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SENATE

S. B. No. **2270**

RECEIVED BY: 

(In substitution of S.B. Nos. 1260 and 2072)

Prepared Jointly by the Committees on Women, Family Relations and Gender Equality; and Constitutional Amendments and Revision of Laws with Senators Binay, (P.)Cayetano and Defensor-Santiago as authors

AN ACT

ENSURING THE FUNDAMENTAL EQUALITY OF MEN AND WOMEN UNDER THE LAWS ON MARRIAGE AND FAMILY RELATIONS, AMENDING FOR THE PURPOSE EXECUTIVE ORDER NO. 209, OTHERWISE KNOWN AS THE FAMILY CODE OF THE PHILIPPINES, AND FOR OTHER PURPOSES

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

1 **SECTION 1.** Article 14 of Executive Order No. 209, as amended, otherwise known
2 as the Family Code of the Philippines, is hereby amended to read as follows:

3 "Art. 14. In case either or both of the contracting parties[, not having
4 been emancipated by a previous marriage,] are between the ages of
5 eighteen and twenty-one, they shall, in addition to the requirements of
6 the preceding articles, exhibit to the local civil registrar, the consent to
7 their marriage of [their father, mother, surviving parent] **EITHER**
8 **PARENT, [or] THE** guardian, or persons having legal charge of them
9 **AS PROVIDED UNDER THIS CODE AND OTHER RELEVANT**
10 **LAWS**, in the order mentioned. Such consent shall be manifested in
11 writing by the interested party, who personally appears before the
12 proper local civil registrar, or in the form of an affidavit made in the

1 presence of two witnesses and attested before any official authorized
2 by law to administer oaths. The personal manifestation shall be
3 recorded in both applications for marriage license, and the affidavit, if
4 one is executed instead, shall be attached to said applications.”

5 **SEC. 2.** Article 96 of Executive Order No. 209, as amended, otherwise known
6 as the Family Code of the Philippines, is hereby amended to read as follows:

7 “Art. 96. The administration and enjoyment of the community property
8 shall belong to both spouses jointly. In case of disagreement, the
9 **SPOUSES SHALL EXERT EARNEST EFFORTS TO ENTER INTO A**
10 **COMPROMISE AND ONLY UPON FAILING SUCH SHALL THE**
11 **COURT DECIDE THE CASE, UPON A PROPER PETITION, IN A**
12 **SUMMARY PROCEEDING** [the husband's decision shall prevail,
13 subject to recourse to the court by the wife for proper remedy, which
14 must be availed of within five years from the date of the contract
15 implementing such decision].

16 In the event that one spouse is incapacitated or otherwise
17 unable to participate in the administration of the common properties,
18 the other spouse may assume sole powers of administration. These
19 powers do not include disposition or encumbrance without authority of
20 the court or the written consent of the other spouse. In the absence of
21 such authority or consent, the disposition or encumbrance shall be
22 void. However, the transaction shall be construed as a continuing offer
23 on the part of the consenting spouse and the third person, and may be
24 perfected as a binding contract upon the acceptance by the other

1 spouse or authorization by the court before the offer is withdrawn by
2 either or both offerors.”

3 **SEC. 3.** Article 124 of Executive Order No. 209, as amended, otherwise
4 known as the Family Code of the Philippines, is hereby amended to read as follows:

5 “Art. 124. *The administration and enjoyment of the conjugal partnership*
6 *shall belong to both spouses jointly. In case of disagreement, the*
7 **SPOUSES SHALL EXERT EARNEST EFFORTS TO ENTER INTO A**
8 **COMPROMISE AND ONLY UPON FAILING SUCH SHALL THE**
9 **COURT DECIDE THE CASE, UPON A PROPER PETITION, IN A**
10 **SUMMARY PROCEEDING** [husband's decision shall prevail, subject
11 to recourse to the court by the wife for proper remedy, which must be
12 availed of within five years from the date of the contract implementing
13 such decision].

14 In the event that one spouse is incapacitated or otherwise
15 unable to participate in the administration of the conjugal properties,
16 the other spouse may assume sole powers of administration. These
17 powers do not include disposition or encumbrance without authority of
18 the court or the written consent of the other spouse. In the absence of
19 such authority or consent, the disposition or encumbrance shall be
20 void. However, the transaction shall be construed as a continuing offer
21 on the part of the consenting spouse and the third person, and may be
22 perfected as a binding contract upon the acceptance by the other
23 spouse or authorization by the court before the offer is withdrawn by
24 either or both offerors.”

1 **SEC.4.** Article 211 of Executive Order No. 209, as amended, otherwise
2 known as the Family Code of the Philippines, is hereby amended to read as follows:

3 “Art. 211. The father and the mother shall jointly exercise parental
4 authority over the persons of their common children. In case of
5 disagreement, the **FATHER AND MOTHER SHALL EXERT**
6 **EARNEST EFFORTS TO ENTER INTO A COMPROMISE AND ONLY**
7 **UPON FAILING SUCH SHALL THE COURT DECIDE THE CASE,**
8 **UPON A PROPER PETITION, TAKING INTO CONSIDERATION THE**
9 **BEST INTERESTS OF THE COMMON CHILDREN** [father's decision
10 shall prevail, unless there is a judicial order to the contrary].

11 Children shall always observe respect and reverence towards
12 their parents and are obliged to obey them as long as the children are
13 under parental authority.”

14 **SEC. 5.** Article 225 of Executive Order No. 209, as amended, otherwise
15 known as the Family Code of the Philippines, is hereby amended to read as follows:

16 “Art. 225. The father and the mother shall jointly exercise legal
17 guardianship over the property of the unemancipated common child
18 without the necessity of a court appointment. In case of disagreement,
19 the **FATHER AND THE MOTHER SHALL EXERT EARNEST**
20 **EFFORTS TO ENTER INTO A COMPROMISE AND ONLY UPON**
21 **FAILING SUCH SHALL THE COURT DECIDE,UPON A PROPER**
22 **PETITION, TAKING INTO CONSIDERATION THE BEST INTEREST**
23 **OF THE COMMON CHILD** [father's decision shall prevail, unless there
24 is a judicial order to the contrary].

1 Where the market value of the property or the annual income of the
2 child exceeds P50,000, the parent concerned shall be required to
3 furnish a bond in such amount as the court may determine, but not less
4 than ten *per centum* (10%) of the value of the property or annual
5 income, to guarantee the performance of the obligations prescribed for
6 general guardians.

7 A verified petition for approval of the bond shall be filed in the
8 proper court of the place where the child resides, or, if the child resides
9 in a foreign country, in the proper court of the place where the property
10 or any part thereof is situated.

11 The petition shall be docketed as a summary special proceeding
12 in which all incidents and issues regarding the performance of the
13 obligations referred to in the second paragraph of this Article shall be
14 heard and resolved.

15 The ordinary rules on guardianship shall be merely supplementary
16 except when the child is under substitute parental authority, or the
17 guardian is a stranger, or a parent has remarried, in which case the
18 ordinary rules on guardianship shall apply."

19 **SEC. 6. Separability Clause.** If any portion or provision of this Act is declared
20 void and unconstitutional, the remaining portion or provisions hereof shall not be
21 affected by such declaration.

22 **SEC. 7. Repealing Clause.** All laws, decrees, orders, rules and regulations,
23 other issuances or parts thereof inconsistent with the provisions of this Act are
24 hereby repealed or modified accordingly.

1 **SEC. 8.***Effectivity Clause.* This Act shall take effect fifteen (15) days after its
2 complete publication in at least two (2) national newspapers of general circulation.

Approved,