

## **What is RA No. 9255?**

It is an Act allowing illegitimate children to use the surname of their father provided that the father has acknowledged the child, amending Article 176 of Executive Order No. 209 (Family Code of the Philippines).

It was signed into law by President Arroyo on February 24, 2004 and took effect on March 19, 2004, fifteen days after its publication in the Manila Times and Malaya.

The implementing rules and regulations (IRR) was approved on May 18, 2004 and took effect on June 2, 2004, fifteen days after its publication in the Manila Times.

## **Scope of RA 9255**

This law applies to all illegitimate children born before or after the effectivity of RA 9255. This includes:

- a. Unregistered births; and
- b. Registered births where the illegitimate children use the surname of the mother.

## **What is the requirement in order that an illegitimate child may use the surname of his/her father?**

The requirement may be made either in a public document or in a private handwritten instrument executed by the father.

Specifically, these are the affidavits found at back of the Certificate of Live Birth (COLB), a separate public document or the Affidavit to Use the Surname of the Father (AUSF); and a private

handwritten instrument executed and duly signed by the father expressly recognizing paternity to the child.

The Affidavit to Use the Surname of the Father (AUSF) is used in cases where recognition is made through a private handwritten instrument, or when the birth has already been registered under the mother's surname with or without the father's recognition.

For private handwritten instruments, other documents are required to be submitted to support the claim made. In particular submission of any two of the following are needed:

1. Employment records;
2. SSS/GSIS records;
3. Insurance;
4. Certification of membership in any organization;
5. Statement of Assets and Liabilities; or
6. Income Tax return (ITR)

Consent of the child is necessary, if the child is eighteen (18) years old or more at the time of recognition.

## **Who may file?**

The father; mother; the child, if of legal age, or the guardian may file the public document or the AUSF in order for the child to use the surname of the father.

## **Where to file the public document or the AUSF?**

>> If the child was born in the Philippines and the public document or the AUSF was executed in the Philippines, the public

document or the AUSF shall be registered at the Local Civil Registry Office (LCRO) of the place where the child was born.

>> If the child was born in the Philippines and the public document or the AUSF was executed outside the Philippines, the public document or the AUSF shall be registered at the LCRO of Manila.

>> If the child was born outside the Philippines and the public document or the AUSF was executed or the AUSF was executed in or outside the Philippines, the public document or the AUSF shall be registered at the LCRO of Manila.

After registration of the public document or the AUSF, the LCRO of the place of birth shall annotate the record of birth and the appropriate entry in the registry book. For births, which occurred outside the Philippines, the annotation of the record of births shall be done by the OCRG.

## **When should the public document or the AUSF be filed?**

Recognition or acknowledgment made in a public document other than the record of birth or the AUSF shall be registered within 20 days from the date of execution.

## **Can an illegitimate child whose mother is below eighteen years old when he/she was born use the surname of his/her father pursuant to RA 9255?**

Yes, provided that the father of the child has admitted paternity to the child.

**For registered births, can the original surname of the child in the Certificate of Live Birth be changed or corrected after availing of RA 9255?**

No. No entry in the Certificate of Live Birth shall be changed or corrected. Only annotations shall be written in the Certificate of Live Birth indicating the surname that the child shall use.

**For births yet to be registered, can the child automatically use the surname of his/her father?**

Yes, provided that the father executes an Affidavit of Admission of Paternity at the time of registration.

**How can we secure a copy of the annotated document from the OCRG?**

Copies of annotated documents, which underwent RA 9255, can be secured at the OCRG after submission of the following documents:

1. Certified copy of the original Certificate of Live birth (no annotation)
2. Copy of the annotated document
3. Certified copy of the public document and AUSF of private handwritten instrument and AUSF, together with the supporting documents and consent of the child, if eighteen (18) years old or over.

**How much is the processing fee for an annotated document?**

Processing fee is Php 140 per copy.

“The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.

...”

-Article 7

*UN Convention on the rights of the Child  
(Ratified by the Philippines in July 1990)*

Philippine Statistics Authority  
National Capital Region



What You Need  
to Know About

# Republic Act 9255

An Act Allowing Illegitimate Children to Use the Surname of their Father, Amending for the Purpose, Article 176 of Executive Order No. 209, Otherwise known as the “Family Code of the Philippines”

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