

*14 JAN 20 P 6 :23

SENATE
S. B. NO. 2072

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Introduced by Senator Maria Lourdes Nancy S. Binay

EXPLANATORY NOTE

Executive Order No. 209, otherwise known as the Family Code of the Philippines, which came into effect on August 3, 1988, introduced reforms in Philippine law on family relations that, among others, advocated the inequality between men and women. Under the Family Code, women were not subservient to men, and became an equal partner in various family matters concerning, among others, the community property and parental authority. However, there remain provisions in the Family Code which unduly prejudices women.

One such provision is Article 14 of the Family Code. Article 14 provides that marital consent of the father to the marriage of a child between the age of eighteen (18) and twenty-one (21) is preferred over the consent of the mother, and states:

“Art. 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 or 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.” (Emphasis supplied.)

There is no rational explanation for the preference for paternal marital consent over maternal marital consent. The Family Code itself recognizes that, save for certain instances, men and women, as regards their children, are partners of equal status and thus exercise joint parental authority.

This bill proposes to eliminate vestige of gender insensitive provisions of the Family Code, and strengthen the equality of men and women, particularly in their family relations.

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 STRENGTHENING GENDER EQUALITY BY AMENDING ARTICLE 14 OF
2 EXECUTIVE ORDER NO. 209, OTHERWISE KNOWN AS THE FAMILY CODE OF THE
3 PHILIPPINES, AND FOR OTHER PURPOSES
4

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

6
7 **SECTION 1.** Article 14 of Executive Order No. 209, as amended, otherwise known as the Family
8 Code, is hereby further amended to read as follows:
9

10 "Art. 14. In case either or both of the contracting parties, not having been
11 emancipated by a previous marriage, are between the ages of eighteen and twenty-
12 one, they shall, in addition to the requirements of the preceding articles, exhibit to the
13 local civil registrar, the consent to their marriage of [~~their father, mother, surviving~~
14 ~~parent~~] EITHER PARENT, [~~or~~] THE guardian, or persons having legal charge of
15 them, in the order mentioned. Such consent shall be manifested in writing by the
16 interested party, who personally appears before the proper local civil registrar, or in
17 the form of an affidavit made in the presence of two witnesses and attested before
18 any official authorized by law to administer oaths. The personal manifestation shall
19 be recorded in both applications for marriage license, and the affidavit, if one is
20 executed instead, shall be attached to said applications."
21

22 **SECTION 2. Repealing Clause.** All laws, decrees, orders, rules and regulations, other issuances, or
23 parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.
24

25 **SECTION 3. Effectivity Clause.** This Act shall take effect fifteen (15) days after its complete
26 publication in at least two (2) national newspapers of general circulation.
27

28 Approved,