



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Manila

Twentieth Congress
First Regular Session

HOUSE BILL NO. 8705

Introduced by **HON. YEVGENY VINCENTE B. EMANO**

AN ACT STRENGTHENING ARTICLE 148 OF EXECUTIVE ORDER NO. 209, OTHERWISE KNOWN AS THE FAMILY CODE OF THE PHILIPPINES, BY CLARIFYING THE RULES ON CO-OWNERSHIP, DEFINING CONTRIBUTION, PROVIDING EVIDENTIARY GUIDELINES, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Article 148 of Executive Order No. 209, otherwise known as the Family Code of the Philippines, governs property relations between persons who live together as husband and wife but are legally impeded from marrying each other. Under the current provision, only properties acquired through actual joint contribution of money, property, or industry are owned in common and in proportion to such contributions. In practice, however, many individuals who have devoted years of labor, caregiving, management, and economic support in cohabiting relationships are left without adequate legal protection due to the narrow and often rigid interpretation of “contribution.”

Philippine society has evolved, and courts are increasingly confronted with complex property disputes involving long-term cohabitation arrangements. These relationships may involve diverse forms of contribution that are not always easily quantified in monetary terms. Unpaid domestic work, caregiving, business support, and economic partnership frequently enable the acquisition and preservation of property, yet such efforts are often difficult to prove under traditional evidentiary standards.

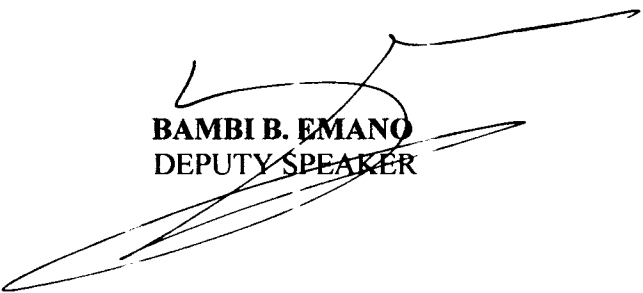
This proposed measure, the “**Shared Property Rights Protection Act**,” seeks to strengthen and clarify Article 148 without altering the fundamental principles of marriage or family law. It does not recognize or validate relationships prohibited by law, nor does it amend the requisites or legal effects of marriage. Instead, it affirms existing doctrines on co-ownership and unjust enrichment under the Civil Code and provides clearer statutory guidance for courts in resolving property disputes.

Specifically, the bill:

1. **Clarifies the scope of Article 148**, ensuring that property rights are adjudicated based on contribution and co-ownership principles, regardless of the sex, sexual orientation, gender identity, or gender expression of the parties, provided a legal impediment to marriage exists;
2. **Defines “contribution” more comprehensively**, recognizing both economic and non-economic forms of participation that demonstrably enable property acquisition, improvement, or preservation;
3. **Establishes a rebuttable presumption in long-term cohabitation**, promoting fairness where sustained shared economic activity has occurred over at least five (5) years;
4. **Provides evidentiary guidelines**, including recognition of digital and electronic financial records consistent with modern modes of economic activity;
5. **Strengthens judicial remedies**, expressly empowering courts to prevent unjust enrichment and to equitably determine shares in accordance with established civil law principles; and
6. **Ensures regulatory coordination** for the proper implementation of evidentiary standards involving digital records.

By clarifying standards and promoting equitable treatment, this measure aims to reduce litigation uncertainty, protect legitimate property interests, and prevent unjust enrichment. while remaining fully consistent with the Constitution, the Family Code, the Civil Code, and prevailing jurisprudence.

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



BAMBI B. EMANO
DEPUTY SPEAKER



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Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

SECTION 1. *Short Title.* - This Act shall be known and cited as the “Shared Property Rights Protection Act.”

SECTION. 2. *Declaration of Policy.* - It is hereby declared the policy of the State to promote fairness, equity, and stability in property relations arising from cohabitation not governed by Article 147 of Executive Order No. 209, otherwise known as the Family Code of the Philippines.

