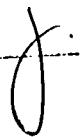


SEVENTEENTH CONGRESS)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

Senate
Office of the Secretary

16 JUL 18 P5 58

SENATE
S. B. No. 381

RECEIVED BY: 

Introduced by SENATOR LOREN LEGARDA

AN ACT ENSURING EQUAL POWERS OF ADMINISTRATION AND ENJOYMENT OF COMMUNITY PROPERTY OR CONJUGAL PARTNERSHIP BETWEEN SPOUSES, AMENDING FOR THE PURPOSE ARTICLES 96 AND 124 OF THE FAMILY CODE OF THE PHILIPPINES

Articles 96 and 124 of the Family Code of the Philippines as currently written effectively grant to one spouse—the husband—the power to exercise the final decision in all family matters including the administration and enjoyment of community property or conjugal partnership property. Rather than grant both spouses equal authority to decide, or require mediation in cases where there is no consensus, the provisions allow society to perpetuate an inequality whereby a man's judgment is treated as superior to that of a woman.

This bill seeks to ensure that both spouses have an equal hand in managing matters of family life, by requiring the consent of both spouses in the administration and enjoyment of their joint property, whether under community property or conjugal partnership. In case of disagreement, either spouse may bring a case before the court for proper remedy without prejudice to an out of court settlement or availment of the alternative dispute resolution.

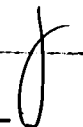
In order to address this outright gender bias, passage of this bill is earnestly requested.


LOREN LEGARDA
Senator

16 JUL 18 P5:58

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

1 **SEC. 1.** Article 96 of the Family Code of the Philippines is hereby amended to
2 read as follows:
3

4 "Art. 96. The administration and enjoyment of the community property
5 shall belong to both spouses jointly. [In case of disagreement, the
6 husband's decision shall prevail, subject to recourse to the court by the
7 wife for proper remedy, which must be availed of within five years from
8 the date of the contract implementing such decision.] **THE CONSENT OF**
9 **BOTH SPOUSES SHALL BE REQUIRED FOR THE ADMINISTRATION**
10 **AND ENJOYMENT OF THE COMMUNITY PROPERTY. IN CASE OF**
11 **DISAGREEMENT, EITHER SPOUSE MAY FILE A CASE BEFORE THE**
12 **COURT FOR A PROPER REMEDY WITHOUT PREJUDICE TO THE**
13 **OPTION OF AN OUT-OF-COURT SETTLEMENT OR ALTERNATIVE**
14 **DISPUTE RESOLUTION.**

15
16
17 **SEC. 2.** Article 124 of the Family Code of the Philippines is hereby amended to
18 read as follows:
19

20 "Art. 124. The administration and enjoyment of the conjugal partnership
21 shall belong to both spouses jointly. [In case of disagreement, the
22 husband's decision shall prevail, subject to recourse to the court by the
23 wife for proper remedy, which must be availed of within five years from
24 the date of the contract implementing such decision.] **THE CONSENT OF**
25 **BOTH SPOUSES SHALL BE REQUIRED FOR THE ADMINISTRATION**
26 **AND ENJOYMENT OF THE COMMUNITY PROPERTY. IN CASE OF**
27 **DISAGREEMENT, EITHER SPOUSE MAY FILE A CASE BEFORE THE**
28 **COURT FOR A PROPER REMEDY WITHOUT PREJUDICE TO THE**

1 **OPTION OF AN OUT-OF-COURT SETTLEMENT OR ALTERNATIVE**
2 **DISPUTE RESOLUTION.**

3
4 **SEC. 3. Separability Clause.** – If any provision of this Act is declared
5 unconstitutional, the same shall not affect the validity and effectivity of other
6 provisions thereof.

7
8 **SEC. 4. Effectivity.** – This Act shall take effect fifteen (15) days following its
9 publication in at least two (2) newspapers of general circulation.

10
11 Approved,