

Republic of the Philippines
Third Judicial Region
REGIONAL TRIAL COURT
Branch 96
Dinalupihan, Bataan

PETITION TO CANCEL FIRST BIRTH
CERTIFICATE AND MAINTAIN SECOND
BIRTH CERTIFICATE WITH
CANCELLATION OF THE AFFIDAVIT OF
LEGITIMATION RECORDED AND/OR
ENTERED IN THE REGISTER OF LEGAL
INSTRUMENT.

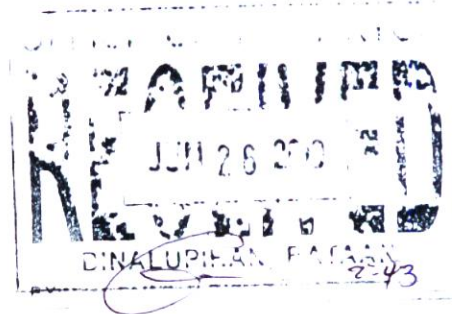
SP PROC. NO. DH-451-19

NIKKI ELMEREN E. AMLOG, assisted by
her mother MARITES E. AMLOG,
Petitioner,

-versus-

LOCAL CIVIL REGISTRAR OF
DINALUPIHAN, BATAAN, PHILIPPINE
STATISTIC AUTHORITY (PSA), and the
OFFICE OF THE SOLICITOR GENERAL
Respondents.

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ORDER

Petitioner Nikki Elmeren E. Amlog assisted her mother Marites E. Amlog, through her counsel Atty. Juvy Mell B. Sanchez-Maliat, filed the instant Verified Petition on May 20, 2019 praying to this Honorable Court that after notice and hearing, a Decision be issued in favor of the petitioner, ordering as follows: *a). the cancellation of the First BC; b). the cancellation of the Affidavit of Legitimation executed by her parents on November 19, 2018 and the entry of the same in the register of legal instruments of Dinalupihan, Bataan; and C). The issuance of the Second BC.*”

The petitioner alleges: *“that petitioner Nikki Elmeren E. Amlog, is a minor (16 years old) and is assisted by her mother Marites E. Amlog, who is of legal age, married, Filipino, with residence and postal address at no. 63, Colo, Dinalupihan, Bataan; that respondent Local Civil Registrar (LCR) of Dinalupihan, Bataan is holding office at the Municipal Hall of Dinalupihan, Bataan; that respondent Philippine Statistic Office (sic) is holding office at Solicarel Bldg. I & II, Ramon Magsaysay Blvd., Sta. Mesa, Manila; that respondent Office of the Solicitor General (OSG) is holding office at No. 134 Amorsolo St., Legaspi Village, Makati City; that parties may be served with summons and other legal processes of this Honorable*

has two birth certificate or certificates of live birth, referred to herein as the First BC and Second BC; that on the First BC, it was registered by petitioner's father with Registry No. 2002-2515 hereto attached as **Annex "B"**; that for some reason, petitioner's father declared that he was not married to petitioner's mother when in truth and in fact, when the First BC was registered, they were already legally married (as stated in paragraph 4 hereof); that he also allowed the petitioner to use the surname of her mother; that, thus, petitioner's registered name in the First BC was the name Nikki Eimeren J. Espedido (following the surname of her mother), instead of Nikki Eimeren E. Amlog (following her father's surname); that on the Second BC., in the year 2006, petitioner's mother caused the delayed registration of petitioner's birth certificate; that the Second BC was registered under Registry No. 2006-243 and is hereto attached as **Annex "C"**; that this time, the mother declared the fact of her marriage to the father of the petitioner and used the surname of petitioner's father as her last name; that thus, the name of the petitioner registered in the Second BC is Nikki Eimeren E. Amlog; that the data in the Second BC were used in all of her documents as proven by her school records hereto attached as **Annexes "D", "E", and "F"**, respectively for her report card, certificate dated April 4, 2019, and academic excellence award certificate; that she was also baptized on December 25, 2003 at the Parish of Our Lady of Lourdes in Balanga, Bataan as evidenced by her Certificate of Baptism, a copy of which is hereto attached as **Annex "G"**; that to cause the registration of the Second BC, petitioner's father was required to execute an Affidavit of Legitimation which he did on November 19, 2018, a copy of which is hereto attached as **Annex "H"**; that said Affidavit, as required by law was recorded/entered in the Legal Instrument of Dinalupihan, Bataan, under Registry No. 2018-1259 as proven by a certification attached as **Annex "I"**; that copies of the Entry in the Legal Instrument of Dinalupihan, Bataan are also hereto attached as **Annex "J & series"**; that when the annotation on the legitimation on the Second BC was being processed by the Philippine Statistics Authority (PSA), the double registration of the birth of the petitioner was discovered by the latter; that the request for annotation on the Legitimation was not processed because the parent of the petitioner were already married before she was born; that hence, her status was already legitimate at birth; that the feedback form issued by the PSA is hereto attached as **Annex "K"**; that there is a need to cancel the First BC as the data (petitioner's name parents' date and place of marriage) therein are incorrect; that on the other hand, the Second BC should be maintained as it reflects the true and correct data of the petitioner; that being a legitimate child, petitioner shall bear the name of her father pursuant to Article 174 of the Family Code of the Philippines; that however, the Second BC will not be issued by the LCR and PSA without the First BC being cancelled; that petitioner likewise prays that the affidavit of legitimation executed by her father on November 19, 2018 and the entry of the same in the register of legal instruments of Dinalupihan, Bataan be cancelled considering that being already a legitimate child upon birth, the process of legitimation is not applicable to her".

Let copies of this Order be furnished the Office of the Solicitor General, Office of the Civil Registrar General, Philippine Statistics Authority, and the Local Civil Registrar of Dinalupihan, Bataan.

The Sheriff of this court is hereby directed to post copies of this Order in the Bulletin Board of this court and the Office of the Clerk of Court (OCC)-RTC Dinalupihan, Bataan, at the Provincial Capitol of Bataan, Balanga City, Bataan, in the Municipal Hall of Dinalupihan, Bataan for three (3) consecutive weeks prior to the date of hearing.

Likewise, let copies of this Order be published, at the expense of the petitioner, in a newspaper of general circulation in the Philippines for three (3) consecutive weeks, the last publication of which should be at least one (1) week before the date of hearing.

SO ORDERED.

Dinalupihan, Bataan, May 21, 2019.

AMELITA CRUZ CORPUZ
Presiding Judge

Copy furnished:

1. Nikki Eimeren E. Amlog/ Marites E. Amlog
2. Atty. Juvy Mell B. Sanchez-Malit
3. LCR Dinalupihan, Bataan
4. PSA
5. CRG
6. OSG
7. OPP
8. File Copy