



Reference No. 21ONS-03-0071

MEMORANDUM CIRCULAR NO. 2021-02

TO : **ALL CITY/MUNICIPAL CIVIL REGISTRARS**

SUBJECT : Reiteration of the 10-day Posting Period for Petitions Filed Pursuant to Republic Act Nos. 9048 and 10172 Petitions

DATE : 24 February 2021

Pursuant to Administrative Order No. 1, series of 1993, which enshrines the powers and functions of the Civil Registrar General (CRG) to prepare and issue regulations for carrying out the purposes of Act No. 3753 and other laws relative to civil registration and to give orders and instructions to the city/municipal civil registrars with reference to the performance of their duties¹, this Memorandum is being issued to reiterate the rule on the ten (10)-day posting period and the proper counting thereof for Republic Act (R.A.) No. 9048 and 10172 petitions.

The Implementing Rules and Regulations (IRR) of R.A. 9048 is instructive on the indispensable requirement of posting petitions for correction of clerical errors or change of first name, to wit:

Rule 9. Posting and publication of the petition. - The petition shall be posted by the concerned City/Municipal Civil Registrar (C/MCR), Consul General (CG), or District or Circuit Civil Registrar (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. (Emphasis and Underscoring Supplied)

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¹ Rule 1, (b) and (c), Administrative Order No. 1, series of 1993, Implementing Rules and Regulations of Act No. 3753 and Other Laws on Civil Registration.



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The posting of the petition gives notice or attention to the public of the correction of clerical error or change of first name being prayed by the document owner so that any interested party may oppose thereof². The period of posting undertaken by the appropriate Local Civil Registrar (LCR) is indicated in the Certificate of Posting which forms part of the supporting documents of the petition and, concomitantly, forwarded to the CRG for review.

On the other hand, the rule on the counting of the period is mandated by the Civil Code, viz:

Article 13. x x x In computing a period, the first day shall be excluded, and the last day included.

In particular, the Manual of Instructions of R.A. 9048 provides for the manner of counting the 10 days of posting:

To count the ten-day posting period, the *CIMCR* shall **exclude the date of acceptance**. For example, the petition is accepted on 01 August 2001. The *CIMCR* shall post the petition on 02 August 2001 and the ten-day posting period shall start to run on this date. Thus, the ten-day posting period shall be from 02 August 2001 until 11 August 2001. **[The start of the posting must always be a working day]**
(Emphasis and Underscoring Supplied)

Based on the foregoing rules, the 10-day posting period shall be counted by excluding the day of acceptance and the first day of the actual posting shall be counted. The counting of the 10 days shall include holidays, Saturdays, and Sundays. The first day of posting should always be a working day. Necessarily, the LCR shall only decide on the petition after the 10th day of the posting period.

It bears stressing that the failure to strictly comply with the 10-day posting period shall result in non-compliance. Deciding on the petition without completing the 10-day period is not in accordance with R.A. 9048, as amended by R.A. 10172, and thus, renders the decision invalid. Consequently, it shall be a ground for the CRG to impugn the decision of the LCR³. Furthermore, decisions made by LCRs before the

² Section 1.5, Manual of Instructions of Republic Act No. 9048,

³ Rule 11.1.3, Implementing Rules and Regulations of Republic Act No. 9048, as amended.

lapse of the 10-day posting period is considered as premature since R.A. 9048 is instructive that the LCR can only render a decision not later than five (5) working days after the completion of the posting requirement⁴.

ALL OTHER PREVIOUS ISSUANCES INCONSISTENT WITH THIS MEMORANDUM CIRCULAR ARE HEREBY AMENDED OR SUPERSEDED.

For your information and guidance.



DENNIS S. MAPA, Ph.D.

Undersecretary

National Statistician and Civil Registrar General



HPP/JJM

⁴ Section 6, R.A. 9048.