



REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF TRANSPORTATION
LAND TRANSPORTATION OFFICE

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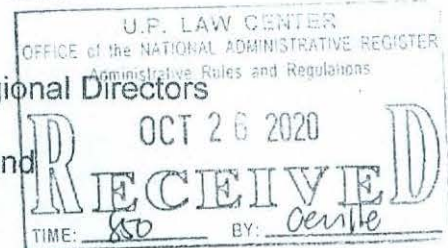


MEMORANDUM

TO : All Regional Directors, All Assistant Regional Directors
All Regional Operations Chiefs
All Heads of District/Extension Offices and
All Employees Concerned

Date : 01 October 2020

Subject : RETENTION OR REVERSION AND USE OF MAIDEN NAME IN LIEU OF HUSBAND'S NAME BY MARRIED WOMEN



This is to address numerous complaints about discriminatory policies of several LTO field offices refusing to process reversion of the name of married women to their maiden name without presentation of original and submission of one (1) photocopy court order or marriage contract with annotation. According to law, a married woman has an option, but not a duty, to use the surname of the husband.

Pursuant to Memorandum Order No. 2016-07 of the Philippine Commission on Women and Article 370 of R.A. No. 386, otherwise known as "AN ACT TO ORDAIN AND INSTITUTE THE CIVIL CODE OF THE PHILIPPINES", "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)

In view thereof, all are reminded to accept and process applications for driver's license of women involving reversion to maiden name in lieu of husband's name by married women without changing the civil status. Presentation of original and submission of photocopy of court order or marriage contract with annotation is not required for the aforementioned transaction. However, change of civil status from married to single shall require court order or marriage contract with annotation. Further, change of civil status from single to married with retention of maiden name is allowed.


In relation thereto, the following actions during application for Student-driver's Permit, Driver's License and Conductor's License of women shall be prohibited:

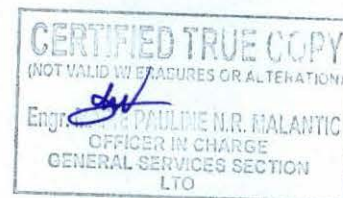
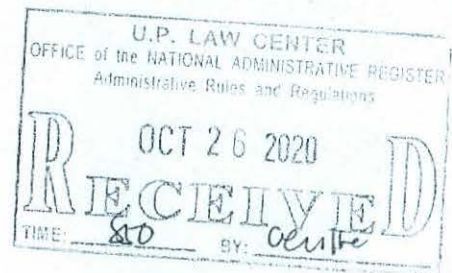
1. Requiring married women to use their husband's surname;
2. Requiring married women to declare their civil status as "single" if they do not use their husband's surname;

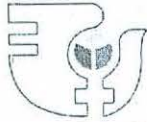
3. Refusing to make proper corrections when married women realize that they are not compelled by law to use their husband's surname (the PSA / NSO authenticated Certificate of Marriage shall suffice as basis for the correction/revision of record);
4. Encoding or using the surname of the husband in the records without the woman's knowledge or consent; and,
5. Requiring married women who use their maiden surname to present a court decree of annulment or declaration of nullity of marriage.

Attached is a copy of the Philippine Commission on Women (PCW) Memorandum Circular No. 2016-07 for your reference.

This Memorandum shall take effect immediately.


EDGAR C. GALVANTE
Assistant Secretary





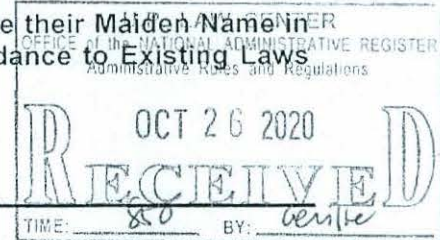
Office of the President
PHILIPPINE COMMISSION ON WOMEN
Malacañang, Manila

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**

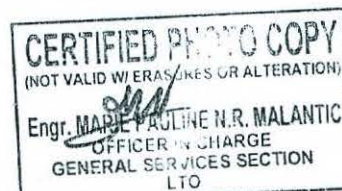
DATE: 12 October 2016



- 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*

