

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 1392



Introduced by: Hon. Iris Marie D. Montes

AN ACT
ENSURING THE FUNDAMENTAL EQUALITY OF MEN AND WOMEN UNDER
THE LAWS ON MARRIAGE AND FAMILY RELATIONS, AMENDING FOR THE
PURPOSE ARTICLES 14, 96, 124, 211 AND 225 OF EXECUTIVE ORDER NO.
209, OTHERWISE KNOWN AS THE "FAMILY CODE OF THE PHILIPPINES"

EXPLANATORY NOTE

This bill seeks to correct the inequitable and unfair situation under the existing law, which provides that the decision of the father should prevail on matters relating to marriage and family relations.

The law, as it is, undermines the capability of mothers to make decisions on matters affecting their children and grossly disregards what should have been a more appropriate arrangement where both parents should decide upon matters on rearing and guidance of their children. Such discretion should not be left solely on the father inasmuch as it is the parents shared responsibility to ensure the best interest of their children.

Similarly, giving preference to the husband's decision over that of the wife in cases of disagreement on the administration and enjoyment of the conjugal or community property is unjust, biased, and bigoted.

For this reason, this bill seeks to amend Articles 14, 96, 124, 211, and 225 of the Family Code of the Philippines in order to guarantee women's equal rights in marriage and family relations.

It aims to make the Family Code of the Philippines consistent with the Magna Carta of Women, which provides that the government shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations.

Among others, it mandates that the best interest of the children and family shall be considered in making decisions on matter involving the exercise of parental authority and the administration of properties during the marriage.

Also, this measure sets the parity between the mother and the father with respect to granting parental consent to the marriage of minor children, and where the situation applies, granting authority to either the guardian or person having legal charge over the minor child.

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


IRIS MARIE D. MONTES
Kababaihan Kabalikatan para sa Kapakanan
at Kaunlaran ng Bayan (4K) Party-list

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session
HOUSE BILL NO. 1332

Introduced by: Hon. Iris Marie D. Montes

AN ACT
ENSURING THE FUNDAMENTAL EQUALITY OF MEN AND WOMEN UNDER
THE LAWS ON MARRIAGE AND FAMILY RELATIONS, AMENDING FOR THE
PURPOSE 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 the 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,~~] EITHER PARENT, or guardian, or [~~persons~~] THE PERSON WHO HAS [~~having~~] legal charge of them, AS PROVIDED UNDER THIS CODE AND OTHER RELEVANT LAWS, 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."

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

"Art. 96. The administration and enjoyment of the community property shall belong to both spouses jointly. ANY ACT OF ADMINISTRATION BY EITHER SPOUSE WITHOUT THE CONSENT OF THE OTHER SHALL BE UNENFORCEABLE UNTIL IT IS SUBSEQUENTLY RATIFIED BY THE NON-CONSENTING SPOUSE. In case of disagreement, the [~~husband's decision shall prevail, subject to~~] SPOUSES SHALL MAKE EARNEST EFFORTS TO SETTLE THEIR DIFFERENCES: *PROVIDED*, THAT SHOULD THE SPOUSES FAIL TO ENTER INTO A COMPROMISE, EITHER SPOUSE SHALL HAVE recourse to the court [~~by the wife~~] for a proper remedy IN A SUMMARY PROCEEDING, which must be availed of within five years from the date [~~of~~] the contract WAS ENTERED INTO, BY THE PARTIES OR UPON KNOWLEDGE OF THE NON-CONSENTING SPOUSE, WHICHEVER COMES LATER. [~~implementing such decision.~~] THE COURT, IN DECIDING THE CASE, SHALL CONSIDER THE BEST INTEREST OF THE FAMILY. DAMAGES AND EXPENSES OF LITIGATION, WHICH DID NOT REDOUND TO THE BENEFIT OF THE FAMILY, SHALL BE BORNE BY THE CONTRACTING SPOUSE AND SHALL NOT BE CHARGED TO THE COMMUNITY PROPERTY.

