

SENATE
S. B. No. 1268

'04 JUL -1 P12:54

Introduced by Senator Miriam Defensor Santiago

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EXPLANATORY NOTE

The Constitutional edict granting equal treatment for both men and women is a principle 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 necessitates that a bill of this nature be passed. 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

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

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AN ACT ALLOWING MARRIED OR LEGALLY SEPARATED WOMEN TO USE THEIR MAIDEN FIRST 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 Numbered Three Hundred Eighty-Six, 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.’”

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 MAY EITHER continue using her name and surname employed before the legal separation OR HER MAIDEN FIRST NAME AND SURNAME.”

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

“Article 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 43 (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;

(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;” AND

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

SECTION 4. Repealing Clause. - Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to, or inconsistent with, the provisions of this Act is hereby repealed, modified or amended accordingly.

SECTION 5. Effectivity Clause. - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspaper of general circulation.

Approved.