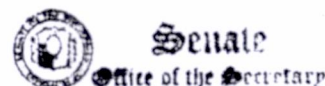


EIGHTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
*First Regular Session* )



20 FEB -3 A10 43

SENATE

S. No. 1304

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Introduced by **SENATOR LEILA M. DE LIMA**

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**AN ACT**  
**AMENDING ARTICLES 14, 19, 124, 211 AND 225 OF EXECUTIVE ORDER**  
**NO. 209, OTHERWISE KNOWN AS THE FAMILY CODE**  
**OF THE PHILIPPINES**

**EXPLANATORY NOTE**

Section 14, Article I of the Constitution provides that “the State recognizes the role of women in nation-building, and shall ensure the fundamental equality before the law of women and men”. Standing as basis for equal treatment before the law, this precept must be upheld in all facets of a woman’s life, especially in guaranteeing her equal status with the husband in the household after marriage.

Republic Act No. 9710, otherwise known as the Magna Carta of Women, calls for equal treatment between men and women before the law in Section 12, and providing that “the State shall take steps to review and, when necessary, amend and/or repeal existing laws that are discriminatory to women within three (3) years from the effectivity of this Act.”

The woman’s importance in nation-building starts from her role in the basic unit of society, the family. This bill seeks to rectify the inequality in decision-making in the household by amending certain provisions in the Family Code of the Philippines. These provisions are deemed patriarchal and detrimental to establishing the status of married women as partners and equals in their own homes. Progressive amendments more apt with the current times are thus introduced in this bill.

As the Philippine Commission on Women pointed out in a policy paper, “removing the preferential treatment for the father/husband's decision in (1) giving consent to the marriage of a son or daughter, in case of disagreement with the wife, (2) in the enjoyment and administration of absolute community or conjugal partnership of gains, and (3) in the exercise of parental authority over the person and legal guardianship over the property of their common child, will contribute to promoting women's rights, ensuring equality before the law between husband and wife, and transforming gender relations between the spouses.”<sup>1</sup>

The Convention on the Elimination of Discrimination Against Women (CEDAW) honors the contribution of women to family welfare and societal development and advocates for a measure that will finally strike the balance between parents and recognize “the social significance of maternity and the role of both parents in the family and in the upbringing of children”.<sup>2</sup>

Approval of this measure is sought.

  
LEILA M. DE LIMA

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<sup>1</sup> Philippine Commission on Women. “Policy Brief No. 6: Ensuring Women’s Equal Rights in Marriage and Family Relations: Amending Articles 14, 19, 124, 211 and 225 of the Family Code of the Philippines.” Available at: <https://www.pcw.gov.ph/wpla/ensuring-women%E2%80%99s-equal-rights-marriage-and-family-relations-amending-articles-14-19-124-211-and-225-family-code-philippines> <last visited on 20 May 2019>

<sup>2</sup> Convention on the Elimination of All Forms of Discrimination against Women. (18 December 1979) Available at: <https://www.ohchr.org/en/professionalinterest/pages/cedaw.aspx>

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**AN ACT**  
**AMENDING ARTICLES 14, 19, 124, 211 AND 225 OF EXECUTIVE ORDER**  
**NO. 209, OTHERWISE KNOWN AS THE FAMILY CODE**  
**OF THE PHILIPPINES**

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

1        **SECTION 1.** Article 14 of E.O. No. 209 shall be amended, as follows:

2                    **“ART. 14.** In case either or both of the  
3                    contracting parties, not having been  
4                    emancipated by a previous marriage, are  
5                    between the ages of eighteen and twenty-one,  
6                    they shall, in addition to the requirements of  
7                    the preceding articles, exhibit to the local civil  
8                    registrar, the consent to their marriage of  
9                    **EITHER** their father **OR** mother, or that of  
10                    the surviving parent or guardian, or persons  
11                    having legal charge of them, in case of death,  
12                    incapacity or judgment of civil interdiction of  
13                    the father or mother. [in the order  
14                    mentioned]. Such consent shall be  
15                    manifested in writing by the interested party,



1 who personally appears before the proper  
2 local civil registrar, or in the form of an  
3 affidavit made in the presence of two  
4 witnesses and attested before any official  
5 authorized by law to administer oaths. The  
6 personal manifestation shall be recorded in  
7 both applications for marriage license, and  
8 the affidavit, if one is executed instead, shall  
9 be attached to said applications.”

