

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

SIXTEENTH CONGRESS

First Regular Session

HOUSE BILL NO. 85



Introduced by REPRESENTATIVE MA. LOURDES ACOSTA-ALBA

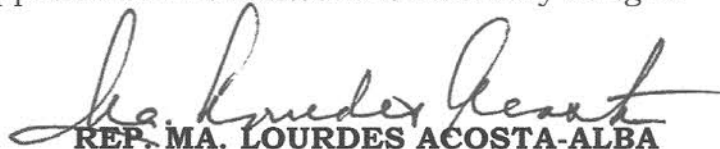
EXPLANATORY NOTE

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

But ironically, some of our current laws continue operating under the outmoded presumption of the superiority of men's decisions over those of women's. On matters pertaining to the management and administration of family affairs, Executive Order No. 209, series of 1987, as amended, or the Family Code, the decision of the male spouse continues to prevail. This is true in matters of giving consent to the marriage of parties between the ages eighteen and twenty-one (Article 14), the administration and enjoyment of the community property (Article 96), the administration and enjoyment of the conjugal partnership (Article 124), the exercise of parental authority over the persons of common children (Article 211), and the exercise of legal guardianship over the property of the unemancipated common child (Article 225).

This measure, a consolidation of House Bills No. 3720, 3722, 3723, 3724, and 3725 filed in the 15th Congress by Rep. Linabelle Ruth R. Villarica (4th District, Bulacan), proposes to correct this glaring inequality by amending the abovementioned provisions of the Family Code.

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


REP. MA. LOURDES ACOSTA-ALBA

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AN ACT
STRENGTHENING THE EQUAL PARTNERSHIP OF BOTH WIFE AND
HUSBAND IN FAMILY AFFAIRS, FURTHER AMENDING FOR THIS
PURPOSE ARTICLES 14, 96, 124, 211, AND 225 OF EXECUTIVE ORDER
NO. 209, SERIES OF 1987, AS AMENDED, 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 14 of Executive order No. 209, series of 1987, as amended, is further amended as follows:

"Art. 14. In case either or both of the contracting parties, not having been emancipated by a previous marriage, are between the ages of eighteen and twenty-one, they shall, in addition to the requirements of the preceding articles, exhibit to the local civil registrar, the consent to their marriage of their father or mother, surviving parent or guardian, or persons having legal charge of them, in the order mentioned. Such consent shall be manifested in writing by the interested party, who personally appears before the proper local civil registrar, or in the form of an affidavit made in the presence of two witnesses and attested before any official authorized by law to administer oaths. The personal manifestation shall be recorded in both applications for marriage license, and the affidavit, if one is executed instead, shall be attached to said applications."

SECTION 2. Article 96 of Executive order No. 209, series of 1987, as amended, is further amended as follows:

"Art. 96. The administration and enjoyment of the community property shall belong to both spouses jointly.

In the event that one spouse is incapacitated or otherwise unable to participate in the administration of the common

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 3. Article 124 of Executive order No. 209, series of 1987, as amended, is further amended as follows:

"Art. 124. The administration and enjoyment of conjugal partnership shall belong to both spouses jointly.

In the event that one spouse is incapacitated or otherwise unable to participate in the administration of conjugal properties, the other spouse may assume sole powers of administration. These powers do not include the 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. The transaction, however, 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 4. Article 211 of Executive order No. 209, series of 1987, as amended, is further amended as follows:

"Art. 211. The father and the mother shall jointly exercise parental authority over the persons of their common children.

Children shall always observe respect and reverence towards their parents and are obliged to obey them as long as the children are under parental authority."

SECTION 5. Article 225 of Executive order No. 209, series of 1987, as amended, is further 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.

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 6. Separability Clause. If any provision of this Act is declared unconstitutional, the same shall not affect the validity and effectivity of the other provisions not affected thereby.

SECTION 7. Repealing Clause. All laws, decrees, rules and regulations, and other issuances inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 8. Effectivity. This Act shall take effect fifteen (15) days after its complete publication in either the Official Gazette, or in two (2) newspapers of general circulation.

Approved,