

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

04 JUL 10 P442

SENATE
S.B. No. 1706

RECEIVED BY:

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Family Code of the Philippines does not extend the liability to children or wards between eighteen and twenty one years of age. It merely provides for the civil liability of the parents and other persons, exercising parental authority, for the injuries and damages caused by the acts or omissions of their unemancipated children.

Hence, this bill seeks to amend Executive Order No. 209 (The Family Code of the Philippines), Articles 221 and 236.

This bill is a product of the public hearings conducted by the Committee on Constitutional Amendments, Revision of Codes and Laws during the 10th Congress.

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO

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

31 AUG 10 P4:42

SENATE
S.B. No. 1706

RECEIVED BY:

Introduced by Senator Miriam Defensor Santiago

AN ACT
AMENDING EXECUTIVE ORDER NO. 209, ALSO KNOWN AS THE FAMILY CODE OF
THE PHILIPPINES, ARTICLES 221 AND 236

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

SECTION 1. The Family Code, Article 221, is hereby amended to read as follows:

“Art. 221. Parents and other person exercising parental authority shall be civilly liable for (the injuries and damage) DELICT AND QUASI-DELICT caused by (the acts and omissions of) their unemancipated children living in their company and under their parental authority subject to the appropriate defenses provided by law.

THE SAME LIABILITY EXTENDS TO CHILDREN OR WARDS BETWEEN EIGHTEEN AND TWENTY-ONE YEARS OF AGE; PROVIDED THAT THEY CONTINUE TO LIVE WITH THEIR PARENTS OR REMAIN IN THE COMPANY AND UNDER THE AUTHORITY OF THEIR GUARDIANS, AS THE CASE MAY BE. THE LIABILITY OF PARENTS AND GUARDIANS IN THIS CASE SHALL ONLY BE SUBSIDIARY.

SECTION 2. Article 236 of the same code is also hereby amended to read as follows:

“Art. 236. Emancipation shall terminate parental authority over the person and property of the child who shall then be qualified and responsible for all the acts of civil life save exceptions by existing laws in special cases.

Contracting marriage shall require parental consent over the age of twenty-one.

[Nothing in this code shall be construed to derogate from the duty or responsibility of parents and guardians for children and wards below twenty-one years of age mentioned in the second and third paragraph of Article 2180 of the Civil Code]

SECTION 3. *Repealing Clause.* – Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with, the provision of this Act is hereby repealed, modified or amended accordingly.

SECTION 4. *Effectivity Clause* – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved.