



Republic of the Philippines
Province of Oriental Mindoro
MUNICIPALITY OF ROXAS

OFFICE OF THE SANGGUNIANG BAYAN

EXCERPTS FROM THE MINUTES OF THE 8th REGULAR SESSION OF THE SANGGUNIANG BAYAN OF ROXAS, ORIENTAL MINDORO HELD ON 11 MARCH 2013, 9:30 A. M. AT THE SANGGUNIANG BAYAN SESSION HALL.

Present:

Vice Mayor Violeta L. Dimapilis	- Presiding Officer
Councilor Mae Arlene M. Talens	- Member
Councilor Juanito A. Bacay, Jr.	- Member
Councilor Eduardo K. Soriano	- Member
Councilor Elsie F. Galaran	- Member
Councilor Arnel F. Fabon	- Member
Councilor Lee M. Baculinao	- Member
Councilor Juan S. Advincula	- Member
Councilor Camilo G. Ferreira	- President, Liga ng mga Barangay
Councilor Mary Jennie Leigh Q. Sarmiento	- MSKF President

Absent:

Councilor Cesar T. Baticos	- Member
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MUNICIPAL ORDINANCE NO. 02
Series of 2013

AN ORDINANCE AMENDING SECTION 4B.01 OTHERWISE KNOWN AS IMPOSITION OF FEES OF THE REVISED REVENUE CODE OF 2011 UNDER ARTICLE B. LOCAL REGISTRY FEES IN RELATION TO ADMINISTRATIVE ORDER NO. 1 SERIES OF 2012; AUTHORIZING THE MUNICIPAL CIVIL REGISTRAR 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.

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 error 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 is a clerical or typographical error or mistake in 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, Administrative Order No. 1, Series of 2012 of the National Statistics Office (NSO) otherwise known as the Rules and Regulations Governing the Implementation of Republic Act No. 10172 entitled "An act further authorizing the City or Municipal Civil Registrar or the Consul General to correct clerical error or typographical errors in the day and month, in the date of birth or sex of a person appearing in the Civil Registrar without need of a judicial order, amending for this purpose Act Numbered Ninety Forty-Eight (9048);

NOW THEREFORE, on motion of Councilor Lee M. Baculinao duly seconded by all -

BE IT ORDAINED BY THE SANGGUNIANG BAYAN OF ROXAS, ORIENTAL MINDORO that:

Section 1. Authority to Correct Clerical or Typographical Error.

The Municipal Civil Registrar in accordance with the provisions of the existing laws, is hereby authorized to correct clerical or typographical errors in the day and month (date of birth) or sex of a person in the civil registry of birth.

Section 2. Definition of Terms:

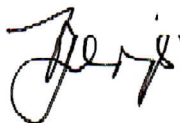
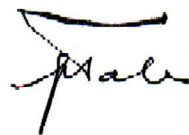
- 2.1. Clerical or typographical error - refers to a mistake committed in the performance of clerical work in writing, copying, transcribing or typing an entry in the civil registry on the entry of day and month in the date of birth or the sex of the person, which is visible to the eyes or obvious to 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 (refers to the correction on the year of birth), or legitimacy status of the petitioner/document owner.
- 2.2. Sex - refers to the biological and physiological characteristics that define men and women.
- 2.3. Day and Month of Birth - refers to the entry in the month and/or day of birth of the petitioner/document owner which is sought to be corrected.
- 2.4. Accredited Government Physician - refers to a licensed doctor of medicine who is registered with the Professional Regulations Commission (PRC) and is employed in any government hospitals, health institutions or public health offices.
- 2.5. Medical Certification - refers to the certification issued by the accredited government physician attesting to the fact that the petitioner/document owner has not undergone sex change or sex transplant.

Section 3. Who may file the petition:

- 3.1. For correction of entry on the day and/or month in the date of birth:

Any person of legal age, having direct and personal interest in the correction of a clerical or typographical error in the day and/or month in the date of a person in the civil register for birth, 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/her behalf by his/her spouse, or any of his/her children, parents, brothers, sisters, grandparents, guardians or persons duly authorized by law.



3.2. For correction for a clerical or typographical error in sex:

The petitioner affected by such error shall personally file the petition with the civil registry office where the birth certificate is registered.

Section 4. Requirements:

- 4.1. Earliest school record or earliest school documents;
- 4.2. Medical Records
- 4.3. Baptismal certificate and other documents issued by religious authorities;
- 4.4. A clearance or 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:
 - 4.4.1. Employer, if employed;
 - 4.4.2. National Bureau of Investigation; and
 - 4.4.3. Philippine National Police.
- 4.5. The petition for the correction of sex and day and/or month in the date of birth shall include the affidavit of publication from the publisher and a copy of the newspaper clipping; and
- 4.6. In case of correction of sex, the petition shall be supported with a medical certification issued by an accredited government physician that the petitioner has not undergone sex change or sex transplant.

Section 5. Publication.

The petitioner shall publish the petition in any newspaper of local circulation for ten (10) consecutive days. 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.

Section 6. Authority to collect filing and other fees:

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

In case of a migrant petition, there shall be a service fee of One Thousand Pesos (P1,000.00) to be collected by the MCR Office.

When a petitioner/document owner files petition for correction of clerical error under RA 9048, simultaneously, with a petition for correction of clerical error under RA 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 RA 10172.

All fees collected by the Municipal Civil Registrar pursuant to this ordinance shall accrue to the funds of the Local Civil Registry Office

concerned for modernization of the office and hiring of new personnel and procurement of supplies, subject to government accounting and auditing rules. All fees collected in connection with this Ordinance shall go to the LCRO trust fund, provided, however, that the fees prescribed therein shall be uniform in all cities and municipalities in the country, and in all Philippine Consulates.

Section 7. Separability Clause

If any portion or provision of this ordinance is declared void or unconstitutional, the remaining portions or provisions thereof shall not be affected by such declaration.

Section 8. Repealing Clause.

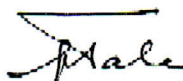
All ordinances, rules and regulations or parts thereof in conflict with, or inconsistent with any provisions of this ordinance are hereby repealed or modified accordingly.

Section 9. Effectivity Clause.

This ordinance shall take effect upon approval of the Sangguniang Panlalawigan and posting in three (3) conspicuous places within the Municipality.

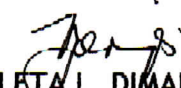
Adopted: 12 March 2013

CERTIFIED CORRECT:



FERDINAND V. TALENS, MPA
Secretary to the Sangguniang Bayan

ATTESTED:



VIOLETA L. DIMAPILIS
Municipal Vice Mayor/
Presiding Officer

APPROVED:



JACKSON CINCO DY
Municipal Mayor
Date 02/11/13

merz/031213

Received: 8/2
10 April 2013