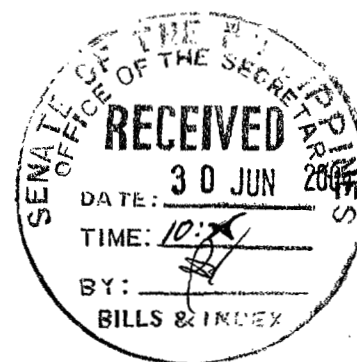


13TH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

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SENATE

S. No. 712

INTRODUCED BY HON. MANUEL B. VILLAR, JR.

EXPLANATORY NOTE

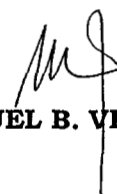
The Constitution provides that: "The State recognizes the role of women in nation-building, and shall ensure the fundamental equality before the law of women and men." (Section 14, Article 11)

The New Family Code, on the other hand, was enacted to ensure the fundamental equality of men and women before the law. It declares that "... there is a need to implement policies embodied in the Constitution that will strengthen marriage and the family as basic social institutions and ensure equality between men and women."

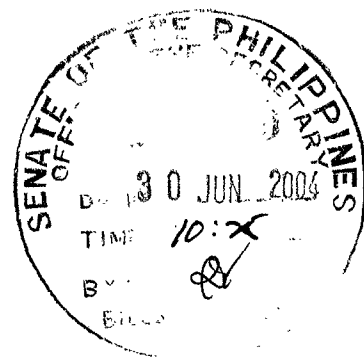
Thus, the Code, which took effect on August 1, 1988, revised certain antiquated laws under the Civil Code, such as favoring the husband over the wife on such critical matters as legal separation, contracting debts and obligations and administration of conjugal properties.

Although the law largely adopted gender-fair provisions, it still retains provisions giving undue advantage to the husband over the wife. Specifically, the Code allows the husband's decision to prevail over the wife on issues pertaining to the administration and enjoyment of conjugal property and exercise of parental authority and legal guardianship. These provisions, therefore, must be corrected by way of legislative amendments.

Hence, approval of this bill is sought.


MANUEL B. VILLAR, JR.

13TH CONGRESS OF THE
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SENATE

S. No. 712

INTRODUCED BY HON. MANUEL B. VILLAR, JR.

AN ACT AMENDING ARTICLES 96, 124, 211 AND 225 OF THE NEW FAMILY CODE TO PROVIDE FOR JUDICIAL INTERVENTION IN CASES OF DISAGREEMENT BETWEEN HUSBAND AND WIFE OVER THE ADMINISTRATION AND ENJOYMENT OF COMMUNITY PROPERTY, THE ADMINISTRATION AND ENJOYMENT OF CONJUGAL PARTNERSHIP PROPERTY AND THE EXERCISE OF PARENTAL AUTHORITY AND LEGAL GUARDIANSHIP OVER THE PERSON AND PROPERTY OF UNEMANCIPATED COMMON CHILD

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

SECTION. 1. The following articles of the New Family Code are hereby amended to read as follows:

“Article 96. The administration and enjoyment of the community property shall belong to both spouses jointly. In case of disagreement, [the husband’s decision shall prevail, subject to recourse to the court by the wife for proper remedy, which must be availed of within five years from the date of the contract implementing such decision.] **EITHER PARTY SHALL GO TO COURT FOR PROPER REMEDY. THE COURT SHALL APPOINT AN ADMINISTRATOR FOR THE PROPERTY PENDING RESOLUTION OF THE CASE.**”

“Article 124. The administration and enjoyment of the conjugal partnership property shall belong to both spouses jointly. In case of disagreement, [the husband’s decision shall prevail, subject to recourse to the court by the wife for a proper remedy, which must be availed of within five years from the date of the contract implementing such decision.] **EITHER PARTY SHALL GO TO COURT FOR PROPER REMEDY. THE COURT SHALL APPOINT AN ADMINISTRATOR FOR THE PROPERTY PENDING RESOLUTION OF THE CASE.**”

“Article 211. The father and the mother shall jointly exercise parental authority over the persons of their common children. In case of disagreement, [the father’s decision shall prevail, unless there is a judicial order to the contrary.] **THE MOTHER’S DECISION SHALL PREVAIL FOR CHILDREN UNDER THE AGE OF SEVEN, UNLESS THERE IS A JUDICIAL ORDER TO THE CONTRARY, AND FOR CHILDREN SEVEN AND ABOVE, EITHER PARTY SHALL GO TO COURT FOR PROPER REMEDY. THE COURT SHALL ASSIGN SUBSTITUTE PARENTAL AUTHORITY, AS PROVIDED IN ARTICLE 214, PENDING RESOLUTION OF THE CASE.**”

“Article 225. The father and the mother shall jointly exercise legal guardianship over the property of their unemancipated common child

without the necessity of a court appointment. In case of disagreement, [the father's decision shall prevail, unless there is a judicial order to the contrary.] **THE PARTIES SHALL PETITION THE COURT TO DECLARE A TEMPORARY GUARDIAN OVER THE AFOREMENTIONED PROPERTY PENDING RESOLUTION OF THE DISAGREEMENT."**

SEC. 2. . . This Act shall take effect fifteen (15) days after its complete publication in at least two (2) newspapers of general circulation.

Approved,