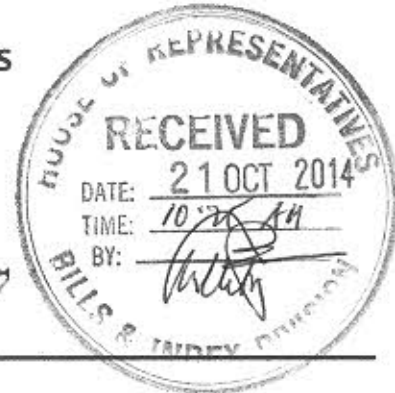


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

SIXTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 5117



Introduced by **GABRIELA Women's Party Representatives**
EMMI A. DE JESUS and LUZVIMINDA C. ILAGAN

EXPLANATORY NOTE

The Family Code of the Philippines provides that:

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, 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.

Art. 211. The father and the mother shall jointly exercise parental authority over the persons of their common children. **In case of disagreement, the father's decision shall prevail, unless there is a judicial order to the contrary.**

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.

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.**

The underscored show that the law gives premium to the father's decision in matters pertaining to their children, from exercising authority over their persons and properties to withholding or giving consent to their child's marriage.

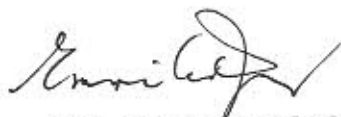
The abovementioned provisions are inconsistent with the concepts of equality and non-discrimination. These disregard the contribution of mothers and the important role they play in the rearing of their children. Furthermore, these provisions put in question the capability of mothers in making sound decisions in matters affecting their children.

It should be remembered that matters pertaining to rearing and guidance of children should always be decided upon by both parents. It is their shared responsibility to ensure that the best interest of their children be upheld at all times. This, however, cannot be achieved when the father's decision shall always prevail in cases of disagreement, setting aside the mother's opinion even if the latter seems to be better than that of the father.

It may be argued that the mother is not left without any recourse as she can seek judicial order to overturn her husband's decision. However, the arduous court process discourages many mothers from seeking this relief, especially so when they are financially dependent upon their husbands, which is not an isolated scenario.

This bill seeks to amend the abovementioned provisions in the Family Code to remove the preferential treatment for the father's decision in matters concerning children. It seeks to harmonize the Family Code with the Magna Carta of Women. The amendments will serve as responses to our international commitments sustained in the Fourth World Conference on Women Declaration (Beijing, 1995), Convention on the Elimination of All Forms of Discrimination Against Women and the United Nations Convention on the Rights of the Child.

From the foregoing, the passage of this bill is earnestly sought.


REP. EMMI DE JESUS
Gabriela Women's Party


REP. LUZ ILAGAN
Gabriela Women's Party

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HOUSE BILL NO. 5117

Introduced by GABRIELA Women's Party Representatives
EMMI A. DE JESUS and LUZVIMINDA C. ILAGAN

**AN ACT AMENDING ARTICLES 14, 211 AND 225 OF THE FAMILY CODE OF THE
PHILIPPINES**

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

SECTION 1. Articles 14, 211 and 225 of the Family Code of the Philippines are
hereby amended to read 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 EITHER of their father, 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.

Art. 211. The father and the mother shall jointly exercise parental
authority over the persons of their common children. ~~In case of
disagreement, the father's decision shall prevail, unless there is a judicial
order to the contrary.~~

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.~~

SECTION 2. This Act shall take effect immediately upon approval.

Approved,