



Republic of the Philippines
Province of Iloilo
MUNICIPALITY OF OTON
OFFICE OF THE SANGGUNIANG BAYAN

EXCERPT from the Minutes of Session of the Sangguniang Bayan of Oton, Iloilo recorded during its Regular Session held at the SB Session Hall last February 04, 2013 at 9:00 in the morning.

PRESENT:	Hon. Jose Neil P. Olivares Hon. Leonida C. Alison Hon. Felix L. Flores Hon. Jafet P. Salinas Hon. Francisca C. Espeleta Hon. Juan Miguel M. Flores Hon. Virginia F. Olivares Hon. Rodolfo Z. Abonga, Jr. Hon. Margarito T. Clavel III Hon. Eucl Brian U. Villavicencio	Vice Mayor (Presiding Officer) SB Member SB Member SB Member SB Member SB Member SB Member SB Member (Liga ng mga Barangay Representative) SB Member (SKMF Representative)
Absent:	Hon. Seraph N. Clavel II SB Member	

ORDINANCE NO. 2013 – 252

AN ORDINANCE RATIFYING AND PRESCRIBING THE FILING AND SERVICE FEES IN ADMINISTRATIVE ORDER NO. 01, SERIES OF 2012, 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.)

WHEREAS, 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."

WHEREAS, **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."

WHEREAS, Section 1 of Republic Act No. 9048 amended Articles 376 and 412 of the Civil Code to read: "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."

WHEREAS, 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 the first name or nickname in the civil register.

NOW THEREFORE, on motion of the Committee on Ways and Means namely Hon. Juan Miguel M. Flores, Hon. Leonida C. Alison and Hon. Margarito T. Clavel, III and duly seconded by Hon. Virginia F. Olivares, be it ordained by this Sanggunian that:

SECTION 1. DEFINITION OF TERMS - As adopted from A.O. No. 01-2001, the following terms shall mean:

- 1.1. **Municipal Civil Registrar (MCR)** - Refers to the head of the local civil registry office (LCRO) of the municipality, who is appointed by the municipal mayor in accordance with the provisions of existing laws.
- 1.2. **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.

1.3. **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.

1.4. **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.

1.5. **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.

1.6. **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.

1.7. **Indigent petitioner** - Refers to a destitute, needy and poor individual who is certified as such by the social welfare and development office of the municipal government.

1.8. **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 petitioners.

1.9. **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.

1.10. **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.

1.11. **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.

1.12. **Record-keeping civil registrar (RKCR)** - Refers to the 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.

1.13. **Petition-receiving civil registrar (PRCR)** - Refers to the LCR 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.

1.14. **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.

1.15. **Spouse** - Refers to one's legal wife or legal husband.

1.16. **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:

1.16.1. The surviving grandparent, as provided in Article 214 of the Family Code;

1.16.2. The oldest brother or sister, over twenty-one years of age, unless unfit or disqualified; and

1.16.3. The child's actual custodian, over twenty-one years of age, unless unfit or disqualified.

1.17. **Filing Fee** - refers to the amount or fee charged by the MCR for processing the petition to correct the day and/or month in the date of birth or sex.

1.18. Service Fee – refers to the amount charged for the services rendered by the PRCR in facilitating the migrant petition.

SECTION 2. PRESCRIBED FEES.

1.) THREE THOUSAND PESOS (P 3,000.00).

The MCR is hereby authorized to collect from every petitioner a filing fee of Three Thousand Pesos (P3,000.00) for petition to correct the day and/or month in the date of birth or sex.

HOWEVER, an **indigent petitioner shall be exempt** from paying the required payment, provided that the petition is supported by a certification from the Municipal Social Welfare Office that the petitioner/document owner is indigent.

When a petitioner/document owner files a 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 Three Thousand Pesos (P3,000.00) corresponding to the fee under R.A. 10172.

2.) ONE HUNDRED FIFTY U.S DOLLARS (\$150.00).

In the case of a petition filed with the Consul General (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.

3.) ONE THOUSAND PESOS (P1,000.00).

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.

SECTION 3. TRUST FUND. All fees collected by the 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.

SECTION 4. REPEALING CLAUSE. All municipal ordinances or parts of any municipal ordinance inconsistent with the provisions of this Ordinance are hereby repealed or modified accordingly.

SECTION 5. SEPARABILITY CLAUSE. If any provision of this Ordinance is held invalid, the other provisions not affected thereby shall continue in operation.


SECTION 6. EFFECTIVITY. This ordinance shall take effect upon approval, pursuant to A.O No. 01-2012.

SECTION 7. Copies. This Ordinance shall be furnished to the Office of the Mayor, the Municipal Civil Registrar, the Consul General of the Department of Foreign Affairs, the District Civil Registrar, Regional & Provincial Statistics Offices, the Civil Registrar General of the National Statistics Office, MSWDO, MTO and Sangguniang Panlalawigan for information, guidance and review, respectively.

UNANIMOUSLY APPROVED.

I HEREBY CERTIFY to the correctness of the foregoing Ordinance.

Concurred: 
JAFET R. SALINAS
Chair, Committee on Rules and Privileges

Approved: 
VICENTE B. FLORES, JR.
Municipal Mayor


KERRY ANN T. LACIFICAR
Secretary to the Sanggunian

Attested: JOSE NEIL P. OLIVARES
Vice Mayor
Presiding Officer

Date Approved: FEB 26 2013

Date Posted: FEB 26 2013 /jod/