document, certified true copies of the Petition together with the endorsement letter (if petition has been affirmed) OR the Motion for Reconsideration (if the petition has been impugned).

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For Migrant Petition for Change of First Name:

1 – 7 Please see above procedure for filing petition for change in first name in the

civil registry documents registered at the Philippine Consulate General.

8. The Consul General acts on the petition after 5 days. The Consul General's action is only to forward said petition to the Local Civil Registrar (LCR) where the record of civil registry document is registered.

9. Philippine Consulate General sends the petition to the Department of Foreign Affairs (DFA) in Manila through the diplomatic pouch scheduled the following month.

10. DFA Manila forwards the petition to the Local Civil Registrar (LCR) where the record of civil registry document is registered.

11. The LCR will contact and ask the Petitioner to pay for the additional service fee.

12. Petitioner or his representative proceeds to LCR, pay the appropriate fee and submit the Official Receipt. LCR to inform petitioner or his representative on the date of release in conformity with the required 10-day posting and 5-day decision of the LCR.

13. Upon receipt of payment, LCR prepares Notice of Posting.

14. LCR posts the Petition at a conspicuous place for said purpose for 10 consecutive days.

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22. LCR issues the Certificate of Finality.

23. If the petition is affirmed by the OCRG, LCR mails to OCRG Manila the Certificate of Finality, record sheet, annotated Civil Registry Document, and endorsement letter.

If the petition is impugned, the LCR, within 15 days upon receipt of the impugned petition, files a motion for reconsideration to OCRG and sends said motion to the OCRG.

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