



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Constitution Hills, Quezon City

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. **5268**



Introduced by
REPRESENTATIVE PANTALEON D. ALVAREZ

EXPLANATORY NOTE

Article 75 of Title IV of the Family Code of the Philippines states that in the absence of a marriage settlement, the property relations between husband and wife shall be under the system of absolute community. By default, everything that is brought into the marriage, including properties acquired during marriage, are co-owned by husband and wife in equal shares. It is a far departure from the system of conjugal partnership of gains, the previous default property regime, under which a common fund exists, derived from the separate properties of husband and wife.

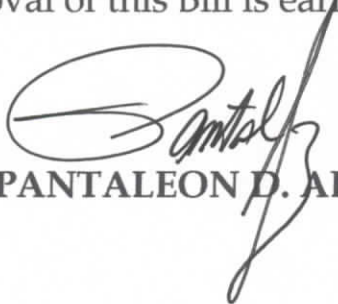
Although it is, at first glance, an ode to the integrity of the Filipino family, the notion of anything "absolute" is quite antiquated when put against the complicated realities that marriages face. The State must recognize that these realities are, in fact, burdensome and detrimental to the relations of less-than-ideal families and marriages. The contestation of property in the face of a growing rift only breeds resentment.

In response, this Bill proposes to amend the Family Code provision on the default property regime. Instead of the absolute community of property, it shall now be the regime of total separation of property. This system provides that each spouse shall own, dispose of, possess, administer and enjoy his and her own separate property, without need for consent of the other. Additionally, separate earnings shall be owned

by each spouse separately. The same applies to the property regime of unions without the benefit of marriage or under a void marriage, which presently divides ownership of wages and salaries in equal shares under Article 147 of the Family Code.

Further, in the interest of protecting the family, both spouses shall remain legally bound to provide for the support of the family through their separate properties.

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



PANTALEON D. ALVAREZ



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AN ACT

PROVIDING FOR THE REGIME OF TOTAL SEPARATION OF PROPERTY AS THE GOVERNING REGIME IN THE ABSENCE OF A MARRIAGE SETTLEMENT OR WHEN THE REGIME AGREED UPON IS VOID, AMENDING FOR THE PURPOSE ARTICLES 75 AND 147 OF TITLE IV OF EXECUTIVE ORDER NO. 209, AS AMENDED BY EXECUTIVE ORDER NO. 227, OTHERWISE KNOWN AS THE FAMILY CODE OF THE PHILIPPINES

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

Section 1. Article 75 of Title IV of the Family Code of the Philippines is hereby amended to read as follows:

“ART. 75. The future spouses may, in the marriage settlements, agree upon the regime of absolute community, conjugal partnership of gains, complete

separation of property, or any other regime. In the absence of a marriage settlement or when the regime agreed upon is void, the [~~system of absolute community of property~~] REGIME OF TOTAL SEPARATION OF PROPERTY as established in this Code shall govern."

Section 2. Article 147 of Title IV of the Family Code of the Philippines is hereby amended to read as follows:

"ART. 147. When a man and a woman who are capacitated to marry each other, live exclusively with each other as husband and wife without the benefit of marriage or under a void marriage, their RESPECTIVE wages and salaries EARNED IN THEIR INDIVIDUAL CAPACITY shall be owned by them [~~in equal shares~~] UNDER THE REGIME OF TOTAL SEPARATION OF PROPERTY and the property acquired by both of them through their work or industry shall be governed by the rules on co-ownership."

Section 3. This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,