

THIRTEENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
First Regular Session

'04 JUN 30 P12:02

SENATE

RECEIVED BY: 

S. NO. 13

---

Introduced by Senator Flavier

---

#### EXPLANATORY NOTE

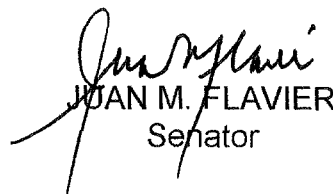
The Constitution provides that "the state recognizes the role of women in nation-building, and shall ensure the fundamental equality before the law of women and men." (Section 14, Article II). The evident purposes of this constitutional provision is to eliminate inequalities found in existing laws.

Such laws indicate the Civil Code of the Philippines (Republic Act No. 386), specifically Articles 370 and 372 thereof and Article 63 of the Family Code of the Philippines (Executive Order 209). Under the said laws, a married woman is not specifically granted the option to use her maiden name and surname; and, in case legal separation has been granted, she is not allowed to use her maiden first name and surname either. The law treats a woman as mere appendage of her husband.

The advancement of women in Philippine society and the growing number of women handling sensitive jobs and important responsibilities heretofore reserved exclusively for males have, for all practical intents and purposes, rendered the aforementioned Civil Code provisions irrelevant, if not archaic. Change of name also results in untold inconveniences to, and material losses for, a growing number of Filipino women.

By allowing Filipino women to retain their surname as part of their individuality, even after marriage or legal separation, this bill seeks to translate into reality the concept of "fundamental equality" of men and women before the law as enshrined in our Constitution.

Hence, immediate approval of this bill is earnestly urged.

  
JUAN M. FLAVIER  
Senator

THIRTEENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
First Regular Session

'04 JUN 30 P12:02

RECEIVED BY: 

SENATE  
S. NO. 13

---

Introduced by Senator Flavier

---

AN ACT  
ALLOWING MARRIED OR LEGALLY SEPARATED WOMEN TO USE THEIR  
MAIDEN FIRST NAME AND SURNAME, AMENDING FOR THE PURPOSE  
ARTICLES THREE HUNDRED SEVENTY AND THREE HUNDRED SEVENTY-  
TWO OF REPUBLIC ACT NUMBERED THREE HUNDRED EIGHTY-SIX, AS  
AMENDED, OTHERWISE KNOWN AS THE CIVIL CODE OF THE  
PHILIPPINES

*Be it enacted by the Senate and House of Representatives of the  
Philippines in Congress assembled:*

**SECTION 1.** Article 370 of Republic Act Numbered Three Hundred  
Eighty-Six, is hereby amended to read as follows:

"Article 370. A married woman may use:

- (1) HER MAIDEN FIRST NAME AND SURNAME, or
- (2) Her maiden first name and surname and add her husband's  
surname, or
- (3) Her maiden first name and her husband's surname, or
- (4) Her husband's full name, but prefixing a word indicating that  
she is his wife, such as 'Mrs.'"

**SEC. 2.** Article 372 of the same Act is hereby further amended to read as  
follows:

"Article 372. When legal separation has been granted, the wife  
[shall] MAY EITHER continue using her name and surname employed

before the legal separation [ , ] OR USE HER MAIDEN FIRST NAME AND SURNAME.”

**SEC. 3.** Article 63 of Executive Order No. 209, series of 1987 otherwise known as the Family Code of the Philippines is hereby amended by adding new paragraph to be numbered as paragraph \_\_\_\_\_ to read as follows:

“Art. 63. The decree of legal separation shall have the following effects:

- (1) The spouses shall be entitled to live separately from each other, but the marriage bonds shall not be severed;
- (2) The absolute community or the conjugal partnership shall be dissolved and liquidated but the offending spouse shall have no right to any share of the net profits earned by the absolute community or the conjugal partnership, which shall be forfeited in accordance with the provisions of Article 13 (2);
- (3) The custody of the minor children shall be awarded to the innocent spouse, subject to the provisions of Article 213 of this Code; and
- (4) The offending spouse shall be disqualified from inheriting from the innocent spouse by interstate succession. Moreover, provisions in favor of the offending spouse made in the will of the innocent spouse shall be revoked by operation of law.”
- (5) THE WIFE SHALL HAVE THE OPTION TO CONTINUE USING HER NAME BEFORE THE LEGAL SEPARATION OR HER MAIDEN FIRST NAME AND SURNAME.

**SEC. 4.** The provisions of Republic Act No. 386, as amended and such other laws, decrees, orders, issuances, rules and regulations or parts thereof which are inconsistent with the provisions of this Act are hereby repealed or amended accordingly.

**SEC. 5.** This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in at least two (2) newspapers of general circulation.

Approved,