



REPUBLIC OF THE PHILIPPINES  
**PHILIPPINE STATISTICS AUTHORITY**

Reference No. 21CRS02-09-2117

**MEMORANDUM CIRCULAR NO. 2021- 22**

TO : ALL CITY/MUNICIPAL CIVIL REGISTRARS/OICs,  
PHILIPPINE FOREIGN SERVICE POST OFFICIALS AND  
STAFF AND CONCERNED PSA OFFICIALS AND  
EMPLOYEES

SUBJECT : Change of Surname of a Legitimate Child

Date : 27 September 2021

On 11 November 2020, the Supreme Court of the Philippines decided the case of **Alanis III vs. Court of Appeals**<sup>1</sup> wherein the Petitioner Anacleto Balleho Alanis, III, a legitimate child, was allowed to use the surname of his mother based on the fundamental equality of women and men before the law.

As mentioned in the case, the fundamental equality of women and men before the law is guaranteed by the 1987 Philippine Constitution and the Convention on the Elimination of All Forms of Discrimination Against Women to which the Philippines is a party, to wit:

**Article II, Section 14 of the 1987 Philippine Constitution**

X X X

SECTION 14. The State recognizes the role of women in nation-building, and shall ensure the fundamental equality before the law of women and men.

X X X

**Articles 2 (f) and 5(a) of the Convention on the Elimination of All Forms of Discrimination Against Women**

<sup>1</sup> G.R. No. 216425, 11 November 2020.



Article 2

X X X

(f) to take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;

X X X

Article 5

(a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women


X X X

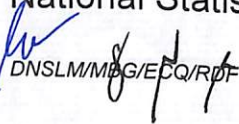
Likewise, the Supreme Court explained that the word “principally” in Article 364 of the Civil Code is not equivalent to “exclusively” so that there is no legal obstacle if a legitimate or legitimated child should choose to use the surname of its mother to which it is equally entitled.

In view of the foregoing pronouncement of the Supreme Court, we would like to clarify that while a legitimate child may drop the father’s surname and use the mother’s surname, the same is within the jurisdiction of the appropriate court.

For your information and guidance.



**CLAIRE DENNIS S. MAPA, Ph.D.**   
Undersecretary  
National Statistician and Civil Registrar General

  
DNSLM/MBG/ECQ/RDF