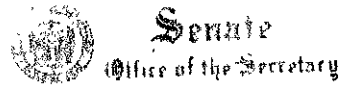


SIXTEENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
First Regular Session )



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SENATE  
S. No. **1751**

RECEIVED BY: *Ji*

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitutional right to equal treatment of both men and women is one which the State endeavors to uphold. Pursuant to this, efforts have been exerted to eliminate vestiges of inequalities found in existing laws.

In Republic Act No. 386, also known as the Civil Code of the Philippines and Executive Order 209, also known as the Family Code of the Philippines, a married woman continues to be treated as a mere appendage of her husband. She is not specifically granted the option to use her maiden name and surname.

The principle of fundamental equality between men and women requires the passage of a bill of this nature. By allowing Filipino women to retain their surnames as part of their individuality, even after marriage or legal separation, we shall be eliminating yet another vestige of inequality found in our laws, and translating the constitutional edict into a tangible reality.\*

*Miriam Defensor Santiago*  
MIRIAM DEFENSOR SANTIAGO  
PP

\* This bill was originally filed during the Thirteenth Congress, First Regular Session.

SIXTEENTH CONGRESS OF THE REPUBLIC )  
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13 OCT -2 AM :21

SENATE  
S. No. 1751

RECEIVED BY: *[Signature]*

Introduced by Senator Miriam Defensor Santiago

AN ACT

ALLOWING MARRIED OR LEGALLY SEPARATED WOMEN TO USE THEIR MAIDEN  
NAME AND SURNAME, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 386,  
ALSO KNOWN AS THE CIVIL CODE OF THE PHILIPPINES, ARTICLES 370 AND 372,  
AND EXECUTIVE ORDER 209, SERIES OF 1987, ALSO KNOWN AS THE FAMILY CODE  
OF THE PHILIPPINES, ARTICLE 63

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

SECTION 1. Article 370 of Republic Act No. 386, otherwise known as the Civil Code of  
the Philippines, is hereby further 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.’”

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

“Article 372. When legal separation has been granted, the wife **MAY**

**EITHER** continue using her name and surname employed before the legal

separation **OR HER MAIDEN FIRST NAME AND SURNAME.**”

1 SECTION 3. Article 63 of Executive Order No. 209, series of 1987, also known as the  
2 Family Code of the Philippines, is hereby amended by adding a new paragraph to be numbered  
3 as paragraph 5 and to read as follows:

4 "Article 63. The decree of legal separation shall have the following  
5 effects:

6 (1) The spouses shall be entitled to live separately from each other, but the  
7 marriage bonds shall not be severe;

8 (2) The absolute community or the conjugal partnership shall be dissolved  
9 and liquidated but the offending spouse shall have no right to any share of the net  
10 profits earned by the absolute community or the conjugal partnership, which shall  
11 be forfeited in accordance with the provisions of Article 43(2);

12 (3) The custody of the minor children shall be awarded to the innocent  
13 spouse, subject to the provisions of Article 213 of this Code;

14 (4) The offending spouse shall be disqualified from inheriting from the  
15 innocent spouse by interstate succession. Moreover, provisions in favor of the  
16 offending spouse made in the will of the innocent spouse shall be revoked by  
17 operation of law.

18 **(5) THE WIFE SHALL HAVE THE OPTION TO CONTINUE**  
19 **USING HER NAME BEFORE THE LEGAL SEPARATION OR HER**  
20 **MAIDEN FIRST NAME AND SURNAME."**

21 SECTION 4. *Separability Clause.* – If any provision or part hereof is held invalid or  
22 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain  
23 valid and subsisting.

24 SECTION 5. *Repealing Clause.* - Any law, presidential decree or issuance, executive  
25 order, letter of instruction, administrative order, rule, or regulation contrary to or inconsistent  
26 with the provisions of this Act is hereby repealed, modified, or amended accordingly.

1           SECTION 6. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its  
2 publication in at least two (2) newspapers of general circulation.

Approved,