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

RECEIVED BY: 

**SENATE**

S.B. No. 1532

Introduced by **SENATOR IMEE R. MARCOS**

**AN ACT  
INSTITUTING A PROPERTY REGIME FOR COHABITING SAME SEX  
PARTNERS AND FOR OTHER PURPOSES**

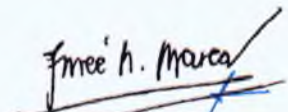
**EXPLANATORY NOTE**

The acquisition, ownership and use of property, is a guaranteed right of all citizens. Property ownership, for so many, provides the citizen with the assurance that in times of difficult challenges, there is hope for survival and there will be better days ahead.

The rights of same sex partners to acquire and own property jointly, and to use, sell, dispose or in any manner alienate such property for their benefit deserves protection.

This bill seeks to provide protection to the rights of same sex partners to jointly acquire, own, use, enjoy, manage, sell, dispose or alienate property for their benefit, including the rights of each partner to a just share of such properties acquired during the partnership in case of death, disability or incapacity of the other partner, and in instances of separation or termination of the partnership and/or abandonment of one partner by the other for any cause.

Under the premises, approval of this bill is strongly recommended.

  
**IMEE R. MARCOS**



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

**CHAPTER I**

**GENERAL PROVISIONS**

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**SECTION 1. Title.** – This Act shall be known as the "*Same Sex Partners Property Relations Act*".

**SEC. 2. Coverage.** – This Act shall cover the property relations of same sex partners who are cohabiting or living together which include, among others, the acquisition and ownership of property, real or personal, inclusive of such other rights that are appurtenant thereto, and the enjoyment, distribution, alienation, sale and disposition thereof.

**SEC. 3. Applicability.** – The provisions of this Act shall be applicable to persons in a same sex partnership who are cohabiting or actually living together and who have been cohabiting or actually living together for at least one (1) year at the time of effectivity of this Act.

**SEC. 4. Ownership of Properties Acquired During the Partnership.** – The provisions of a written agreement between the partners on the acquisition, ownership, enjoyment, sharing, distribution, alienation, sale or disposition of property acquired by both or any of the parties during the period of cohabitation shall govern their property relations. The written agreement shall be notarized in the city or municipality where the partners reside.

1 In the absence of any written agreement, the partners shall be deemed as co-  
2 owners of all the properties that are acquired during their cohabitation and all of the  
3 income that may be realized therefrom including, among others, the proceeds of any  
4 lease, rental, sale or any other mode of disposition or use thereof. Provided, that  
5 properties, in any form, inherited by or bequeathed to, or donated to any one of the  
6 partners during the cohabitation shall not form part of the co-owned properties; and  
7 Provided, finally, that the period of cohabitation shall be established by any one of the  
8 parties and/or by credible witnesses or by pertinent, relevant and useful testamentary  
9 and/or documentary evidence.

10  
11 **SEC. 5. Administration and Other Rights Over Properties.** – Both partners shall  
12 have joint rights to the administration and enjoyment of the properties co- owned by  
13 them. In case of incapacity, permanent or temporary, or inability, for any lawful reason,  
14 to properly administer the properties, the other partner shall assume administration and  
15 management of all co-owned properties until the other partner is fit and able. No lease,  
16 use, sale, alienation or disposition of any property co-owned by the parties shall be  
17 done without the consent of both partners. Any contract or agreement for the use,  
18 lease, sale, alienation or disposition of any property co-owned by the partners shall be  
19 signed by both of the partners.

20  
21 **SEC. 6. Donations and Gifts.** – Donations and gifts received by any of the  
22 partners during the cohabitation, except those from members of the immediate family  
23 of the donee, shall form part of the co-owned properties of the partners. Provided, that  
24 donations or gifts given by a partner to the other, shall be the exclusive personal  
25 property of the recipient partner. No donations or gifts may be made in favor of any  
26 person without the consent of both parties.

27  
28 **SEC. 7. Personal Debts, Loans and Other Liabilities.** – Any loan or financial  
29 obligation incurred by a partner without the knowledge or consent of the other shall be  
30 the personal liability of the partner who incurred the debt or liability. Final and executory  
31 court judgments arising from acts that happened before the cohabitation of the partners  
32 shall not be paid out of co-ownership funds or property. Provided, that court judgments  
33 promulgated during the period of cohabitation may be paid out of the co-ownership  
34 funds if the alleged acts were undertaken with the knowledge and/or full consent of the  
35 parties.

36  
37 **SEC. 8. Dissolution of Co-Ownership.** – The co-ownership of properties of  
38 persons in a same sex relationship shall be deemed dissolved upon the death or  
39 permanent disability of any of the partners or upon the termination of the relationship  
40 for any cause, unless in cases of termination of the partnership due to mutually agreed  
41 and /or amicable separation, the partners agree to continue their co-ownership of  
42 particular properties, which agreement shall be reduced in writing and duly notarized  
43 as a formal contract or agreement between the parties. Otherwise, upon the dissolution  
44 of the partnership, the properties co-owned by the partners shall be divided equally

1 between the partners after the payment of debts and obligations jointly incurred prior  
2 to the dissolution.

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4 **SEC. 9. *Implementing Rules and Regulations.*** – The Department of Justice shall  
5 prepare the implementing rules and regulations within sixty (60) days from the  
6 effectivity of this Act.

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8 **SEC. 10. *Repealing Clause.*** – All laws, decrees, orders, rules and regulations or  
9 other issuances or parts thereof inconsistent with the provisions of this Act are hereby  
10 repealed or modified accordingly.

11  
12 **SEC. 11. *Separability Clause.*** – If any portion or provision of this Act is declared  
13 unconstitutional, the remainder of this Act or any provision not affected thereby shall  
14 remain in force and effect.

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16 **SEC. 12. *Effectivity.*** – This Act shall take effect fifteen (15) days after its  
17 complete publication in the Official Gazette or in at least two (2) newspapers of national  
18 circulation.

*Approved,*