

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

'04 JUL 22 AIO:43

SENATE
S.B. No. 1452

RECEIVED BY: _____ *R*

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

Executive Order No. 209, as amended, otherwise known as the Family Code of the Philippines, Art. 174, paragraph 1, provides that "legitimate children shall have the right to bear the surname of the father and the mother." Art. 364 of the New Civil Code, however, qualifies such provision by stating that between the two (2) surnames that of the father shall be principally used.

This bill seeks to amend the said law for the following reasons:

First, the Constitution mandates the State to ensure the fundamental equality before the law of women and men. The evident purpose of such mandate is to eliminate inequalities found in existing law. These "existing laws" pertain to the Family Code, among other laws, specifically Articles 174, paragraph 1. They also refer to Articles 370 to 372 of the Civil Code and Article 63 of the Family Code which deny a married woman the right to use her maiden name separately from that of the husband during the marriage and even in the case of legal separation.

The significance of such constitutional mandate would be dissipated if legitimate children, who are as much an extension (if not even more so) of their mother as they are of their father, cannot use the surname of the mother. In the same vein, married women would remain second fiddle to their husband if this regime of male-parent-surname supremacy were to subsist.

Second, there are many instances of married women being the only child of their parents. Naturally, the latter as much as the former would want the family name continued and/or perpetuated.

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO

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

'04 JUL 22 110:43

SENATE
S.B. No. 1452

RECEIVED BY: _____ *a*

Introduced by Senator Miriam Defensor Santiago

AN ACT
ALLOWING LEGITIMATE CHILDREN TO BEAR THE SURNAME OF THE
FATHER OR THE MOTHER, AMENDING FOR THE PURPOSE EXECUTIVE
ORDER NUMBERED TWO-HUNDRED AND NINE (E.O. 209), AS AMENDED,
OTHERWISE KNOWN AS THE FAMILY CODE OF THE PHILIPPINES, ART.
174, PARA. 1

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

SECTION 1. - Executive Order Numbered Two-Hundred and Nine (E.O. 209), as
amended, Art. 174, para.1, is hereby amended to read as follows:

“Art. 174. Legitimate children shall have the right to:

“(1) To bear the surname(s) of the father *or* the mother (in
conformity with the provisions of the Civil Code on surnames;). *TO
AVOID ANY CONFUSION ABOUT PATERNITY WHERE THE CHILD
USES THE SURNAME OF THE MOTHER, THE FATHER SHALL GIVE
HIS CONSENT THERETO IN THE CHILD'S RECORD OF BIRTH, A
STATEMENT BEFORE A COURT OF RECORD, OR IN ANY
AUTHENTIC WRITING.*”

“xx xx xx”

“xx xx xx”

SECTION 2. Republic Act No. 386, as amended, otherwise known as the Civil
Code of the Philippines, Articles 364 and 366, Title XIII, Book I, and all laws, decrees,
executive orders, proclamations, rule or regulation, or parts thereof, inconsistent herewith
are hereby repealed, modified, or amended accordingly.

SECTION 3. This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved.

FN: 287