

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 2373

Introduced by HONORABLE MAR-LEN ABIGAIL S. BINAY

EXPLANATORY NOTE

Republic Act No. 386 or the Civil Code of the Philippines grants a married woman the right to use her husband's surname or to use her husband's full name with the prefix "Mrs.".

This is a right, and accordingly, merely permissive. **It is not mandatory.** The Civil Code in fact states that a married woman "may" use those names.

Further, the Supreme Court, in *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), explained the permissive interpretation of the provision in this wise:

"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)

Notwithstanding the clear provision of the law as reinforced by Supreme Court decisions, many are still of the erroneous opinion that a married woman is obliged to adopt her husband's surname. This mistaken belief leads to unnecessary expenses for the change of name in official documents.

This bill in no way seeks to add to the law, but merely seeks to make clearer the choices of names that are available to married women and by doing so, contribute to their empowerment – a natural consequence of acquiring knowledge and an understanding of rights under the law.

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


MAR-LEN ABIGAIL S. BINAY

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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,