

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



Senate
Office of the Secretary

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SENATE
S. B. No. 1265

RECEIVED BY: *ja*

Introduced by Senator Maria Lourdes Nancy S. Binay

EXPLANATORY NOTE

The proposed bill seeks to implement Section 12, Article III of the Philippine Constitution which recognizes the sanctity of family life and declares that the state shall protect and strengthen the family as a basic autonomous social institution, by strengthening the provisions of law on family home.

First, the family home should remain inviolable, save for certain instances. Thus, the family home should remain exempt even for non-payment of debts incurred prior to the constitution of the family home. Furthermore, it should be clarified that it is the non-payment of real property taxes which exposes the family home to execution, forced sale, or attachment.

Second, the head of the family, regardless of civil status, should be able to constitute the family home.

Third, the value of the family home should be increased. The values provided under the Family Code, which was enacted more than twenty five years ago on August 3, 1987, is no longer realistic, and must be adjusted to reflect the present economic realities and take into account inflation in the price of houses of low-income to middle-income families.

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 THE PROVISIONS OF LAW ON THE FAMILY HOME,
2 INCREASING THE VALUE OF THE FAMILY HOME, AND AMENDING FOR THIS
3 PURPOSE EXECUTIVE ORDER NO. 209, OTHERWISE KNOWN AS THE FAMILY
4 CODE OF THE PHILIPPINES, AND FOR OTHER PURPOSES
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6 *Be it enacted by the Senate and House of Representatives of the Philippines in Congress*
7 *assembled:*
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9 **SECTION 1.** Article 152 of Executive Order No. 209, otherwise known as the Family Code
10 of the Philippines, is hereby amended to read as follows:
11

12 Art. 152. The family home, constituted jointly by the husband and the
13 wife or by [an unmarried] **THE** head of a family, **WITHOUT**
14 **REGARD TO CIVIL STATUS**, is the dwelling house where they and
15 their family reside, and the land on which it is situated.
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17 **SECTION 2.** Article 154 of Executive Order No. 209, otherwise known as the Family Code
18 of the Philippines, is hereby amended to read as follows:
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20 Art. 154. The beneficiaries of a family home are:

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22 (1) The husband and wife, or [an unmarried person who is] the head
23 of a family; and
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25 (2) **ANY OF** their parents, ascendants, descendants, brothers and
26 sisters, whether the relationship be legitimate or illegitimate, **AND**
27 **ADOPTED CHILDREN** who are living in the family home and who
28 depend upon the head of the family for legal support.
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30 **SECTION 3.** Article 155 of Executive Order No. 209, otherwise known as the Family Code
31 of the Philippines, is hereby amended to read as follows:
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33 Art. 155. The family home shall be exempt from execution, forced sale
34 or attachment except:
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36 (1) For nonpayment of **REAL PROPERTY** taxes;
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38 [(2) For debts incurred prior to the constitution of the family home;]

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(2) [(3)] For debts secured by mortgages on the premises before or after such constitution; and

(3) [(4)] For debts due to laborers, mechanics, architects, builders, materialmen and others who have rendered service or furnished material for the construction of the building.

SECTION 4. Article 156 of Executive Order No. 209, otherwise known as the Family Code of the Philippines, is hereby amended to read as follows:

Art. 156. The family home must be part of the properties of the absolute community or the conjugal partnership, or of the exclusive properties of either spouse with the latter's consent. It may also be constituted by [an unmarried] **THE** head of a family on his or her own property.

Nevertheless, property that is the subject of a conditional sale on installments where ownership is reserved by the vendor only to guarantee payment of the purchase price may be constituted as a family home.

SECTION 5. Article 157 of Executive Order No. 209, otherwise known as the Family Code of the Philippines, is hereby amended to read as follows:

Art. 157. The actual value of the family home shall not exceed, at the time of its constitution, the amount of the **TWO MILLION** [three hundred thousand] pesos in urban areas, and **ONE MILLION FIVE HUNDRED THOUSAND** [two hundred thousand] pesos in rural areas, or such amounts as may hereafter be fixed by law.

In any event, if the value of the currency changes after the adoption of this Code **OR AFTER THE CONSTITUTION OF THE FAMILY HOME**, the value most favorable for the constitution of a family home shall be the basis of evaluation.

For purposes of this Article, urban areas are deemed to include chartered cities and municipalities whose annual income at least equals that legally required for chartered cities. All others are deemed to be rural areas.

SECTION 6. Article 159 of Executive Order No. 209, otherwise known as the Family Code of the Philippines, is hereby amended to read as follows:

Art. 159. The family home shall continue despite the death of one or both spouses or of the [unmarried] head of the family for a period of ten years or for as long as there is a minor beneficiary, and the heirs cannot partition the same unless the court finds compelling reasons therefor. This rule shall apply regardless of whoever owns the property or constituted the family home.

1 **SECTION 7. *Separability Clause.*** If any portion or provision of this Act is declared void and
2 unconstitutional, the remaining portions or provisions hereof shall not be affected by such
3 declaration.

4
5 **SECTION 8. *Repealing Clause.*** All laws, decrees, orders, rules and regulations, other
6 issuances, or parts thereof inconsistent with the provisions of this Act are hereby repealed or
7 modified accordingly.

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9 **SECTION 9. *Effectivity Clause.*** This Act shall take effect fifteen (15) days after its complete
10 publication in at least two (2) newspapers of general circulation.

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12 Approved,