



Republic of the Philippines  
House of Representatives  
Quezon City, Metro Manila

Twentieth Congress  
First Regular Session

HOUSE BILL NO. 2014



Introduced by MA. RENE ANN LOURDES G. MATIBAG

**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**

The 1987 Constitution of the Republic of the Philippines expressly recognizes the fundamental equality of women and men before the law. However, despite this constitutional mandate, certain provisions of Executive Order No. 209, otherwise known as the "Family Code of the Philippines," continue to reflect outdated norms that favor one gender over the other in matters of marriage, property relations, parental authority, and guardianship.

This bill seeks to amend Articles 14, 96, 124, 211, and 225 of the Family Code to fully realize the constitutional guarantee of equality between spouses and parents. The proposed amendments ensure that both husband and wife, as well as mother and father, are given equal rights and responsibilities in giving consent to marriage, administering community or conjugal property, exercising parental authority, and serving as legal guardians of their minor children.

Specifically, the bill removes language that previously gave primacy to the decision of the husband or father in cases of disagreement, and instead mandates earnest efforts to settle differences jointly, always with the best interest of the family or child in mind. It also clarifies procedures for court intervention and the allocation of liabilities in cases where one spouse or parent acts without the consent of the other.

1 By enacting these amendments, the State affirms its commitment to gender equality, strengthens the  
2 partnership of spouses and parents, and promotes the welfare of Filipino families in accordance  
3 with modern principles of justice and fairness.

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5 In view of the foregoing, the immediate passage of this bill is earnestly sought.

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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:*

1 SECTION 1. Article 14 of Executive Order No. 209, otherwise known as the “Family Code of  
2 the Philippines”, is hereby amended to read as follows:

3 “Art. 14. In case either or both of the contracting parties[~~, not having been~~  
4 ~~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 ~~mother, surviving parent,~~] **EITHER PARENT**, or guardian, or [~~persons~~] **THE**  
8 **PERSON WHO HAS** [~~having~~] legal charge of them, **AS PROVIDED UNDER**  
9 **THIS CODE AND OTHER RELEVANT LAWS**, in the order mentioned. Such

1 consent shall be manifested in writing by the interested party, who personally  
2 appears before the proper local civil registrar, or in the form of an affidavit made  
3 in the presence of two witnesses and attested before any official authorized by law  
4 to administer oaths. The personal manifestation shall be recorded in both  
5 applications for marriage license, and the affidavit, if one is executed instead,  
6 shall be attached to said applications.”

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

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

1       **FAMILY, SHALL BE BORNE BY THE CONTRACTING SPOUSE AND**  
2       **SHALL NOT BE CHARGED TO THE COMMUNITY PROPERTY.**

3                “In the event that one spouse is incapacitated or otherwise unable to  
4       participate in the administration of the common properties, the other spouse may  
5       assume sole powers of administration. These powers do not include the powers of  
6       disposition or encumbrance which must have the authority of the court or the  
7       written consent of the other spouse. In the absence of such authority or consent,  
8       the disposition or encumbrance shall be void. However, the transaction shall be  
9       construed as a continuing offer on the part of the consenting spouse and the third  
10      person, and may be perfected as a binding contract upon the [acceptance]  
11      **RATIFICATION** by the other spouse or authorization by the court before the  
12      offer is withdrawn by either or both offerors.”

13      SEC. 3. Article 124 of Executive Order No. 209 is hereby amended to read as follows:

14              “**Art. 124.** The administration and enjoyment of the conjugal partnership  
15      shall belong to both spouses jointly. **ANY ACT OF ADMINISTRATION BY**  
16      **EITHER SPOUSE WITHOUT THE CONSENT OF THE OTHER SHALL**  
17      **BE UNENFORCEABLE UNTIL IT IS SUBSEQUENTLY RATIFIED BY**  
18      **THE NON-CONSENTING SPOUSE.** In case of disagreement, the [husband's  
19      ~~decision shall prevail, subject to~~] **SPOUSES SHALL MAKE EARNEST**  
20      **EFFORTS TO SETTLE THEIR DIFFERENCES: PROVIDED, THAT**  
21      **SHOULD THE SPOUSES FAIL TO ENTER INTO A COMPROMISE,**  
22      **EITHER SPOUSE SHALL HAVE** recourse to the court [by the wife] for a  
23      proper remedy **IN A SUMMARY PROCEEDING**, which must be availed of

1 within five years from the date [of] the contract [~~implementing such decision~~]  
2 **WAS ENTERED INTO, BY THE PARTIES OR UPON KNOWLEDGE OF**  
3 **THE NON-CONSENTING SPOUSE, WHICHEVER COMES LATER. THE**  
4 **COURT, IN DECIDING THE CASE, SHALL CONSIDER THE BEST**  
5 **INTEREST OF THE FAMILY. DAMAGES AND EXPENSES OF**  
6 **LITIGATION, WHICH DID NOT REDOUND TO THE BENEFIT OF THE**  
7 **FAMILY, SHALL BE BORNE BY THE CONTRACTING SPOUSE AND**  
8 **SHALL NOT BE CHARGED TO THE COMMUNITY PROPERTY.**

