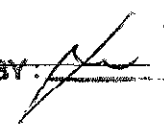


FIFTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

OFFICE OF THE CLERK

10 JUL 22 P4:54

SENATE
S. No. 1922

RECEIVED BY: 

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.¹


acv

MIRIAM DEFENSOR SANTIAGO

¹ This bill was originally filed during the Thirteenth Congress, First Regular Session

10 JUL 22 P4 54

SENATE
S. No. **1922**

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

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

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

6 SECTION 1. Article 370 of Republic Act Numbered Three Hundred Eighty-six, is hereby
7 further amended to read as follows:

8 "Article 370. A married woman may use:
9 (1) HER MAIDEN FIRST NAME AND SURNAME, or
10 (2) Her maiden first name and surname and add her husband's surname, or
11 (3) Her maiden first name and her husband's surname, or
12 (4) Her husband's full name, but prefixing a word indicating that she is his
13 wife. such as Mrs."

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

15 "Article 372. When legal separation has been granted, the wife MAY
16 EITHER continue using her name and surname employed before the legal
17 separation OR HER MAIDEN FIRST NAME AND SURNAME."

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

1 “Article 63. The decree of legal separation shall have the following
2 effects:

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

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

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

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

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

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

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

Approved.