

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 3725

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 legal guardianship over the property of the unemancipated common child under Article 225 of the Family Code, the father'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 FATHER, IN CASE OF DISAGREEMENT, IN THE
EXERCISE OF LEGAL GUARDIANSHIP OVER THE PROPERTY OF THE
UNEMANCIPATED COMMON CHILD, AMENDING FOR THIS PURPOSE
ARTICLE 225 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 225 of Executive Order No. 209 is hereby amended as follows:

Art. 225. The father and the mother shall jointly exercise legal guardianship over the property of the unemancipated common child without the necessity of a court appointment. [In case of disagreement, the father's decision shall prevail, unless there is a judicial order to the contrary.]

Where the market value of the property or the annual income of the child exceeds P50,000, the parent concerned shall be required to furnish a bond in such amount as the court may determine, but not less than ten *per centum* (10%) of the value of the property or annual income, to guarantee the performance of the obligations prescribed for general guardians.

A verified petition for approval of the bond shall be filed in the proper court of the place where the child resides, or, if the child resides in a foreign country, in the proper court of the place where the property or any part thereof is situated.

The petition shall be docketed as a summary special proceeding in which all incidents and issues regarding the performance of the obligations referred to in the second paragraph of this Article shall be heard and resolved.

The ordinary rules on guardianship shall be merely suppletory except when the child is under substitute parental authority, or the guardian is a stranger, or a parent has remarried, in which case the ordinary rules on guardianship shall apply.

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,