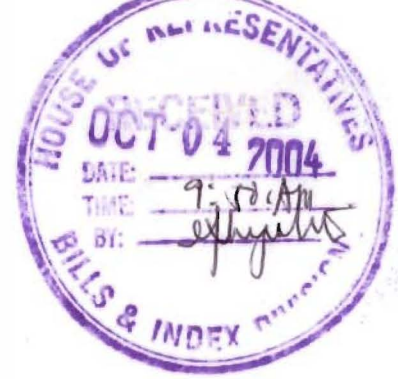


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 3066



Introduced by **Hon. Joseph Emilio A. Abaya**

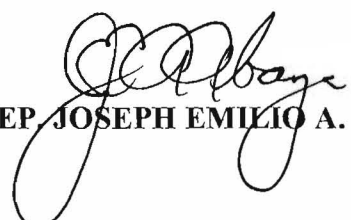
EXPLANATORY NOTE

It is said that a man's home is his castle. It is the place where he establishes his family, rears his children, and spends the rest of his life. In fact, it is so valuable to him that he is willing to spend almost his entire earnings just to build a decent and comfortable home for his family. This is particularly true for Filipinos who endure being away from their loved ones just to earn enough money abroad so that upon their return they could build their own castles for their families.

Cognizant of the vital importance of a home to the Filipino family, the Family Code exempts the same from execution, forced sale or attachment except under certain circumstances provided for therein. However, Article 157 of the same Code also limits the value of a family home to a maximum amount of Three hundred thousand pesos for urban areas and Two hundred thousand pesos for rural areas. Thus, those which are actually worth more than these amounts may already be attached and sold under execution upon application to and approval of the court. The Code Commission justified such limitations by stating that those who can afford more expensive homes do not need any protection and that the law is intended to protect the middle-class and to discourage them from spending all their money in a family home. Yet, under prevailing market conditions where the cost of lands and construction materials are way above the costs existing during the enactment of the Family Code in 1987, it is virtually impossible to build a decent home with only Three hundred thousand pesos. The purpose of the exemption is therefore defeated as perhaps only socialized or low-cost housing would qualify as a family home. Hence, there is a compelling need to amend the law by making it more realistic and adaptive to the changes which took place since its effectivity.

This bill seeks to increase the maximum amount for the constitution of a family home under the Family Code in order to, at least, approximate the cost of building a decent house under prevailing market prices. If approved, this will provide an incentive to people to invest their money in building a secured home for their families. Likewise, it will assure debtors whose houses had been sold under execution to have enough money left in their account to purchase or build a new home.

In view of the foregoing, the immediate passage of this bill is earnestly sought.


REP. JOSEPH EMILIO A. ABAYA

Republic of the Philippines
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THIRTEENTH CONGRESS
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HOUSE BILL NO. 3066

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AN ACT
INCREASING THE MAXIMUM AMOUNT FOR THE CONSTITUTION OF A
FAMILY HOME UNDER THE FAMILY CODE OF THE PHILIPPINES, AS
AMENDED, AMENDING FOR THE PURPOSE ARTICLE 157 THEREOF, AND
FOR OTHER PURPOSES

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

Section 1. Article 157 of the Family Code of the Philippines is hereby amended to read as follows:

“Article 157. The actual value of the family home shall not exceed, at the time of its constitution, the amount of [Three hundred thousand pesos] **TWO MILLION PESOS** in urban areas, and [Two hundred thousand pesos] **ONE MILLION FIVE HUNDRED THOUSAND PESOS** in rural areas, or such amounts as may hereafter be fixed by law.

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Section 2. This Act shall also govern existing family residences insofar as it does not prejudice or impair vested or acquired rights in accordance with the Family Code of the Philippines or other laws.

Section 3. This Act shall take effect fifteen (15) days from its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,