

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Batasan Hills, Quezon City

NINETEENTH CONGRESS
First Regular Session

House Bill No. 1592



Introduced by

HON. YEDDA MARIE K. ROMUALDEZ
and
HON. JUDE A. ACIDRE

AN ACT
AMENDING ARTICLE 174 (1) OF THE FAMILY CODE AND ARTICLE 364 OF THE
CIVIL CODE OF THE PHILIPPINES

EXPLANATORY NOTE

This bill seeks to clarify the extent of the legal right of the legitimate child to use the mother's surname. The 1987 Constitution of the Philippines provides for the recognition of the role of women in nation-building and mandates to ensure the fundamental equality before the law of women and men. The Philippines is also a signatory to the Convention on the Elimination of All Forms of Discrimination Against Women. With these, it is incumbent upon the government to take the necessary action and legislation in ensuring that women are not discriminated in any way.

However, under the existing law, the surname of the mother may only be used by the child as his/her own surname when such child is illegitimate. For legitimate children, they shall principally use the surname of their father. Since the child is as much an offspring of their mother as they are of their father, it is only proper that the he or she may be able to choose which surname he or she may use, especially when the child grew up with a singular parent. Further, this bill also addresses and

dismantles the patriarchal notion that legitimate children cannot use the surnames of their mothers.

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



Rep. YEDDA MARIE K. ROMUALDEZ
Representative, Tingog Sinirangan



Rep. JUDE A. ACIDRE
Representative, Tingog Sinirangan

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

Section 1. *Short Title.* This Act shall be known as the “Maternal Surname for Legitimate Children and for other purposes.”

Section 2. Article 174 (1) of the Family Code shall be amended to read as follows:

“**Article 174.** Legitimate Children shall have the right:

- (1) To bear the surname of **THE MOTHER OR THE FATHER. THE PARENTS SHALL AGREE AS TO THE SURNAME OF LEGITIMATE CHILDREN. IN CASE OF DISAGREEMENT, THE SURNAME OF THE MOTHER SHALL BE USED BY THE LEGITIMATE CHILDREN. THE SURNAME OF THE FIRST CHILD SHALL ALSO BE USED AS THE SURNAME OF SUBSEQUENT CHILDREN OF THE SAME PARENTS.**

ONLY THE LEGITIMATE CHILDREN SHALL HAVE THE

RIGHT TO CHANGE THEIR SURNAME TO THE SURNAME OF EITHER THEIR FATHER OR MOTHER WITHIN TEN (10) YEARS FROM REACHING THE AGE OF MAJORITY BY MERE APPLICATION WITH THE OFFICE OF THE LOCAL CIVIL REGISTRAR (OLCR) WHERE THE ORIGINAL CERTIFICATE OF BIRTH HAS BEEN ISSUED. THE DUTY OF THE OLCR SHALL BE MINISTERIAL REQUIRING THE RELEASE OF THE NEW CERTIFICATE OF BIRTH REFLECTING THE CHANGING WITHIN FIFTEEN (15) DAYS FROM THE FILING OF THE APPLICATION. APPLICATION FOR CHANGE OF SURNAME SHALL BE ALLOWED ONLY ONCE.

AFTER THE LAPSE OF THE TEN (10)-YEAR PERIOD, THE LEGITIMATE CHILDREN SHALL HAVE THE RECOURSE TO THE PROPER COURT WITHIN SUCH PERIOD AND UNDER SUCH OTHER CAUSES AS MAY BE ALLOWED BY OTHER PERTINENT LAWS.”

Section 3. Article 364 of the Civil Code of the Philippines shall be amended as follows:

“**Article 364.** Legitimate and legitimated children **MAY** principally use the SURNAME OF THE MOTHER IN ACCORDANCE WITH THE PROVISIONS OF THE FAMILY CODE OF THE PHILIPPINES.”

Section 4. *Repealing Clause.* All laws, decrees, rules, and regulations or other issuances or parts thereof inconsistent with the provisions of this Act shall be repealed.

Section 5. *Effectivity.* This Act shall take effect fifteen days (15) after its publication in the Official Gazette or in a national newspaper of general circulation.

Approved,