



SENATE

S. No. 985

'19 AUG 28 P5:02

RECEIVED BY: \_\_\_\_\_

Introduced by Senator MANUEL "LITO" M. LAPID

**AN ACT  
ALLOWING WOMEN TO REVERT TO THEIR MAIDEN SURNAME,  
ESTABLISHING A PROCEDURE FOR REVERSION AND APPROPRIATING  
FUNDS THEREFOR**

EXPLANATORY NOTE

The Civil Code gives women the right to use their husband's surname at the time of marriage, *viz* :

"Article 370. A married woman may use:

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

In the case of *Remo vs. Secretary of Foreign Affairs* the Supreme Court held that the language of Article 370 is permissive and not mandatory. A married woman has the option to use her husband's surname but is not required to do so. The woman may choose to continue using her maiden name.

The succeeding provisions of the Civil Code establish other rules regarding a married woman's use of surname, *viz*:

"Article 371. In case of annulment of marriage, and the wife is the guilty party, she shall resume her maiden name and surname. If she is the innocent spouse, she may resume her maiden name and surname.

However, she may choose to continue employing her former husband's surname, unless:

- (1) The court decrees otherwise, or
- (2) She or the former husband is married again to another person.

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

In the case of *Yasin vs. Shari'ah* the Supreme Court held that after a declaration of nullity or absolute divorce (as under the *Shari'ah* Law), the woman is entitled to revert to her maiden name as a matter of right and no petition for change of name is required therefor.

However, with the current regulatory set-up, there are barriers for the exercise of this right of reversion to maiden name. There are still discriminatory policies and practices in some government agencies which require a married woman to adopt her husband's surname in application forms and other records and even refuse to process legitimate transactions of married women who opt to use their maiden name. For example, under Republic Act. No. 8239, otherwise known as the Philippine Passport Act, a divorce decree recognized under Philippine law, a declaration of annulment of marriage or declaration of nullity of marriage is a requirement for the issuance of passports for divorced or annulled women<sup>1</sup>. Said law further provides that an amendment of a woman's name on her passport may only be done based on the following grounds: death of spouse, annulment of marriage or divorce initiated by a foreign spouse<sup>2</sup>.

This is a clear manifestation of the incomplete realization of the woman's right to continue using her maiden name. Domestic situations such as legal separation, separation *de facto* and such other similar instances are areas where women may still

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<sup>1</sup> Article 6, Sec. 2, RA 8239

<sup>2</sup> Article 12, Sec. 1, RA 8239

be required to recourse to a slow and costly court process for change of name in order to revert to the use of their maiden name. This practice of insisting that a married woman must use her husband's surname along with the restrictive mechanisms for reversion is a remnant of a patriarchal point of view that treats women as chattel or property of their husbands.

In order to fully concretize the woman's right to use her maiden name, the present measure deletes the tedious and expensive court process that might be associated therewith. This measure proposes the following:

1. To facilitate women's right to revert to her surname in instances of legal separation, annulment or declaration of nullity of their marriage;
2. To empower the office of the civil registrar, the Department of Justice, the Department of Finance, the Supreme Court and such other concerned government agencies to provide for a procedure for a woman's choice to revert to her maiden name;
3. To expand the scope of the civil registrar's power to change or correct entries in the civil register without a judicial order

The early passage of this bill is earnestly sought.



**MANUEL "LITO" M. LAPID**  
*Senator*

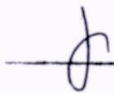




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**AN ACT**  
**ALLOWING WOMEN TO REVERT TO THEIR MAIDEN SURNAME, ESTABLISHING A**  
**PROCEDURE FOR REVERSION AND APPROPRIATING FUNDS THEREFOR**

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

1       Section 1. *Short Title.* – This Act shall be known as the "Reversion to Maiden  
2 Name Act".

3  
4       Sec. 2. *Declaration of Policy.* – The State shall value the dignity and  
5 independence of women and guarantees full respect for their freedom of choice of  
6 surname. Hence, the State shall provide a method for reversion to maiden name to  
7 fully empower women to be truly independent in their social and economic affairs.  
8

9       Sec. 3. *Authority to Record a Reversion to Maiden Name.* – No entry in a civil  
10 register shall be changed or corrected without a judicial order, except as provided in  
11 this Act and under Republic Act No. 9048, as amended by Republic Act No. 10172.  
12

13       Sec. 4. *Who May File the Application and Where.* – A woman who is or was  
14 validly married may file an application for reversion to her maiden name before the  
15 local civil registry office of the city or municipality where the marriage was registered.  
16

1           Sec. 5. *Requirements for Reversion to Maiden Name.* – The application for  
2 reversion to maiden name may be allowed in any of the following cases:

- 3           (1) A certified true machine copy of the certificate of the applicant;
- 4           (2) A certified true machine copy of the marriage certificate of the applicant;
- 5           (3) Certification from the appropriate law enforcement agencies that the  
6           applicant has no pending case or criminal record
- 7           (4) Other documents which the applicant or the city or municipal civil  
8           registrar or the consul general may consider relevant and necessary for  
9           the approval of the application.

10  
11           Sec. 6. *Form and Contents of the Application.* - The application shall be in the  
12 form of an affidavit, subscribed and sworn to before any person authorized by law to  
13 administer oaths. The affidavit shall set forth facts necessary to establish the merits  
14 of the application and shall show affirmatively that the applicant is competent to testify  
15 to the matters stated.

16           The application and its supporting documents shall be filed in three (3) copies  
17 to be distributed as follows: first copy to the concerned city or municipal civil registrar,  
18 or the consul general; second copy to the Office of the Civil Registrar General; and  
19 third copy to the applicant.

20           In addition, the application shall be published at least once a week for two (2)  
21 consecutive weeks in a newspaper of general circulation.

22  
23           Sec. 7. *Petitions for Declaration of Nullity, Annulment and Legal Separation.* –  
24 A prayer for reversion to one's maiden name may be included in the following  
25 petitions:

- 26           (1) Petition for declaration of nullity of a marriage;
- 27           (2) Petition for annulment of a marriage;
- 28           (3) Petition for legal separation; and
- 29           (4) Petition for judicial declaration of separation of property.

30           Sec. 8. *Payment of Fees.* - The city or municipal civil registrar or the consul  
31 general shall be authorized to collect reasonable fees as a condition for accepting the  
32 application. An indigent applicant shall be exempt from the payment of the said fee.

1  
2           Sec. 9. The civil registrar or the consul general shall resolve the application  
3 within fifteen (15) days from receipt thereof.  
4

5           Sec. 10. The civil registrar general, the Department of Justice, the Department  
6 of Foreign Affairs and the Office of the Supreme Court Administrator shall, in  
7 coordination with other concerned government agencies, issue the necessary rules  
8 and regulations for the effective implementation of this Act.  
9

10          Sec. 11. Such amounts necessary for the effective implementation of this Act  
11 shall be included in the general appropriations Act of the year following its enactment.  
12

13          Sec. 9. Any laws, decrees, instructions, promulgations, rules and regulations,  
14 or parts thereof that are inconsistent with or contrary to the provisions of this Act are  
15 hereby deemed modified, amended, or repealed accordingly.  
16

17          Sec. 10. This Act shall take effect upon its publication in at least two (2) national  
18 newspapers of general circulation.  
19

20           *Approved,*