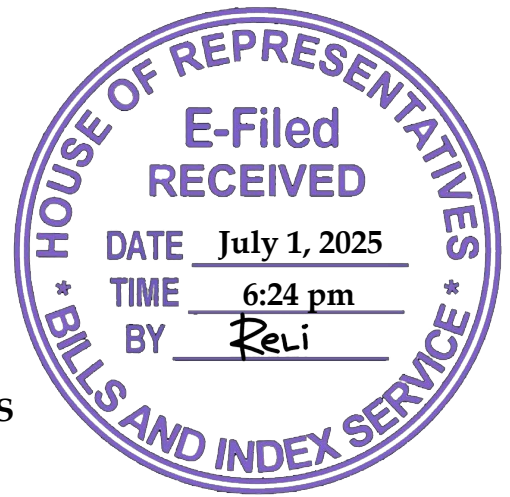




Republic of the Philippines
HOUSE OF REPRESENTATIVES
Batasan Hills, Quezon City



TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 1042

Introduced by 4Ps Partylist Representative
JC M. ABALOS

EXPLANATORY NOTE

The enactment of Executive Order No. 209, also referred to as the Family Code of the Philippines, brought about substantial modifications to outdated provisions of the Civil Code. The amendments introduced new laws pertaining to marriage and family relations, including provisions on adoption, child custody, and property relations between spouses, among others. These revisions aimed to modernize and align the legal system with current developments and trends in society, promoting a more equitable and just treatment of families and individuals. However, despite the implementation of progressive measures and regulations aimed at promoting gender equality, specifically for Filipino women, the Family Code still harbors several provisions that exhibit discriminatory tendencies and are prejudicial towards women.

In addition, Articles 96 and 124, concerning the administration and enjoyment of community property or conjugal partnership, as well as Articles 211 and 225, pertaining to the exercise of parental authority over the person and legal guardianship over the property of common children, confer complete power to the husband or father to decide and divest the wife or mother of any say, unless the latter seeks legal recourse.

In sum, these provisions deny women equal decision-making power with regard to family and property matters, perpetuating gender inequalities and limiting women's autonomy.

Moreover, the Magna Carta of Women, also known as Republic Act No. 9710, mandates the government to adopt appropriate measures to eliminate all forms of discrimination against women in marriage and family-related matters. Additionally, the provision on equal treatment before the law requires the State to assess, modify, and/or repeal any current discriminatory laws toward women. This includes ensuring that men and women have equal rights to property ownership, acquisition, management, administration, enjoyment, and disposition.

Thus, this bill seeks to amend Articles 14, 96, 124, 211, and 225 of Executive Order No. 225, otherwise known as the Family Code of the Philippines, which perpetuates the unequal status of Filipino women in marriage and family relations. It is essential to amend these provisions to ensure that women's rights are protected and that they have equal access to opportunities and decision-making power.

In view of the foregoing, support for this bill is earnestly sought.



JC M. ABALOS
Representative
4Ps Partylist



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**AN ACT ENSURING WOMEN’S EQUAL RIGHTS IN MARRIAGE AND
FAMILY RELATIONS, AMENDING ARTICLES 14, 96, 124, 211, AND 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 14 of Executive Order No. 209, otherwise known as the Family Code of the Philippines, is 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 [their father, mother, surviving parent or guardian, or persons having legal charge of them, in the order mentioned.] **EITHER OF THE PARENTS. IN CASES WHERE THE PARENTS ARE SEPARATED, THE PERMISSION SHALL BE PROVIDED BY THE PARENT WHO HAS CUSTODY OVER THE DAUGHTER OR SON.** 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."

SEC. 2. Article 96 of Executive Order No. 209, otherwise known as the Family Code of the Philippines, is hereby amended to read as follows:

"Art. 96. The administration and enjoyment of the community property shall belong to both spouses jointly. In case of disagreement, [the husband's decision shall prevail, subject to recourse to the court by the wife for proper remedy, which must be availed of within five years from the date of the contract implementing such decision.] **THE SPOUSES SHALL FIRST SETTLE THE MATTER THROUGH ALTERNATIVE DISPUTE RESOLUTION OR MEDIATION MECHANISMS OF THE COURTS. WHEN NO SETTLEMENT OR RESOLUTION IS REACHED, THE SPOUSES MAY THEN RESORT TO COURT WHICH SHALL THEN DECIDE WHO BETWEEN THE SPOUSES SHALL ADMINISTER THE PROPERTY. NEITHER OF THE SPOUSES SHALL UNILATERALLY CARRY OUT ACTS OF ADMINISTRATION AND ENJOYMENT OF THE PROPERTY WITHOUT FIRST OBTAINING A PROPER JUDICIAL ORDER.**"

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."

SEC. 3. Article 124 of Executive Order No. 209, otherwise known as the Family Code of the Philippines, is hereby amended to read as follows:

"Art. 124. The administration and enjoyment of the conjugal partnership shall belong to both spouses jointly. In case of disagreement, [the husband's decision shall prevail, subject to recourse to the court by the wife for proper remedy, which must be availed of within five years from the date of the contract implementing such decision.] **THE SPOUSES SHALL FIRST SETTLE THE MATTER THROUGH ALTERNATIVE DISPUTE**

RESOLUTION OR MEDIATION MECHANISMS OF THE COURTS. WHEN NO SETTLEMENT OR RESOLUTION IS REACHED, THE SPOUSES MAY RESORT TO COURT WHICH SHALL THEN DECIDE WHO BETWEEN THE SPOUSES SHALL ADMINISTER THE PROPERTY. NEITHER OF THE SPOUSES SHALL UNILATERALLY CARRY OUT ACTS OF ADMINISTRATION AND ENJOYMENT OF THE PROPERTY WITHOUT FIRST OBTAINING A PROPER JUDICIAL ORDER.”

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

SEC. 4. Article 211 of Executive Order No. 209, otherwise known as the Family Code of the Philippines, is hereby amended to read as follows:

“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.] **THE SPOUSES SHALL FIRST SETTLE THE MATTER THROUGH ALTERNATIVE DISPUTE RESOLUTION OR MEDIATION MECHANISMS OF THE COURTS. WHEN NO SETTLEMENT OR RESOLUTION IS REACHED, THE SPOUSES MAY RESORT TO COURT WHICH SHALL THEN DECIDE ON THE CASE BASED ON THE BEST INTEREST OF THE CHILD.**

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.”

SECT 5. Article 225 of Executive Order No. 209, otherwise known as the Family Code of the Philippines, is hereby amended to read 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.] **THE SPOUSES SHALL FIRST SETTLE THE MATTER THROUGH ALTERNATIVE DISPUTE RESOLUTION OR MEDIATION MECHANISMS OF THE COURTS. WHEN NO SETTLEMENT IS REACHED, THE SPOUSES MAY RESORT TO COURT WHICH SHALL THEN DECIDE ON THE CASE BASED ON THE BEST INTEREST OF THE CHILD.**

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 supplementary 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."

SEC. 6. *Separability Clause.* — If any portion or provision of this Act is held unconstitutional or invalid, the remaining portions or provisions shall not be affected.

SEC. 7. *Repealing Clause.* — All laws, decrees, executive orders, rules and regulations, or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 8. *Effectivity.* — The Act shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,