

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

OFFICE

10 JUL 15 P3:40

SENATE  
S. No. 1499

RECEIVED BY                     

Introduced by Senator Miriam Defensor Santiago

#### EXPLANATORY NOTE

Executive Order No. 209, as amended, otherwise known as the Family Code of the Philippines, Article 174, paragraph 1, provides that "legitimate children shall have the right to bear the surname of the father and the mother." Article 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 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

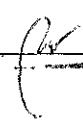
\* This bill was originally filed during the Thirteenth Congress, First Regular Session.

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

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

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

8 "Art. 174. Legitimate children shall have the right to:

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

15 "xxx xxx xxx"

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18 proclamations, rule or regulation, or parts thereof, inconsistent herewith are hereby repealed,  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

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

Approved.