



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

House Bill No. 4605



Introduced by **HON. EDWARD VERA PEREZ MACEDA**

EXPLANATORY NOTE

The Constitution ensures that no person should be denied equal protection of the law.¹ This precept similarly applies to marriage where the personal rights of the parties should not, in any way, be diminished by reason of such union.

Article 370 of the Civil Code provides for enumeration of names that a married woman may use during her marriage, to wit:

A married woman may use:

1. Her maiden first name and surname and add her husband's surname;
2. Her maiden first name and her husband's surname
3. Her husband's full name, but prefixing a word indicating that she is his wife, such as "Mrs."²

Unknown to many, however, is the fact that a married woman may retain her maiden first name and surname even during or after the marriage without adopting the options provided for under the Civil Code. It has been pronounced by the Supreme Court that such enumeration is permissive rather than obligatory³ and a married woman's freedom to use, or in this case, retain her maiden name, is valid for all intents and purposes. To shed clarity on the matter, this measure seeks to uphold the right of married women to retain their maiden names even after marriage by including it as one of the options under Article 370.

As a brief background, a similar measure was already approved by the House of Representatives on Third and Final Reading during the 18th Congress.

Therefore, the immediate approval of this bill is earnestly sought.

EDWARD VERA PEREZ MACEDA
Representative, 4th District of Manila

¹ PHIL. CONST. art. III, § 1.

² An Act to Ordain and Institute the Civil Code of the Philippines [CIVIL CODE], Republic Act No. 386, art. 370 (1949).

³ Hatima C. Yasin v. The Honorable Judge Shari'a District Court Third Shari'a Judicial District, Zamboanga City, G.R. No. 94986, February 23, 1995.



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

House Bill No. 4605

Introduced by **HON. EDWARD VERA PEREZ MACEDA**

**"AN ACT
PROVIDING FOR THE RIGHT OF MARRIED WOMEN TO RETAIN THEIR
MAIDEN SURNAMES, AMENDING FOR THE PURPOSE ARTICLE 370 OF
REPUBLIC ACT NO. 386, AS AMENDED, OTHERWISE KNOWN AS THE
NEW CIVIL CODE OF THE PHILIPPINES"**

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

SECTION 1. Article 370, Title XIII, Book III of the Republic Act No. 386, as amended, otherwise known as the New Civil Code of the Philippines, is hereby amended to read as follows:

Article 370. A married woman may use HER:

[(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."]

(1) MAIDEN FIRST NAME AND SURNAME;

**(2) MAIDEN FIRST NAME AND SURNAME AND ADD HER
HUSBAND'S NAME;**

(3) MAIDEN FIRST NAME AND HER HUSBAND'S SURNAME; OR

**(4) HUSBAND FULL NAME, BUT PREFIXING A WORD
INDICATING THAT SHE IS HIS WIFE, SUCH AS "MRS."**

SECTION 2. All laws, acts, presidential decrees, executive orders, presidential proclamations, issuances, rules and regulations or parts thereof which are contrary to or inconsistent with any of the provisions of this Act are hereby repealed, amended, or modified accordingly.

SECTION 3. This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,