

****Title:**** Hatima C. Yasin vs. The Honorable Judge Shari’a District Court, Zamboanga City:
A Case of Resumption of Maiden Name Post-Divorce

****Facts:**** Hatima C. Yasin, represented by her attorney-in-fact, Hadji Hasan S. Centi, filed a petition to resume the use of her maiden name in the Shari’a District Court of Zamboanga City on May 5, 1990. She argued that her marriage was dissolved by a decree of divorce on March 13, 1984, under Islamic Law, after which her former husband remarried. Yasin sought judicial sanction to revert to her maiden name, asserting her right under Article 143 of Presidential Decree No. 1083 and Article 371 of the New Civil Code. The Shari’a District Court, however, found the petition insufficient in form and substance, particularly criticizing the lack of details regarding residence and the correct nomenclature for the proposed name change, thus ordering an amendment of the petition. Yasin’s motion for reconsideration was denied, pushing her to elevate the matter to the Supreme Court, challenging the application of Rule 103 of the Rules of Court pertaining to name changes, to her case.

****Issues:****

1. Whether the resumption of a maiden name and surname post-divorce necessitates a petition for change of name subject to the formalities of Rule 103 of the Rules of Court.
2. Whether the petitioner’s desire to revert to her maiden name post-divorce constitutes a change of name or merely a reversion to her previous legal status.

****Court’s Decision:**** The Supreme Court ruled in favor of Yasin, holding that a petition for the resumption of a maiden name following a divorce, where the husband has remarried, does not equate to a petition for a change of name that necessitates adherence to the stringent requirements of Rule 103 of the Rules of Court. The Court distinguished between the alteration of one’s true or official name in the civil registry, which is subject to judicial approval, and the resumption of a maiden name post-divorce, which is a right conferred by law. The Court reasoned that since Yasin was seeking to revert to her maiden name due to the dissolution of her marriage as per the Code of Muslim Personal Laws and not to change her official civil registry name, her petition was unnecessarily burdened by the lower court’s misapplication of Rule 103.

****Doctrine:**** The Supreme Court clarified that the legal framework allows for a divorced or widowed woman to resume her maiden name without the requirement for judicial authorization, distinguishing such resumption from the official change of name procedures

outlined in the Civil Code and Rule 103 of the Rules of Court. This distinction aligns with the permissive nature of surname usage under the Code of Muslim Personal Laws and the Civil Code in relation to marriage, thus reiterating a divorced woman's right to revert to her maiden name without undergoing the formalities prescribed for a name change.

****Class Notes:****

- Rule 103 of the Rules of Court outlines the formal process required for an official change of name.
- Article 370 and 371 of the Civil Code outline the permissible use of a husband's surname by a wife and the conditions under which a woman may revert to her maiden name post-marriage dissolution.
- Presidential Decree No. 1083 (Code of Muslim Personal Laws) governs the specific conditions under which Islamic divorces are recognized and the subsequent effects on surname usage.
- The decision highlights a woman's non-obligatory right to adopt her husband's surname upon marriage and to revert to her maiden name upon the dissolution of marriage without judicial intervention.

****Historical Background:**** This case underscores the evolving legal recognition of women's rights in the Philippines, particularly regarding marital name changes. It highlights the interaction between civil and religious law in personal status matters and reaffirms the principle of legal autonomy and identity for divorced women under both the Muslim Code and the Civil Code. The ruling reflects broader social and legal shifts towards gender equality and the recognition of individual rights over customary or traditional practices.