

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. **4613**



Introduced by

REP. HENEDINA RAZON- ABAD and REP. KAKA J. BAG-AO

EXPLANATORY NOTE

Article II Section 14 of the Constitution recognizes the role of women in nation-building, and shall ensure the fundamental equality before the law of women and men. Section 12 of Republic Act No. 9710, otherwise known as the Magna Carta of Women provides that existing laws that are discriminatory to women shall be reviewed, amended and/or repealed. The foregoing notwithstanding, the Family Code is still rife with discriminatory provisions.

Article 14 gives undue preference to the father over the mother in giving consent to marriage of the son or daughter. While Articles 96 and 124 provide joint administration by the husband and wife of the absolute community property and the conjugal partnership of gains, the law gives preference to the decision of the husband in case of disagreement. Articles 211 and 225 give joint parental authority over the person and legal guardianship over the property of the common children to both parents. Again, in case of disagreement, the father's decision should be followed.

This bill seeks to correct the inequalities in Article 14, 96, 124, 211 and 225 of the Family Code by eliminating patent discrimination against women in matters relating to marriage and family relations. It also mandates that the best interest of the family and children shall be considered in making decisions on matters involving the exercise of parental authority and the administration of properties during the marriage.

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


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**AN ACT ENSURING THE FUNDAMENTAL EQUALITY OF MEN AND WOMEN,
AMENDING FOR THE PURPOSE ARTICLES 14, 96, 124, 211 AND 255 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:*

1 **Section 1.** Article 14 of Executive Order No. 209 is hereby amended to read as
2 follows:

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

1 **Section 2.** Article 96 of Executive Order No. 209 is hereby amended to read as
2 follows:

3 “Article 96. The administration and enjoyment of the community property
4 shall belong to both spouses jointly, **ANY EXERCISE OF ACTS OF**
5 **ADMINISTRATION BY EITHER SPOUSE WITHOUT THE CONSENT OF THE**
6 **OTHER SHALL BE WITHOUT EFFECT, UNTIL IT IS SUBSEQUENTLY**
7 **APPROVED BY THE NON-CONSENTING SPOUSE.** In case of disagreement, [the
8 husband's decision shall prevail, subject to recourse to the court by the wife for
9 proper remedy, which must be availed of within five years from the date of the
10 contract implementing such decision.] **EITHER SPOUSE MAY ELEVATE THE**
11 **MATTER BEFORE THE COURT WITHIN FIVE (5) YEARS FROM THE DATE**
12 **THE CONTRACT WAS ENTERED BY THE PARTIES THERETO, OR UPON**
13 **KNOWLEDGE OF THE NON-CONSENTING SPOUSE, WHICHEVER COMES**
14 **LATER. THE COURT, IN DECIDING THE CASE, SHALL TAKE INTO**
15 **CONSIDERATION THE BEST INTEREST OF THE FAMILY. DAMAGES AND**
16 **EXPENSES OF LITIGATION WHICH DID NOT REDOUND TO THE BENEFIT OF**
17 **THE FAMILY SHALL BE BORNE BY THE CONTRACTING SPOUSE AND SHALL**
18 **NOT BE CHARGED TO THE COMMUNITY PROPERTY.”**

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20 **Section 3.** Article 124 of Executive Order No. 209 is hereby amended to read as
21 follows:

22 “Article 124. The administration and enjoyment of the conjugal
23 partnership shall belong to both spouses jointly, **ANY EXERCISE OF ACTS OF**
24 **ADMINISTRATION BY EITHER SPOUSE WITHOUT THE CONSENT OF THE**
25 **OTHER SHALL BE WITHOUT EFFECT, UNTIL IT IS SUBSEQUENTLY**

1 **APPROVED BY THE NON-CONSENTING SPOUSE.** In case of disagreement, [the
2 husband's decision shall prevail, subject to recourse to the court by the wife for
3 proper remedy, which must be availed of within five years from the date of the
4 contract implementing such decision.] **EITHER SPOUSE MAY ELEVATE THE**
5 **MATTER BEFORE THE COURT WITHIN FIVE (5) YEARS FROM THE DATE**
6 **THE CONTRACT WAS ENTERED BY THE PARTIES THERETO, OR UPON**
7 **KNOWLEDGE OF THE NON-CONSENTING SPOUSE, WHICHEVER COMES**
8 **LATER. THE COURT, IN DECIDING THE CASE, SHALL TAKE INTO**
9 **CONSIDERATION THE BEST INTEREST OF THE FAMILY. DAMAGES AND**
10 **EXPENSES OF LITIGATION WHICH DID NOT REDOUND TO THE BENEFIT OF**
11 **THE FAMILY SHALL BE BORNE BY THE CONTRACTING SPOUSE AND SHALL**
12 **NOT BE CHARGED TO THE CONJUGAL PARTNERSHIP."**

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14 **Section 4.** Article 211 of Executive Order No. 209 is hereby amended to read as
15 follows:

16 "Article 211. The father and the mother shall jointly exercise parental
17 authority over the persons of their common children. In case of disagreement,
18 [the father's decision shall prevail, unless there is a judicial order to the
19 contrary.] **EITHER SPOUSE MAY ELEVATE THE MATTER BEFORE THE**
20 **COURT, WHICH SHALL DECIDE, TAKING INTO CONSIDERATION THE BEST**
21 **INTEREST OF THE CHILDREN."**

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23 **Section 5.** Article 225 of Executive Order No. 209 is hereby amended to read as
24 follows:

1 “Article 225. The father and the mother shall jointly exercise legal
2 guardianship over the property of the unemancipated common child without the
3 necessity of a court appointment. In case of disagreement [the father's decision
4 shall prevail, unless there is a judicial order to the contrary.] **EITHER SPOUSE**
5 **MAY ELEVATE THE MATTER BEFORE THE COURT, WHICH SHALL DECIDE**
6 **TAKING INTO CONSIDERATION THE BEST INTEREST OF THE CHILD.”**

7 **Section 6. *Separability Clause*** – If any provision of this Act is declared invalid,
8 the remainder or any of this provision hereof not affected thereby shall remain in force
9 and effect.

10 **Section 7. *Repealing Clause*** - All laws, decrees, executive orders, presidential
11 issuances and other administrative rules and regulations or parts thereof which are
12 inconsistent with this Act are hereby repealed, amended or modified accordingly.

13 **Section 8. *Effectivity*** – This Act shall take effect fifteen (15) days after its
14 publication in at least two (2) national newspapers of general circulation.

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17 Approved,