

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



Senate
Office of the Secretary

13 NOV 26 P2 58

SENATE
S. No. 1951

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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 Article 174, paragraph 1. They also refer to Articles 370 to 372 of the Civil Code and Article 63 of the Family Code denying 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 was to subsist.

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

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO
all

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

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SENATE
S. No. **1951**

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Introduced by Senator Miriam Defensor Santiago

1 AN ACT
2 ALLOWING LEGITIMATE CHILDREN TO BEAR THE SURNAME OF THE FATHER
3 AND/OR THE MOTHER, AMENDING FOR THE PURPOSE EXECUTIVE ORDER NO. 209,
4 AS AMENDED, OTHERWISE KNOWN AS THE FAMILY CODE OF THE PHILIPPINES,
5 ARTICLE 174

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

6 SECTION 1. Executive Order No. 209, as amended, otherwise known as the Family
7 Code of the Philippines, Article 174 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 and/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**
13 **CONSENT THERETO IN THE CHILD'S RECORD OF BIRTH, A**
14 **STATEMENT BEFORE A COURT OF RECORD, OR IN ANY**
15 **AUTHENTIC WRITING.**

16 (2) To receive support from their parents, their ascendants, and in proper
17 cases, their brothers and sisters, in conformity with the provisions of this Code on
18 Support; and

19 (3) To be entitled to the legitimate and other successional rights granted to
20 them by the Civil Code."

1 SECTION 2. *Repealing Clause.* - All laws, decrees, executive orders, proclamations,
2 rules, and regulations, or parts thereof, inconsistent with this Act are hereby repealed, modified,
3 or amended accordingly.

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

Approved,