

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 3722

Introduced by Representative Linabelle Ruth R. Villarica
4th District, Bulacan

EXPLANATORY NOTE

Section 14 Article II of the 1987 Constitution states: "The State recognizes the role of women in nation-building, and shall ensure the fundamental equality before the law of women and men."

However, this fundamental equality before the law between men and women is proved inutile because of certain provisions of our laws which give preference to men over women. On matters of administration and enjoyment of the conjugal partnership under Article 124 of the Family Code, the husband's decision shall prevail in case of disagreement. The law gives undue advantage to the husband over the wife. The provision therefore must be corrected by way of legislative amendment.

Under the proposed amendment, in case of disagreement between the spouses, judicial action is available subject to the requirement of earnest efforts toward a compromise under Article 151 of the Family Code.

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



REP. LINABELLE RUTH R. VILLARICA

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**AN ACT STRENGTHENING WOMEN'S RIGHTS BY REMOVING THE
PREFERENCE OF THE HUSBAND, IN CASE OF DISAGREEMENT, IN THE
ADMINISTRATION AND ENJOYMENT OF CONJUGAL PARTNERSHIP,
AMENDING FOR THIS PURPOSE ARTICLE 124 OF 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. Article 124 of Executive Order No. 209 is hereby amended as follows:

Art. 124. The administration and enjoyment of the conjugal partnership shall belong to both spouses jointly. [In case of disagreement, the husband's decision shall prevail, subject to recourse to the court by the wife for proper remedy, which must be availed of within five years from the date of the contract implementing such decision.]

In the event that one spouse is incapacitated or otherwise unable to participate in the administration of the conjugal properties, the other spouse may assume sole powers of administration. These powers do not include disposition or encumbrance without authority of the court or the written consent of the other spouse. In the absence of such authority or consent, the disposition or encumbrance shall be void. However, the transaction shall be construed as a continuing offer on the part of the consenting spouse and the third person, and may be perfected as a

binding contract upon the acceptance by the other spouse or authorization by the court before the offer is withdrawn by either or both offerors.

SECTION 2. *Separability Clause.* If any provision of this Act, or any part thereof, is declared unconstitutional, the same shall not affect the validity and effectivity of the other provisions.

SECTION 3. *Repealing Clause.* All laws, executive orders, presidential decrees, proclamations, rules, regulations, issuances, and enactments or parts thereof inconsistent with this Act are hereby repealed or modified accordingly.

SECTION 4. *Effectivity.* This Act shall take effect after fifteen (15) days from its complete publication either in the Official Gazette or in a newspaper of general circulation in the Philippines.

Approved,