

Title: Maria Virginia V. Remo vs. The Honorable Secretary of Foreign Affairs

Facts: Maria Virginia V. Remo, a married Filipino citizen, sought to renew her expiring passport and revert to the use of her maiden name despite the subsistence of her marriage to Francisco R. Rallonza. The Department of Foreign Affairs (DFA) in Chicago, Illinois, U.S.A., where she applied for the renewal, denied her request. Upon denial, Atty. Manuel Joseph R. Bretana III, representing Remo, formally requested the Secretary of Foreign Affairs Domingo Siason for the same change, which was again denied on the grounds that Philippine Passport Act of 1996 only permits such a change for women whose marriage has been annulled, divorced, or husband deceased. Remo then moved to reconsider, which was also denied. Subsequently, Remo appealed the decision to the Office of the President, which upheld the DFA's decision citing Republic Act No. 8239 (RA 8239).

Remo filed a petition for review under Rule 43 with the Court of Appeals, which denied the petition and affirmed the decision of the Office of the President. The Court of Appeals denied the subsequent motion for reconsideration. Remo then petitioned this to the Supreme Court under a petition for review on certiorari.

Issues:

1. Whether a married woman may revert to using her maiden name in her passport, despite the subsistence of the marriage, without any of the grounds provided under Section 5(d) of Republic Act No. 8239, namely death of husband, divorce decree, annulment, or declaration of nullity of marriage.

Court's Decision:

The Supreme Court denied the petition, affirming the Court of Appeals' decision. The Supreme Court agreed with the lower courts that the option for a married woman to revert to her maiden name in a passport is limited to cases of annulment, divorce decree, or death of the spouse as per Section 5(d) of RA 8239. While Article 370 of the Civil Code permits a married woman to use her maiden name, this right does not extend to passport issuance under RA 8239 once she has elected to use her husband's surname. The Supreme Court stated that a married woman may not change her surname at will in her passport since the law protects the integrity and consistency of travel documents.

Doctrine:

The doctrine established in Remo vs. Secretary of Foreign Affairs is that a married woman who has elected to use her husband's surname in her passport cannot revert to her maiden

name for the purpose of passport renewal, except in the cases provided by the special law, RA 8239: namely death of husband, divorce decree, annulment, or declaration of nullity of marriage.

Class Notes:

- Civil Code Article 370: Permits a married woman to use her husband's surname, but it is permissive, not obligatory.
- RA 8239 Section 5(d): Specifies conditions under which a married woman may revert to her maiden name for passport issuance - death of husband, divorce decree, annulment, or nullity of marriage.
- Statutory Construction Principle: A special law prevails over a general law.
- Doctrine of Implied Repeal: Disfavored in law; incompatible provisions of the law should be harmonized.

Historical Background:

The case is set against the backdrop of the Philippine Passport Act of 1996 (RA 8239), which regulates the use of names in passports, and the Civil Code provisions on the use of a married woman's surname. It illustrates the legal balance between an individual's right to identity and the State's interest in maintaining the credibility and integrity of passport records.