



Legal updates and family matters

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Miss, Ms, or Mrs? Philippine law on surnames for married women

Three years ago, during a Mandatory Continuing Legal Education seminar, I met a former student from high school. She had attended several of the Mini Press Conferences I organized from 1984 up to 1991 for Rizal High School in Pasig and ten other public and private high schools from Metro Manila. During the MCLE seminar, we immediately recognized each other and had a good time reminiscing the good old days of the Mini Press Con.

When I asked her why she had not stopped using her maiden surname despite being married, she answered, "Pwede naman di ba?" I did not remind her of the legal provisions on surnames for married women since she definitely knew them, being a graduate of a top law school and a magna cum laude in her pre-law course. Her refusal to use her husband's surname was emotional rather than legal in nature. She said that she did not want her father's surname to disappear. (The Chinese have a saying that if you want your name to live forever, you should write a book, plant a tree or sire a son.)

Article 370 of the New Civil Code of the Philippines is our country's primary law on what surname a married can use. The said article states that 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."

Please take note that under the Family Code provisions on legal separation, a woman is still obligated to use her husband's surname since the marriage bonds are not severed. It is only in cases of annulment of a voidable marriage or declaration of nullity of a void marriage that a woman can regain the use of her maiden surname.

Sen. Santiago's proposed amendments allowing a woman to use her maiden surname after marriage or legal separation

Senator Miriam Defensor Santiago has filed Senate Bill 1302 which seeks to amend Articles 370 and 372 of the NCC and Article 63 of the Family Code. Essentially, Sen. Santiago wants a woman to have the right to continue using her maiden name and surname after marriage or legal separation.

In her bill's Explanatory Note, Sen. Santiago stated,

The Constitutional right to equal treatment of both men and women is one which the State endeavors to uphold. Pursuant to this, efforts have been exerted to eliminate vestiges of inequalities found in existing laws.

In Republic Act No. 386, also known as the Civil Code of the Philippines and Executive Order 209, also known as the Family Code of the Philippines, a married woman continues to be treated as a mere appendage of her husband. She is not specifically granted the option to use her maiden name and surname.

The principle of fundamental equality between men and women requires the passage of a bill of this nature. By allowing Filipino women to retain their surnames as part of their individuality, even after marriage or legal separa-

tion, we shall be eliminating yet another vestige of inequality found in our laws, and translating the constitutional edict into a tangible reality.

The complete text of Sen. Santiago’s Senate Bill 1302 is posted below:

SECTION 1. Article 370 of Republic Act Numbered Three Hundred Eighty-six, is hereby further amended to read as follows:

“Article 370. A married woman may use:

- (1) HER MAIDEN FIRST NAME AND SURNAME, or
- (2) Her maiden first name and surname and add her husband’s surname, or
- (3) Her maiden first name and her husband’s surname, or
- (4) Her husband’s full name, but prefixing a word indicating that she is his wife. such as Mrs.”

SECTION 2. Article 372 of the same Act is hereby further amended to read as follows:

“Article 372. When legal separation has been granted, the wife MAY EITHER continue using her name and surname employed before the legal separation OR HER MAIDEN FIRST NAME AND SURNAME.”

SECTION 3. Article 63 of Executive Order No. 209, series of 1987, also known as the Family Code of the Philippines, is hereby amended by adding a new paragraph to be numbered as paragraph 5 and to read as follows:

“Article 63. The decree of legal separation shall have the following effects:

- (1) The spouses shall be entitled to live separately from each other, but the marriage bonds shall not be severed;
- (2) The absolute community or the conjugal partnership shall be dissolved and liquidated but the offending spouse shall have no right to any share of the net profits earned by the absolute community or the conjugal partnership, which shall be forfeited in accordance with the provisions of Article 43(2);

(3) The custody of the minor children shall be awarded to the innocent spouse, subject to the provisions of Article 213 of this Code;

(4) The offending spouse shall be disqualified from inheriting from the innocent spouse by interstate succession. Moreover, provisions in favor of the offending spouse made in the will of the innocent spouse shall be revoked by operation of law.” AND

(5) THE WIFE SHALL HAVE THE OPTION TO CONTINUE USING HER NAME BEFORE THE LEGAL SEPARATION OR HER MAIDEN FIRST NAME AND SURNAME.

I’m sure a lot of women are nodding their heads enthusiastically and expressing 110% agreement with Sen. Santiago’s proposed amendments. Please take note that Sen. Santiago proposed these amendments several years ago but her bill has not yet been passed by the Senate. Even then, the House of Representatives will still have its say on the matter.

Reasons why I believe a married woman should use her husband’s surname at <http://-salt-and-light-.blogspot.com/2008/04/miss-ms-or-mrs-what-surname-should.html#jump>

How to be saved and go to heaven

Accept that you are a sinner and that your good works, ethical conduct or religion cannot save you. Romans 3:10, Romans 3:23

Believe on the Lord Jesus Christ that He alone can save you. Romans 6:23, Romans 10:13, Acts 16:31

Confess and repent of your sins. Luke 13:3, Isaiah 1:18

Delay not in receiving Jesus Christ into your heart. 2 Corinthians 6:2, Proverbs 27:1

Pray and ask the Lord to save you now: “Dear Lord, I believe that Christ died and shed His precious blood to save my soul. Be merciful to me a sinner, forgive my sins and save me in Jesus’ name. Lord Jesus, I now accept you as my Savior. Amen.”

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