

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

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 1648



Introduced by REP. YSABEL MARIA J. ZAMORA

EXPLANATORY NOTE

This bill seeks to affirm the constitutional principle of equality between men and women by recognizing the right of a married woman to retain her maiden surname after marriage.

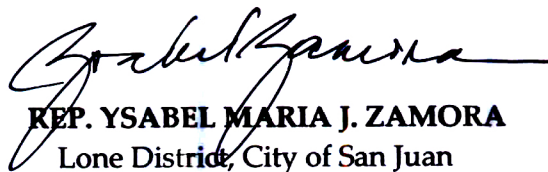
Presently, under Article 370 of the Civil Code of the Philippines, a married woman has the option to use any of the following:

- (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."

While Article 370 provides flexibility, it is ambiguous on whether a married woman may retain her maiden surname after marriage. However, the Supreme Court has clarified that the use of the husband's surname during the marriage is permissive and not obligatory.¹ The word *may* in Article 370 is an indication that the woman has the option, but not the duty, to use the surname of her husband in any of the manner provided under said article.

This measure therefore seeks to remove the ambiguity in Article 370 by clearly providing that a married woman has the option to use her maiden surname after marriage.

A similar measure was approved by the House of Representatives on Third and Final Reading during the 19th Congress. The immediate approval of this bill in the 20th Congress is earnestly sought.


REP. YSABEL MARIA J. ZAMORA
Lone District, City of San Juan

¹ G.R. No. 94986, 23 February 1995

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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 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:

[(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'S FULL NAME, BUT PREFIXING A WORD INDICATING THAT SHE IS HIS WIFE, SUCH AS "MRS."**

SEC. 2. All laws, act, 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.

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

Approved,