10 **SEC. 2.** Article 96 of E.O. No. 209 shall be amended, as follows:

11 “**Art. 96.** The administration and enjoyment  
12 of the community property shall belong to  
13 both spouses jointly. [In case of  
14 disagreement, the husband’s decision shall  
15 prevail, subject to recourse to the court by the  
16 wife for proper remedy, which must be  
17 availed of within five years from the date of  
18 the contract implementing such decision.] **IN**  
19 **CASE OF DISAGREEMENT, THE**  
20 **SPOUSES MAY OPT TO RESORT TO**  
21 **THE COURTS, WHICH SHALL THEN**  
22 **RESOLVE THE DISAGREEMENT**  
23 **BASED ON LAW AND EQUITY. ON**  
24 **MATTERS RELATING TO THE**  
25 **DISAGREEMENT, NEITHER OF THE**  
26 **SPOUSES SHALL UNILATERALLY**  
27 **CARRY OUT ACTS OF**  
28 **ADMINISTRATION OVER THE**  
29 **COMMUNITY PROPERTY WITHOUT**  
30 **FIRST OBTAINING A PROPER**  
31 **JUDICIAL ORDER. xxx”**

32 **SEC. 3.** Article 124 of E.O. No. 209 shall be amended, as follows:

1                   **“Art. 124.** The administration and  
2                   enjoyment of the conjugal partnership shall  
3                   belong to both spouses jointly. [In case of  
4                   disagreement, the husband’s decision shall  
5                   prevail, subject to recourse to the court by the  
6                   wife for proper remedy, which must be  
7                   availed of within five years from the date of  
8                   the contract implementing such decision.]  
9                   **IN CASE OF DISAGREEMENT, THE**  
10                  **SPOUSES MAY OPT TO RESORT TO**  
11                  **THE COURTS, WHICH SHALL THEN**  
12                  **RESOLVE THE DISAGREEMENT**  
13                  **BASED ON LAW AND EQUITY. ON**  
14                  **MATTERS RELATING TO THE**  
15                  **DISAGREEMENT, NEITHER OF THE**  
16                  **SPOUSES SHALL UNILATERALLY**  
17                  **CARRY OUT ACTS OF**  
18                  **ADMINISTRATION OVER THE**  
19                  **CONJUGAL PARTNERSHIP**  
20                  **WITHOUT FIRST OBTAINING A**  
21                  **PROPER JUDICIAL ORDER. xxx”**

22                  **SEC. 4.** Article 211 of E.O. No. 209 shall be amended, as follows:

23                   “Art. 211. The father and the mother shall  
24                   jointly exercise parental authority over the  
25                   persons of their common children. [In case of  
26                   disagreement, the father’s decision shall  
27                   prevail, unless there is a judicial order to the  
28                   contrary.]           **IN CASE OF**  
29                   **DISAGREEMENT, THE SPOUSES**  
30                   **SHALL RESORT TO THE COURTS**  
31                   **WHICH SHALL THEN DECIDE THE**  
32                   **CASE BASED ON THE BEST INTEREST**  
33                   **OF THE CHILD. xxx”**

1           **SEC. 5.** Article 225 of E.O. No. 209 shall be amended, as follows:

2                           **“Art. 225.** The father and the mother shall  
3                           jointly exercise legal guardianship over the  
4                           property of the unemancipated common  
5                           child without the necessity of a court  
6                           appointment. [In case of disagreement, the  
7                           father’s decision shall prevail, unless there is  
8                           a judicial order to the contrary.] **IN CASE**  
9                           **OF DISAGREEMENT, THE SPOUSES**  
10                           **SHALL RESORT TO THE COURTS**  
11                           **WHICH SHALL THEN DECIDE THE**  
12                           **CASE BASED ON THE BEST INTEREST**  
13                           **OF THE CHILD. xxx”**

14           **SEC. 6. Separability Clause.** — If, for any reason, any section or provision of  
15 this Act is held unconstitutional or invalid, the other sections or provisions hereof shall  
16 not be affected and thereby remain in full force and effect.

17           **SEC. 7. Repealing Clause.** — Any law, presidential decree or issuance,  
18 executive order, letter of instruction, rule or regulation inconsistent with the  
19 provisions of this Act is hereby repealed or modified accordingly.

20           **SEC. 8. Effectivity Clause.** — This Act shall take effect after fifteen (15) days  
21 following its complete publication in the Official Gazette or a newspaper of general  
22 circulation.

          Approved,