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SENATE

Senate Bill No. 460

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INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

EXPLANATORY NOTE

Men and women are fundamentally equal. Thus, Section 14 of Article II of the 1987 Constitution provides that the State recognizes the role of women in nation building and shall ensure the fundamental equality before the law of women and men. It is the duty of the State to ensure their equality before the law in all aspects of national life by rectifying or ending all practices and systems that are disadvantageous to women or discriminate against them by reason merely of sex where it is not a relevant factor in making a distinction.

Under the provisions of the New Family Code, a married woman is not specifically granted option to use her maiden name and surname; and in cases of legal separation has been granted, she is not allowed to use her maiden name and surname either.

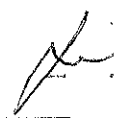
Hence, the approval of this bill is earnestly urged for the advancement of women in Philippine society. By allowing Filipino women to retain their surnames as part of their individuality, even after marriage or legal separation, we shall be eliminating historical inequality.


JINGGOY EJERCITO ESTRADA
Senator

SENATE

Senate Bill No. 460

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AN ACT

ALLOWING MARRIED OR LEGALLY SEPARATED WOMEN TO USE THEIR MAIDEN FIRST NAME AND SURNAME, AMENDING FOR THE PURPOSE ARTICLES THREE HUNDRED SEVENTY AND THREE HUNDRED SEVENTY TWO OR RA. 386, AS AMENDED, OTHERWISE KNOWN AS THE CIVIL CODE OF THE PHILIPPINES, AND ARTICLE 63 OF E.O. 209 OTHERWISE KNOWN AS THE FAMILY CODE OF THE PHILIPPINES

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

SECTION 1. Article 370 of R.A. is hereby amended to read as follows:

"Article 370. A married woman may use:

- (1) HER MAIDEN FIRST NAME AND SURNAME, or
- (2) Her maiden first name and surname and add her husband's name
- (3) Her maiden first name and her husband's surname, or
- (4) Her husband's full name, but prefixing a word indicating that she is his wife, such as Mrs.

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

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

SEC. 3. Article 63 of Executive Order No. 209, series of 1997 otherwise known as the Family Code of the Philippines is hereby amended by adding a new paragraph to be numbered as paragraph 5 and to read as follows:

- 1) The spouses shall be entitled to live separately from each other, but the marriage bonds shall be severed;
- 2) The absolute community or the conjugal partnership shall be dissolved and liquidated but the offending spouse shall have no right to any share of net profits earned by the absolute community or the conjugal partnership, which shall be forfeited in accordance with the provisions of Article 43 (2);
- 3) The custody of the minor children shall be awarded to the innocent spouse, subject to the provisions of Article 213 of this Code; and
- 4) The offending spouses shall be disqualified from inheriting from the innocent spouse made in the will of the innocent spouse shall be revoked by operation of law."
- 5) THE WIFE SHALL HAVE THE OPTION TO CONTINUE USING HER NAME BEFORE THE LEGAL SEPARATION, OR HER MAIDENFIRST NAME AND SURNAME

SEC 4. The provisions of Republic Act No. 386, as amended and such other laws, decrees, orders, issuances, inconsistent with the provisions of this Act, are hereby repealed or amended accordingly.

SEC 5. This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,