



P.O. Box 779 Manila, Philippines
Cable Address: NSOPHIL
E-mail: C.Ericla@mail.census.gov.ph
Web: <http://www.census.gov.ph>
Telephone: (632) 713-7074 & (632) 926-7333
Fax: (632) 713-7073 & (632) 926-7329



Republic of the Philippines
Office of the Civil Registrar General
National Statistics Office
EDSA corner Times St.
West Triangle, Quezon City 1104

Ref. No. 05GAD06-198

MEMORANDUM CIRCULAR NO. 2005- 007
21 June 2005

**TO : All City/Municipal Civil Registrars/
Consuls General**

**SUBJECT: Clarifying Section 5 of Republic Act No. 9048
(Publication Requirement for Change of First Name)**

Pursuant to Section 2 of the Civil Registry Law (*Act No. 3753 as amended by the Local Government Code of 1991*), this Memorandum Circular is hereby issued to clarify the application of Section 5 of R.A. No. 9048, particularly the form to be used in compliance with the publication requirement of petition for change of first name (CFN).

Section 5 of R.A. No. 9048 provides that the petition to be published once a week for two (2) consecutive weeks in a newspaper of general circulation.

It appears that some petitions for CFN are denied by C/MCRs on the ground of non-compliance with the publication requirement of the law *i.e.* for not publishing the petition for CFN itself (Forms Nos. 4.1 and 4.2). Some C/MCRs insist that the petition itself (Forms Nos. 4.1 and 4.2) should be published and not the Notice of Publication (Form No 10.1 and 10.2).

Section 5 of R.A. 9048 should not be interpreted to limit publication only to Forms Nos. 4.1 and 4.2. The term "*petition*" should be liberally construed to refer to "act" of petitioning for the change of name, and not to the pleading itself.

In Section 3 of Rule 103 of the Rules of Court, the law which applies to petitions for change of name prior to the approval of R.A. No. 9048, the court allows the publication of order reciting the purpose of the petition with the date and place of hearing. The contents of the entire pleading are not published.

Taking into consideration the above interpretation and the high cost of publication, petitions for CFN shall be granted/affirmed upon substantial compliance with the publication requirement under Section 5 of R.A. 9048.

Further, Forms Nos. 10.1 and 10.2 (Notice of Publication) notify all persons adversely affected by the petition to file their written opposition with the Local Civil Registrar or Consular Office abroad. This notice is not provided in Forms Nos. 4.1 and 4.2.

Petitions for CFN denied by the C/MCR for using Forms Nos. 10.1 and 10.2 can file an Appeal as provided under R.A. 9048.

This Memorandum Circular takes effect immediately.


CARMELITA N. ERICTA
Civil Registrar General_x

cc. Department of Foreign Affairs
Civil Registry Department
All Regional Directors/OIC
All NSO Provincial Statistics Officer/OIC