9 "In the event that one spouse is incapacitated or otherwise unable to  
10 participate in the administration of the conjugal properties, the other spouse may  
11 assume sole powers of administration. These powers do not include the powers of  
12 disposition or encumbrance which must have the authority of the court or the  
13 written consent of the other spouse. In the absence of such authority or consent,  
14 the disposition or encumbrance shall be void. However, the transaction shall be  
15 construed as a continuing offer on the part of the consenting spouse and the third  
16 person, and may be perfected as a binding contract upon the [~~acceptance~~]  
17 **RATIFICATION** by the other spouse or authorization by the court before the  
18 offer is withdrawn by either or both offerors.

19 SEC. 4. Article 211 of Executive Order No. 209 is hereby amended to read as follows:

20 "Art. 211. The father and the mother shall jointly exercise parental authority  
21 over the persons of their common children. In case of disagreement, the [~~father's~~  
22 ~~decision shall prevail, unless there is a judicial order to the contrary~~] **PARENTS**  
23 **SHALL MAKE EARNEST EFFORTS TO SETTLE THEIR**

1       **DIFFERENCES, TAKING INTO CONSIDERATION THE BEST**  
2       **INTEREST OF THE CHILD: *PROVIDED*, THAT SHOULD THEY FAIL**  
3       **TO ENTER INTO A COMPROMISE, EITHER PARENT SHALL HAVE**  
4       **RECOURSE TO THE COURT FOR PROPER REMEDY.**

5               Children shall always observe respect and reverence toward their parents and  
6       are obliged to obey them as long as the children are under parental authority.

7       SEC. 5. Article 225 of Executive Order No. 209 is hereby amended to read as follows:

8               **“Art. 225.** The father and the mother shall jointly exercise legal  
9       guardianship over the property of [~~the unemancipated common~~] **THEIR MINOR**  
10      child without the necessity of a court appointment. **ANY EXERCISE OF**  
11      **GUARDIANSHIP BY EITHER PARENT WITHOUT THE CONSENT OF**  
12      **THE OTHER SHALL BE UNENFORCEABLE, UNTIL IT IS**  
13      **SUBSEQUENTLY RATIFIED BY THE NON-CONSENTING PARENT.** In  
14      case of disagreement, [~~the father’s decision shall prevail, unless there is a judicial~~  
15      ~~order to the contrary.~~] **EITHER PARENT SHALL HAVE RECOURSE TO**  
16      **THE COURT WITHIN FIVE (5) YEARS FROM THE DATE THE**  
17      **CONTRACT WAS ENTERED BY THE PARTIES THERETO, OR UPON**  
18      **KNOWLEDGE OF THE NON-CONSENTING PARENT, WHICHEVER**  
19      **COMES LATER. THE COURT, IN DECIDING THE CASE, SHALL**  
20      **TAKE INTO CONSIDERATION THE BEST INTEREST OF THE CHILD.**  
21      **DAMAGES AND EXPENSES OF LITIGATION, WHICH DID NOT**  
22      **REDOUND TO THE BENEFIT OF THE MINOR CHILD, SHALL BE**

1       **BORNE BY THE CONTRACTING PARENT AND SHALL NOT BE**  
2       **CHARGED TO THE PROPERTY OF THE MINOR CHILD.**

3               “Where the market value of the property or the annual income of the  
4       **MINOR** child exceeds P50,000, the parent concerned shall be required to furnish  
5       a bond in such amount as the court may determine, but not less than ten *per*  
6       *centum* (10%) of the value of the property or annual income, to guarantee the  
7       performance of the obligations prescribed for general guardians.

8               “A verified petition for approval of the bond shall be filed in the proper  
9       court of the place where the **MINOR** child resides, or, if the **MINOR** child resides  
10      in a foreign country, in the proper court of the place where the property or any part  
11      thereof is situated.

12              The petition shall be docketed as a summary special proceeding in which  
13      all incidents and issues regarding the performance of the obligations referred to in  
14      the second paragraph of this Article shall be heard and resolved.

15              “The ordinary rules on guardianship shall be merely suppletory except  
16      when the **MINOR** child is under substitute parental authority, or the guardian is a  
17      stranger, or a parent has remarried, in which case the ordinary rules on  
18      guardianship shall apply.”

19      SEC. 6. If any provision of this Act is found unconstitutional or invalid, the other provisions  
20      not affected by such declaration shall remain in full force and effect.

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

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