

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 1426



Introduced by HONORABLE LUIS JOSE ANGEL N. CAMPOS, JR.

EXPLANATORY NOTE

The right of a married woman with regards to her choice of last name is clearly provided for under Article 370 of the Civil Code of the Philippines. To wit:

Art. 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."

However, most Filipinos are not aware that a married woman also has a choice to retain her maiden name. The Supreme Court has ruled on the option of the woman of a surname of her choice in the case of **Hatima C. Yasin vs. The Honorable Judge Shari'a District Court Third Shari'a Judicial District, Zamboanga City** (G.R. No. 94986 February 23, 1995), to wit:

"Even under the Civil Code, the use of the husband's surname during the marriage (Art. 370, Civil Code), after annulment of the marriage (Art. 371, Civil Code) and after the death of the husband (Art. 373, Civil Code) is **permissive and not obligatory** except in case of legal separation (Art. 372, Civil Code).

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When a woman marries a man, she need not apply and/or seek judicial authority to use her husband's name by prefixing the word "Mrs." before her husband's full name or by adding her husband's surname to her maiden first name. The law grants her such right (Art. 370, Civil Code). Similarly, when the marriage ties or vinculum no longer exists as in the case of death of the husband or divorce as authorized by the Muslim Code, the widow or divorcee need not seek judicial confirmation of the change in her civil status in order to revert to her maiden name as **the use of her former husband's name is optional and not obligatory for her** (Tolentino, Civil Code, p. 725, 1983 ed.; Art. 373, Civil Code)..."

(Emphases supplied)

This bill does not in any way amend the law, what it does is clarify the choices of surnames a married woman may use after marriage. This bill would empower women since they would now have a clear legal provision stating that they have an option to retain their last name even after marriage.

In light of the foregoing, the approval of this bill is earnestly sought.


LUIS JOSE ANGEL N. CAMPOS, JR.

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HOUSE BILL NO. _____

Introduced by HONORABLE LUIS JOSE ANGEL N. CAMPOS, JR.

AN ACT
CLARIFYING THE RIGHT OF MARRIED WOMEN TO RETAIN THEIR SURNAMES,
AMENDING FOR THE PURPOSE ARTICLE 370 OF REPUBLIC ACT NO. 386,
OTHERWISE KNOWN AS THE CIVIL CODE OF THE PHILIPPINES.

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

SECTION 1. Article 370 of Republic Act No. 386, otherwise known as the Civil Code, is hereby further amended to read as follows:

Art. 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.", or
- (4) HER MAIDEN FIRST NAME AND SURNAME.

Section 2. *Repealing Clause* - Any law, decree, executive order, administrative order, or rules and regulations contrary to or inconsistent with the provisions of this Act are hereby repealed, modified, and amended accordingly.

Section 3. *Separability Clause* - If any section or provision of this Act is held unconstitutional or invalid, the other sections or provisions hereof shall not be affected and thereby remain in full force and effect.

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

Approved,