The State recognizes that property may be acquired, maintained, or preserved through diverse forms of contribution, including unpaid labor, caregiving, and mutual economic support. Such contributions deserve legal protection consistent with the Constitution, existing family and property laws, and prevailing jurisprudence.

Nothing in this Act shall be construed as recognizing or validating relationships prohibited by law, nor as modifying the requisites or effects of marriage under existing statutes.

SECTION. 3. *Clarification of Coverage under Article 148.* - Article 148 of the Family Code is hereby clarified to apply to persons who live together as partners in a relationship where a legal impediment to marry each other exists.

For purposes of determining property relations under Article 148, the sex, sexual orientation,

gender identity, or gender expression of the parties shall not, by itself, bar the application of the provisions on co-ownership, provided that a legal impediment to marriage exists and the requisites of Article 148 are present.

This clarification is consistent with the Civil Code provisions on co-ownership and shall not be interpreted as amending laws on marriage.

SECTION. 4. *Definition of Contribution.* - For purposes of Article 148 of the Family Code, contribution to the acquisition, improvement, maintenance, or preservation of property shall include, but shall not be limited to:

- a. Direct financial investment, payment, or monetary contribution;
- b. Management of household finances or shared economic resources;
- c. Caregiving, domestic work, and household administration that demonstrably enable the acquisition, improvement, or preservation of property;
- d. Professional, business, or economic support that contributes to the earning capacity of a partner; and
- e. Other forms of economic or non-economic participation that directly or indirectly facilitate acquisition, improvement, or preservation of property.

Contribution must be proven by competent evidence and shall give rise only to the proportionate share corresponding to the actual contribution, in accordance with Article 148 of the Family Code and applicable jurisprudence.

Such contributions may be established through documentary, testimonial, electronic, digital, object, or circumstantial evidence admissible under the Rules of Court.

SECTION 5. *Rebuttable Presumption in Long-Term Cohabitation.* - Where cohabitation falling under Article 148 has been continuous and exclusive between the parties for at least five (5) years, and where proof shows sustained shared economic activity, property acquired during such period shall be presumed to have been acquired through equal contribution, unless one party proves otherwise by clear and convincing evidence.

This presumption shall apply only in the absence of proof establishing a different proportion of contribution and shall not prejudice the rights of third parties acting in good faith.

SECTION. 6. *Evidentiary Guidelines.* - In determining contribution and the extent of co-ownership under Article 148, courts shall consider all relevant and admissible evidence, including but not limited to:

- a. Electronic fund transfers, bank records, and digital financial statements;
- b. Shared utility payments or recurring household expenses;
- c. Written acknowledgments, communications, or admissions of ownership or contribution;
- d. Joint financial arrangements, liabilities, or investments;
- e. Tax declarations, business records, or insurance documents indicating shared economic participation; and

f. Any other relevant indicia of shared economic activity consistent with the Rules of Court.

Courts are encouraged to apply a liberal but judicious interpretation of evidence in order to prevent unjust enrichment and to uphold substantive justice.

SECTION. 7. *Judicial Remedies and Protection Against Unjust Enrichment.* - In cases involving disputes under Article 148, courts shall have the authority to:

- a. Declare the existence of co-ownership and determine the respective shares of the parties;
- b. Order partition, sale, or other equitable disposition of the property;
- c. Grant reimbursement for proven contributions; and
- d. Prevent unjust enrichment in accordance with Articles 22 and 2142 of the Civil Code.

Nothing in this Act shall impair vested rights or prejudice the rights of creditors and innocent third persons.

SECTION. 8. *Implementing Rules and Regulations.* - Within ninety (90) days from the effectivity of this Act, the DICT, in coordination with the NTC and the NPC, shall promulgate the necessary Implementing Rules and Regulations (IRR).

SECTION. 9. *Separability Clause.*- If any part or provision of this Act is declared unconstitutional or invalid, the remaining provisions not affected thereby shall remain in full force and effect.

SECTION. 10. *Repealing Clause.*- All laws, decrees, executive orders, rules, regulations, or parts thereof inconsistent with this Act are hereby repealed, amended, or modified accordingly.

SECTION. 11. *Effectivity.*- This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,