

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

THIRTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 1678



Introduced by Hon. Nerissa Corazon Soon-Ruiz

EXPLANATORY NOTE

This bill seeks to give judicial decrees of legal separation and declarations of nullity of marriage retroactive effect as far as the dissolution of the conjugal partnership or absolute community properties is concerned.

Under Articles 100 and 127 of Executive Order No. 209, otherwise known as The Family Code of the Philippines, as amended, the separation in fact of the husband and wife does not affect the regime of absolute community or conjugal partnership. This is so because of the possibility that the spouses may still reconcile which the state encourages.

However, this absolutely fails to address a situation where the spouses eventually obtain a judicial decree of legal separation or a declaration of nullity of marriage and either or both of them had individually acquired properties by their own individual efforts during the period that they actually separated but before the decree is obtained.

It is believed that the present law is unresponsive, if not unjust, in situations like this. It is absolutely not fair that a spouse who has not in any way aided the other after they ceased to render mutual support equally share in the fruits of the latter's labor. They should share only the properties acquired by both of them or by either of them with the material or moral support of the other.

To prevent this manifest injustice, this bill proposes that a decree of legal separation or a declaration of nullity of marriage should be given retroactive effect to the time when the spouses actually severed their marital relations and ceased to render mutual support as far as the dissolution of their common or conjugal properties is concerned.

To remedy this problem, the immediate passage of this bill is earnestly prayed and recommended.


NERISSA CORAZON SOON-RUIZ, M.D.

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

THIRTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 1678

Introduced by Hon. Nerissa Corazon Soon-Ruiz

**AN ACT GIVING JUDICIAL DECREE OF LEGAL SEPARATION AND
ANNULMENT OF MARRIAGE RETROACTIVE EFFECT AS FAR AS
THE DISSOLUTION OF THE COMMON OR CONJUGAL
PROPERTIES OF THE SPOUSES IS CONCERNED, AMENDING FOR
THE PURPOSE EXECUTIVE ORDER NO. 209, OTHERWISE
KNOWN AS THE "FAMILY CODE OF THE PHILIPPINES"**

*Be it enacted by the Senate and House of Representatives of the Philippines in
Congress assembled:*

SECTION 1. Paragraph 2 of Article 63 of Executive Order No. 209,
otherwise known as the "Family Code of the Philippines" is hereby amended to read
as follows:

Art. 63. The decree of legal separation shall have the following
effects:

- (1) Xxx;
- (2) The absolute community or the conjugal partnership shall
be dissolved and liquidated **RETROACTIVE TO THE
TIME WHEN THE SPOUSES ACTUALLY CEASED
TO COHABITATE AND RENDER MUTUAL
SUPPORT.** But the offending spouse shall have no right
to any share of the net profits earned by the absolute
community or the conjugal partnership, which shall be
forfeited in accordance with the provisions of Article 43
(2);
- (3) Xxx;
- (4) Xxx.

SECTION 2. Art. 99 of Executive Order No. 209, otherwise known
as "The Family Code of the Philippines" is hereby amended to read as follows:

Art 99. The absolute community terminates:

- (1) Upon the death of either spouse;
- (2) When there is a decree of legal separation;
- (3) When the marriage is annulled or declared void; or
- (4) In case of judicial separation of property during the
marriage under Articles 134 to 138.

**IN CASES OF NOS. 2 AND 3, THE DISSOLUTION
SHALL BE RETROACTIVE TO THE TIME WHEN THE
SPOUSES ACTUALLY CEASED TO COHABITATE
AND RENDER MUTUAL SUPPORT.**

SECTION 3. Article 126 of Executive Order No. 209, otherwise known as the "Family Code of the Philippines" is hereby amended to read as follows:

Art. 126. The conjugal partnership terminates:

- (1) Upon the death of either spouse;
- (2) When there is a decree of legal separation;
- (3) When the marriage is annulled or declared void; or
- (4) In case of judicial separation of property during the marriage under Articles 134 to 138.

**IN CASES OF NOS. 2 AND 3, THE DISSOLUTION
SHALL BE RETROACTIVE TO THE TIME WHEN THE
SPOUSES ACTUALLY CEASED TO COHABITATE
AND RENDER MUTUAL SUPPORT.**

SECTION 4. All laws, orders, decrees, proclamations, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 5. This Act shall take effect after fifteen days following the completion of its publication in the Official Gazette or in at least two (2) newspapers of national circulation.