

[Republic Act No. 386]

An Act to Ordain and Institute the Civil Code of the Philippines

Title XIII. - USE OF SURNAMES (n)

Art. 364. Legitimate and legitimated children shall principally use the surname of the father.

Art. 365. An adopted child shall bear the surname of the adopter.

Art. 366. A natural child acknowledged by both parents shall principally use the surname of the father. If recognized by only one of the parents, a natural child shall employ the surname of the recognizing parent.

Art. 367. Natural children by legal fiction shall principally employ the surname of the father.

Art. 368. Illegitimate children referred to in Article 287 shall bear the surname of the mother.

Art. 369. Children conceived before the decree annulling a voidable marriage shall principally use the surname of the father.

Art. 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.*"

Art. 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.

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

Art. 373. A widow may use the deceased husband's surname as though he were still living, in accordance with Article 370.

Art. 374. In case of identity of names and surnames, the younger person shall be obliged to use such additional name or surname as will avoid confusion.

Art. 375. In case of identity of names and surnames between ascendants and descendants, the word "*Junior*" can be used only by a son. Grandsons and other direct male descendants shall either:

- (1) Add a middle name or the mother's surname, or
- (2) Add the Roman Numerals II, III, and so on.

Art. 376. No person can change his name or surname without judicial authority.

Art. 377. Usurpation of a name and surname may be the subject of an action for damages and other relief.

Art. 378. The unauthorized or unlawful use of another person's surname gives a right of action to the latter.

Art. 379. The employment of pen names or stage names is permitted, provided it is done in good faith and there is no injury to third persons. Pen names and stage names cannot be usurped.

Art. 380. Except as provided in the preceding article, no person shall use different names and surnames.

Signed: June 18, 1949