



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

14 APR -1 P5 :11

SENATE

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S.B. No. 2185

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'a* the Supreme Court held that after a declaration of nullity or absolute divorce (as under the Shari'a 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. Under Republic Act No. 8239, otherwise known as the Philippine Passport Act, a woman applicant may revert to the use of her maiden name in case of a divorce decree recognized under Philippine law, a declaration of annulment of marriage or declaration of nullity of marriage.

Despite the laws and jurisprudence on the matter, there is still an 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 be required to recourse to a court process for change of name in order to revert to the use of their maiden name.

In order to truly realize 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
MUR

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Be it enacted by the Senate and 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.

12
13 **SEC. 4. *Who May File the Petition and Where.*** - A woman who is or was validly
14 married may file a verified petition for reversion to her maiden name before the local
15 civil registry office of the city or municipality where her record is kept.

16
17 **SEC. 5. *Grounds for Reversion to Maiden Name.*** - The petition for reversion to
18 maiden name may be allowed in any of the following cases:

19 (1) After a marriage has been judicially declared null and void or after its
20 annulment;

21 (2) After a judicial declaration of legal separation: *Provided*, That there has been
22 no manifestation of reconciliation filed with the court;

1 (3) After a judicial declaration of separation of property: *Provided*, That there has
2 been no subsequent decree reviving the old property regime between the
3 spouses;

4 (4) If the spouses stipulated in their marriage settlement that a regime of
5 separation of properties shall govern their property relations;

6 (5) If the petitioner has been *de facto* separated from or abandoned by her
7 husband for a period of not less than ten (10) years; or

8 (6) If the petitioner's husband may be presumed dead pursuant to the
9 circumstances, periods and conditions set forth in the Civil Code of the
10 Philippines and the Rules of Court.

11
12 **SEC. 6. *Petitions for Declaration of Nullity, Annulment and Legal Separation.*** -

13 A prayer for reversion to one's maiden name may be included in the following
14 petitions:

15 (1) petition for declaration of nullity of a marriage;

16 (2) petition for annulment of a marriage;

17 (3) petition for legal separation; and

18 (4) petition for judicial declaration of separation of property.

19
20 **SEC. 7.** The civil registrar general, the Department of Justice, the
21 Department of Foreign Affairs and the Office of the Supreme Court Administrator shall,
22 in coordination with such other concerned government agencies, issue the necessary
23 rules and regulations for the effective implementation of this Act.

24
25 **SEC. 8.** Such amounts necessary for the effective implementation of this
26 Act shall be included in the general appropriations Act of the year following its
27 enactment.

28
29 **SEC. 9.** Any laws, decrees, instructions, promulgations, rules and
30 regulations, or parts thereof that are inconsistent with or contrary to the provisions of
31 this Act are hereby deemed modified, amended, or repealed accordingly.

32
33 **SEC. 10.** This Act shall take effect upon its publication in at least two (2)
34 national newspapers of general circulation.

Approved,