

THIRTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

'04 JUN 30 P 9:51

SENATE

S. No. 674

RECEIVED BY: Adel

INTRODUCED BY HON. MANUEL B. VILLAR, JR.

EXPLANATORY NOTE

Article 11, Section 14 of the Constitution provides:

"The State recognizes the role of women in nation building and shall ensure the fundamental equality before the law of women and men."

True to this Constitutional mandate, Congress enacted the landmark "Women in Development and Nation Building Act," RA 7192 (15 February 1992) where it was first provided that in all Contractual situations where married men have the capacity to act, married women shall have equal rights. To this end, one of the rights recognized under the law is that women now have the capacity to borrow and obtain loans and execute security and credit arrangements under the same conditions as men. (Sec. 5 [1], RA 7192)

In the implementation, however, of the law, married women remain frustrated and are virtually denied full enjoyment of their right as most of land titles are registered in the name of their husbands, thus, diminishing their contract capacity, especially when it involves real property ---as collateral.

Under the present land registration law, the Property Registration Decree, PD 1529, (11 June 1978), Section 45 thereof provides that if the property covered belongs to the conjugal partnership, the certificate of title shall be issued in the name of the spouses.

Unfortunately, Section 45 applies only prospectively and does not affect titles registered under the provisions of the Land Registration Act 496, as amended, the governing law prior to the effectivity of the Decree.

Hence this bill. This bill gives retroactive effect to said Section 45 of the Property Registration Decree insofar as it does not prejudice or impair vested or acquired rights in accordance, with the Civil Code or other laws. Thus, it will cover absolute community and conjugal partnership real property registered before 11 June 1978, the date of effectivity of the Property Registration Decree.

To the end that the bill enhances the role of women in nation building and optimizes equality of women before the law, approval of this bill is earnestly urged.


MANUEL B. VILLAR, JR.

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**AN ACT TO ENHANCE THE ROLE OF WOMEN IN NATION BUILDING AND
OPTIMIZE EQUALLY OF WOMEN BEFORE THE LAW BY GIVING
RETROACTIVE EFFECT TO SECTION 45 OF THE PROPERTY REGISTRATION
DECREE (P.D. 1529)**

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

SECTION 1. Section 45 of Presidential Decree No. 1529, otherwise known as the
Property Registration Decree is hereby amended to read as follows:

"SEC. 45. Statement of personal circumstances in the certificates.-- Every certificate of
title shall set forth the full names of the persons whose interest make up the full
ownership in the whole land, including their civil status and the names of their
respective spouses, if married, as well as their citizenship, residence and postal
address. If the property covered belongs to the ABSOLUTE COMMUNITY OR TO THE
conjugal partnership, it shall be issued in the name of both spouses.

THIS SECTION SHALL HAVE RETROACTIVE EFFECT INSOFAR AS IT DOES
NOT PREJUDICE OR IMPAIR VESTED OR ACQUIRED RIGHTS IN ACCORDANCE
WITH THE CIVIL CODE OR OTHER LAWS."

SECTION 2. Within six (6) months after the approval of this Act, the Land
Registration Administration in coordination with the National Commission on the Role
of the Filipino Women shall promulgate the necessary rules and regulations for the
proper implementation of this Act.

SECTION 3. This Act shall take effect immediately upon its approval.

Approved,