



14 JAN 20 P 6 21

SENATE
S. B. NO. **2069**

RECEIVED BY: *ji*

Introduced by Senator Maria Lourdes Nancy S. Binay

EXPLANATORY NOTE

The 1987 Constitution provides that the State shall endeavor to strengthen the family as a basic social institution.

Article 151 of Executive Order No. 209, as amended, otherwise known as the Family Code, gives flesh to the provision of the Constitution and provides that suits between family members will not prosper unless earnest efforts to reach a compromise were previously undertaken. The provision reads, thus:

No suit between members of the same family shall prosper unless it should appear from the verified complaint or petition that earnest efforts toward a compromise have been made, but that the same have failed. If it is shown that no such efforts were in fact made, the case must be dismissed.

This rule shall not apply to cases which may not be the subject of compromise under the Civil Code.

While the intention of the provision to protect the sanctity of the family is clear, its application has remained ambiguous.

First, jurisprudence strictly construes the application of Article 151 to actions involving family members as defined under Article 150 of the Family Code, thus:

Art. 150. Family relations include those:

- (1) Between husband and wife;
- (2) Between parents and children;
- (3) Among other ascendants and descendants; and
- (4) Among brothers and sisters, whether of the full or half-blood.

In *Martinez vs. Martinez* (G.R. No. 162084, June 28, 2005) the Supreme Court ruled that if the family relations in action does not fall under the exclusive list of Article 150, such as in the case of family members having affinity relationships, nephews and nieces, and even cousins, then Article 151 will not apply. Our society however considers family to extend beyond relationships by blood and encompasses even affinity relations. Thus, the application of Article 151 should be expanded to include family relationships by affinity.

Second, Article 151 is not clear in its scope. All kinds of proceedings, whether civil or criminal should comply with Article 151 excepting from its application civil and criminal actions which cannot be the subject of a compromise.

The proposed bill seeks to clarify the scope and application of Article 151. The amendments intend to strengthen the family as a basic social institution by discouraging the tragic spectacle of family litigation.

In view of the foregoing, the passage of this bill is earnestly recommended.



MARIA LOURDES NANCY S. BINAY
Senator



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1 AN ACT CLARIFYING THE APPLICATION OF ARTICLE 151 OF EXECUTIVE
2 ORDER NO. 209, AS AMENDED, OTHERWISE KNOWN AS THE FAMILY CODE
3 OF THE PHILIPPINES, AND FOR OTHER PURPOSES
4

5 *Be it enacted by the Senate and House of Representatives of the Philippines in Congress*
6 *assembled:*
7

8 **SECTION 1.** Article 151 of Executive Order No. 209, as amended, otherwise known as the
9 Family Code, is hereby further amended to read as follows:
10

11 Art. 151. No suit, WHETHER CIVIL OR CRIMINAL, between members of the same
12 family RELATED BY BLOOD OR AFFINITY shall prosper unless it should appear from
13 the verified complaint or petition that earnest efforts toward a compromise have been
14 made, but that the same have failed. If it is shown that no such efforts were in fact made,
15 the same case must be dismissed.
16

17 This rule shall not apply to cases which may not be the subject of compromise under
18 PENAL LAWS AND the Civil Code.
19

20 **SECTION 2.** *Repealing Clause.* All laws, decrees, orders, rules and regulations, other
21 issuances, or parts thereof inconsistent with the provisions of this Act are hereby repealed or
22 modified accordingly.
23

24 **SECTION 3.** *Effectivity Clause.* This Act shall take effect fifteen (15) days after its complete
25 publication in at least two (2) national newspapers of general circulation.
26

27 Approved,