"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 the powers of disposition or encumbrance which must have the 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~~] RATIFICATION 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 is hereby amended to read as follows:

"Art. 124. The administration and enjoyment of the conjugal partnership shall belong to both spouses jointly. ANY ACT OF ADMINISTRATION BY EITHER SPOUSE WITHOUT THE CONSENT OF THE OTHER SHALL BE UNENFORCEABLE UNTIL IT IS SUBSEQUENTLY RATIFIED BY THE NON-CONSENTING SPOUSE. In case of disagreement, the [~~husband's decision shall prevail, subject to~~] SPOUSES SHALL MAKE EARNEST EFFORTS TO SETTLE THEIR DIFFERENCES: *PROVIDED*, THAT SHOULD THE SPOUSES FAIL TO ENTER INTO A COMPROMISE, EITHER SPOUSE SHALL HAVE recourse to the court [~~by the wife~~] for a proper remedy IN A SUMMARY PROCEEDING, which must be availed of within five years from the date [~~of~~] the contract [~~implementing such decision~~] WAS ENTERED INTO, BY THE PARTIES OR UPON KNOWLEDGE OF THE NON-CONSENTING SPOUSE, WHICHEVER COMES LATER. THE COURT, IN DECIDING THE CASE, SHALL CONSIDER THE BEST INTEREST OF THE FAMILY. DAMAGES AND EXPENSES OF LITIGATION, WHICH DID NOT REDOUND TO THE BENEFIT OF THE FAMILY, SHALL BE BORNE BY THE CONTRACTING SPOUSE AND SHALL NOT BE CHARGED TO THE COMMUNITY PROPERTY.

"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 the powers of disposition or encumbrance which must have the 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~~] RATIFICATION 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 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~~] PARENTS SHALL MAKE EARNEST EFFORTS TO SETTLE THEIR DIFFERENCES, TAKING INTO CONSIDERATION THE BEST INTEREST OF THE CHILD: *PROVIDED*, THAT SHOULD THEY FAIL TO ENTER INTO A COMPROMISE, EITHER PARENT SHALL HAVE RECOURSE TO THE COURT FOR PROPER REMEDY.

Children shall always observe respect and reverence toward their

parents and are obliged to obey them as long as the children are under parental authority.

SEC. 5. Article 225 of Executive Order No. 209 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]~~ THEIR MINOR child without the necessity of a court appointment. ANY EXERCISE OF GUARDIANSHIP BY EITHER PARENT WITHOUT THE CONSENT OF THE OTHER SHALL BE UNENFORCEABLE, UNTIL IT IS SUBSEQUENTLY RATIFIED BY THE NON-CONSENTING PARENT. In case of disagreement, ~~[the father's decision shall prevail, unless there is a judicial order to the contrary.]~~ EITHER PARENT SHALL HAVE RECOURSE TO THE COURT WITHIN FIVE (5) YEARS FROM THE DATE THE CONTRACT WAS ENTERED BY THE PARTIES THERETO, OR UPON KNOWLEDGE OF THE NON-CONSENTING PARENT, WHICHEVER COMES LATER. THE COURT, IN DECIDING THE CASE, SHALL TAKE INTO CONSIDERATION THE BEST INTEREST OF THE CHILD. DAMAGES AND EXPENSES OF LITIGATION, WHICH DID NOT REDOUND TO THE BENEFIT OF THE MINOR CHILD, SHALL BE BORNE BY THE CONTRACTING PARENT AND SHALL NOT BE CHARGED TO THE PROPERTY OF THE MINOR CHILD.

"Where the market value of the property or the annual income of the MINOR 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 MINOR child resides, or, if the MINOR 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 MINOR 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. If any provision of this Act is found unconstitutional or invalid, the other provisions not affected by such declaration shall remain in full force and effect.

SEC. 7. All laws, decrees, executive orders, presidential issuances and other administrative rules and regulations or parts thereof which are inconsistent with this Act are hereby repealed, amended or modified accordingly.

SEC. 8. This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,