

TWENTIETH CONGRESS)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



HOUSE OF REPRESENTATIVES

*Introduced by Representative Rufus B. Rodriguez and
Representative Maximo B. Rodriguez, Jr.*

House Bill No. 6179

EXPLANATORY NOTE

This bill was filed during the 18th Congress and was approved by the House of Representatives.

In the Philippines, there are three property regimes established by our laws. One is the Conjugal Partnership of Gains, where basically, each spouse retains ownership of the property they had before the marriage, and it is only the income, fruits or proceeds from said individually owned property that are co-owned by the spouses.

Another property regime is the Absolute Community of Property (ACP) where basically, the spouses become co-owners of properties they each individually owned before marriage and those acquired after.

And last is the Complete Separation of Properties, where each spouse retains individual ownership of the property that they had brought into the marriage as well as the property they had individually acquired thereafter.

In the Civil Code, the default property regime was the Conjugal Partnership of Gains. It was amended by the Family Code to become Absolute Community of Property.

The shift to Absolute Community of Property regime has far reaching effects in other aspects of the Civil Code particularly when it comes to property ownership and succession. There are instances where the ACP cannot be reconciled with other provisions of the Civil Code.

While the ACP seems like the ideal property regime where husband and wife share and co-won almost everything, there are complicated realities that marriages face; realities that, unfortunately, are at times detrimental and problematic to the relations of less-than-ideal families and marriages. And situations sometimes arise where property disputes between spouses can lead to more resentment.

In view of the foregoing, immediate approval of this measure is earnestly requested.


RUFUS B. RODRIGUEZ


MAXIMO B. RODRIGUEZ, JR.

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AN ACT

PROVIDING FOR THE REGIME OF CONJUGAL PARTNERSHIP OF GAINS AS THE GOVERNING PROPERTY REGIME IN THE ABSENCE OF A MARRIAGE SETTLEMENT OR WHEN THE REGIME AGREED UPON IS VOID, AMENDING FOR THE PURPOSE ARTICLE 75 OF TITLE IV OF EXECUTIVE ORDER NO. 209, AS AMENDED, 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 75 of Title IV of Executive Order No. 209, as amended, otherwise known as “The Family Code of the Philippines” is hereby amended to read as follows:

“Art. 75. The future spouses may, in the marriage settlements, **EITHER IN A SEPARATE DOCUMENT OR AS PROVIDED FOR IN THEIR APPLICATION FOR MARRIAGE LICENSE OR IN THE MARRIAGE LICENSE ITSELF** 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] **PROPERTY REGIME OF CONJUGAL PARTNERSHIP OF GAINS** as established in this Code shall govern.”

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

Approved,