



MEMORANDUM CIRCULAR NO. 2016-07

TO: All Government Departments including Attached Agencies, Bureaus and Offices; State Universities and Colleges (SUCs); Government Owned and/or Controlled Corporations (GOCCs); Other Government Instrumentalities, Private Institutions and All Others Concerned

SUBJECT: **Allowing Married Women to Retain and Use their Maiden Name in lieu of their Husband's Surname in accordance to Existing Laws and Pertinent Jurisprudence**

DATE: 12 October 2016

- 1.0 The Philippine Commission on Women (PCW) has received several complaints from private individuals about the discriminatory policies of several institutions which require a married woman to use her husband's surname in accomplishing application forms and other records, and/or refuse to process legitimate transactions with married women using their maiden name.
- 2.0 In light of this, the PCW reminds all concerned that according to law and prevailing jurisprudence, "a married woman has an option, but not a duty, to use the surname of the husband."⁴
- 3.0 Article 370 of the Civil Code provides 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."**" (emphasis supplied)
- 4.0 As explained by the Supreme Court in the case of *Remo vs Secretary of Foreign Affairs*, a woman is "allowed to use not only any of the three names provided in Article 370, but also her maiden name upon marriage. She is not prohibited from continuously using her maiden name once she is married because when a woman marries, she does not change her name but only her civil status. Further, this interpretation is in consonance with the principle that surnames indicate descent."⁵ (emphasis supplied)
- 5.0 At the same time, Article 16 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) to which the Philippines is a State Party provides for the undertaking of "all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women... the same personal rights as husband and wife, including the right to

⁴ G.R. No. 169202, March 5, 2010

⁵ Ibid.

choose a family name, a profession and an occupation...xxx" (Emphasis supplied)

- 6.0 This provision in the CEDAW are supported by Section 2 of Republic Act No. 7192 or the Women in Development and Nation Building Act, which provides that "All government departments and agencies shall review and revise all their regulations, circulars, issuances and procedures to remove gender bias therein," as well as Section 19 of the Implementing Rules and Regulations of Republic Act No. 9710 or the Magna Carta of Women (MCW) on the equal rights of women and men in all matters relating to marriage and family relations.
- 7.0 Nonetheless, there are certain provisions under the law, which limit the instances when a married woman who has already opted to use her husband's surname to revert to the use her maiden name, such as those provided under Republic Act No. 8239 or the Philippine Passport Act of 1996.
- 8.0 In this regard and as the national machinery for gender equality and women's empowerment in the country, **the PCW impels all institutions, particularly those in the public sector, to review, revise and align their policies, procedures, guidelines, practices, information systems and records management processes with the above-cited laws.**
- 9.0 Finally, the **PCW requests all concerned to ensure that this Memorandum Circular is disseminated and understood by all employees in their offices, especially their frontline personnel who directly deal or transact with the public.**
- 10.0 For guidance and appropriate action.


RHODORA T. MASILANG-BUCOY
Chairperson *W*