OFFILE OF THE SECRETARY

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

7 JUL 18 P421

S. B. No. 1302

MECEIVED 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.\*

-jeup

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

	FOURTEENTH CONGRESS OF THE REPUBLIC)  OF THE PHILIPPINES  7  JUL 18  P4 2  First Regular Session  )	s
	S. B. No. 1302 HECEIMED BY:	ऽक्षाल <b>स्</b> कर
	Introduced by Senator Miriam Defensor Santiago	
1 2 3 4 5	AN ACT ALLOWING MARRIED OR LEGALLY SEPARATED WOMEN TO USE THEIR MAIDER NAME AND SURNAME, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 386, ALSO KNOWN AS THE CIVIL CODE, ARTICLES 370 AND 372, AND EXECUTIVE ORDER 209 SERIES OF 1987, ALSO KNOWN AS THE FAMILY CODE, ARTICLE 63	Ŋ
6 7	Be it enacted by the Senate and House of Representatives of the Philippines in Congreassembled.	?SS
8	SECTION 1. Article 370 of Republic Act Numbered Three Hundred Eighty-Six,	is
9	hereby further amended to read as follows:	
10	"Article 370. A married woman may use:	
11	(1) HER MAIDEN FIRST NAME AND SURNAME, or	
12	(2) Her maiden first name and surname and add her husband's surname, or	
13	(3) Her maiden first name and her husband's surname, or	
14	(4) Her husband's full name, but prefixing a word indicating that she is his	
15	wife, such as Mrs."	
16	SECTION 2. Article 372 of the same Act is hereby further amended to read as follows:	
17	"Article 372. When legal separation has been granted, the wife MAY	
18	EITHER continue using her name and surname employed before the legal	
19	separation OR HER MAIDEN FIRST NAME AND SURNAME."	
20	SECTION 3. Article 63 of Executive Order No. 209, series of 1987, also known as	the
21	Family Code of the Philippines, is hereby amended by adding a new paragraph to be number	red
22	as paragraph 5 and to read as follows:	
23	"Article 63. The decree of legal separation shall have the following	

effects:

1	(1) The spouses shall be entitled to live separately from each other, but the
2	marriage bonds shall not be severe;
3	(2) The absolute community or the conjugal partnership shall be dissolved
4	and liquidated but the offending spouse shall have no right to any share of the net
5	profits earned by the absolute community or the conjugal partnership, which shall
6	be forfeited in accordance with the provisions of Article 43(2);
7	(3) The custody of the minor children shall be awarded to the innocent
8	spouse, subject to the provisions of Article 213 of this Code;
9	(4) The offending spouse shall be disqualified from inheriting from the
10	innocent spouse by interstate succession. Moreover, provisions in favor of the
11	offending spouse made in the will of the innocent spouse shall be revoked by
12	operation of law." AND
13	(5) THE WIFE SHALL HAVE THE OPTION TO CONTINUE USING
14	HER NAME BEFORE THE LEGAL SEPARATION OR HER MAIDEN FIRST
15	NAME AND SURNAME.
16	SECTION 4. Repealing Clause Any law, presidential decree or issuance, executive
17	order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent
18	with, the provision of this Act is hereby repealed, modified or amended accordingly.
19	SECTION 5. Effectivity Clause This Act shall take effect fifteen (15) days after its
20	publication in at least two (2) newspapers of general circulation.
21	Approved,