

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

TWENTIETH CONGRESS
First Regular Session

House Bill No. 2431



Introduced by HON. LINABELLE RUTH R. VILLARICA
4TH DISTRICT, BULACAN

AN ACT

ENSURING THE FULL IMPLEMENTATION OF FUNDAMENTAL EQUALITY BEFORE THE
LAW OF WOMEN AND MEN, 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 constitutional provision which seeks to establish fundamental equality of men and women before the law must be realized in existing statute books. It considers women as important partners in the achievement of national development goals. As such they must be treated equally with their male partners in the eyes of the law.

Presently, however, certain provisions of the Family Code are burdened with inequities that directly hamper the realization of this constitutional provision.

This proposed bill enumerates pertinent provisions in the Code which will hinder the effective implementation of gender equality under Section 14, Article II of the Constitution.

These provisions were likewise classified as discriminatory to women in Section 15 of the Implementing Rules and Regulations of the Magna Carta for Women of R.A. No. 9710. Section 12 of this law mandates that the State should review and, if necessary, amend and/or repeal existing laws that are discriminatory to women within the period of 3 years from the effectivity of the law on 15 September 2009. Considering the lapse of time since its approval, these laws must now be amended.

Moreover, this will protect and strengthen the institution of marriage and family life.

This bill is an iteration of H.B. No. 11218 that consolidated various House Bills on fundamental equality before the law of women and men during the 19th Congress. The said measure was approved by the Committee on Women and Gender Equality and was included in the plenary's Unfinished Business (Period of Sponsorship). Due to time constraints, it was not taken up by the body.

Support for the enactment of this measure is earnestly requested.

A handwritten signature in black ink, appearing to read 'L. Villarica', with a stylized, cursive script.

REP. LINABELLE RUTH R. VILLARICA

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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 is hereby amended to read as follows:

Article 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] THE 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.

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

Article 96. The administration and enjoyment of the community property shall belong to both spouses jointly. ANY EXERCISE OF ACTS OF ADMINISTRATION BY EITHER SPOUSE WITHOUT THE CONSENT OF THE OTHER SHALL BE WITHOUT EFFECT, UNTIL IT IS SUBSEQUENTLY APPROVED BY THE NON-CONTESTING SPOUSE. 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 off within five years from the date of the contract implementing such decision.] EITHER SPOUSE MAY ELEVATE THE MATTER BEFORE THE COURT WITHIN FIVE (5) YEARS FROM THE DATE THE CONTRACT WAS ENTERED BY

THE PARTIES THERETO, OR UPON KNOWLEDGE OF THE NON-CONSENTING SPOUSE, WHICHEVER COMES LATER. THE COURT, IN DECIDING THE CASE, SHALL TAKE INTO CONSIDERATION 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.

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

Article 124. The administration and enjoyment of the conjugal partnership shall belong to both spouses jointly, ANY EXERCISE OF ACTS OF ADMINISTRATION BY EITHER SPOUSE WITHOUT THE CONSENT OF THE OTHER SHALL BE WITHOUT EFFECT, UNTIL IT IS SUBSEQUENTLY APPROVED BY THE NON-CONSENTING SPOUSE. 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.] EITHER SPOUSE MAY ELEVATE THE MATTER BEFORE THE COURT WITHIN FIVE (5) YEARS FROM THE DATE THE CONTRACT WAS ENTERED BY THE PARTIES THERETO, OR UPON KNOWLEDGE OF THE NON-CONSENTING SPOUSE, WHICHEVER COMES LATER. THE COURT, IN DECIDING THE CASE, SHALL TAKE INTO CONSIDERATION 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 CONJUGAL PARTNERSHIP.

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

Article 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.] EITHER SPOUSE MAY ELEVATE THE MATTER BEFORE THE COURT, WHICH SHALL DECIDE, TAKING INTO CONSIDERATION, THE BEST INTEREST OF THE CHILDREN.

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

Article 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. ANY EXERCISE OF

GUARDIANSHIP BY EITHER PARENT WITHOUT THE CONSENT OF THE OTHER SHALL BE WITHOUT EFFECT, UNTIL IT IS SUBSEQUENTLY APPROVED 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 MAY ELEVATE THE MATTER BEFORE 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 UNEMANCIPATED COMMON CHILD. DAMAGES AND EXPENSES OF LITIGATION WHICH DID NOT REDOUND TO THE BENEFIT OF THE UNEMANCIPATED COMMON CHILD SHALL BE BORNE BY THE CONTRACTING PARENT AND SHALL NOT BE CHARGED TO THE PROPERTY OF THE UNEMANCIPATED COMMON CHILD

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SEC. 6. *Separability Clause.* - If any provision or part hereof, is held invalid or unconstitutional, the remaining parts or provisions not affected shall remain valid and subsisting.

SEC. 7. *Repealing Clause.* - All laws, decrees, rules and regulations, or parts thereof inconsistent with this Act are hereby repealed or amended accordingly.

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

Approved,