



MEMORANDUM CIRCULAR NO. 2023-04

TO: All Banking and Financial Institutions in the Philippines

SUBJECT: **Use of Maiden Name by Married Women in Bank and Financial Transactions in accordance with Existing Laws and Pertinent Jurisprudence**

Date: 18 December 2023

- 1.0 The Philippine Commission on Women (PCW) as the primary policymaking and coordinating body on women and gender equality concerns reminds all banks and financial institutions in the Philippines of the rights of married women to use their maiden name in their transactions. It has come to our attention that some institutions still require married women to use their married name in official documents and transactions, despite the existence of legal provisions granting them the right to use their maiden name.
- 2.0 Under Philippine law, specifically Republic Act No. 386 or the Civil Code of the Philippines, married women have the option to continuously use their maiden name in their transactions. Additionally, the Supreme Court has consistently recognized this right, ensuring that it is fully upheld and respected by all institutions operating within the country. As explained 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.”¹ (emphasis supplied) The Civil Code, thus, only provides women the option but not the duty to use their husband’s surname, to wit:

“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 *Remo vs Secretary of Foreign Affairs*, G.R. No. 169202 (S.C., March 05, 2010) (Phil.), <https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/53703>.

3.0 Other rules on the use of surname by women are also provided under the Civil Code, to wit:

“ARTICLE 371. In case of annulment of marriage, and the wife is the guilty party, she shall resume her maiden name and surname. If she is the innocent spouse, she may resume her maiden name and surname. However, she may choose to continue employing her former husband’s surname, unless:

- (1) The court decrees otherwise, or
- (2) She or the former husband is married again to another person.

ARTICLE 372. When legal separation has been granted, the wife shall continue using her name and surname employed before the legal separation.

ARTICLE 373. A widow may use the deceased husband’s surname as though he were still living, in accordance with article 370.”

4.0 The PCW also issued Memorandum Circular No. 2016-07 impelling all institutions to review, revise, and align their policies, procedures, information systems, and records management processes with existing laws and jurisprudence on the use of names by married women.

5.0 In this regard, the PCW reiterates the following guidelines for all banks and financial institutions to ensure compliance with existing laws and uphold the right of women:

5.1. Acceptance of Maiden Name: Allow married women to use their maiden name as provided under the law in all types of transactions, including account opening, loan applications, credit card applications, and any other financial services provided. Banks and financial institutions shall not compel married women who have continuously used their maiden name to use their husband’s surname for the purpose of transacting with their institution.

5.2. Customer Communication: Update all communication channels, including forms and customer service scripts, to explicitly state that married women have the right to use their maiden name in their transactions. Ensure that employees, especially customer-facing staffers, are informed and trained on the application of relevant laws to provide accurate information and assistance.

- 5.3. Internal Policies and Procedures: Review internal policies, procedures and systems to ensure compliance with existing laws and jurisprudence. Implement necessary changes to guarantee that married women are not subjected to any unnecessary inconvenience or discrimination when choosing to use their maiden name.
- 6.0 It is our collective responsibility to respect the rights and choices of all individuals. By implementing these guidelines, we contribute to fostering an inclusive society that values women's rights and gender equality and recognizes the importance of personal identity.
- 7.0 Please disseminate this information to all relevant departments and branches within your organization and ensure that the necessary adjustments are made promptly.


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