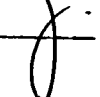


SEVENTEENTH CONGRESS
REPUBLIC OF THE PHILIPPINES
First Regular Session



16 JUL 18 P 6:05

SENATE
S. B. No. 391

RECEIVED BY: 

Introduced by SENATOR LOREN LEGARDA

AN ACT ENSURING EQUALITY BETWEEN SPOUSES IN THE EXERCISE OF PARENTAL AUTHORITY OVER THE PERSON AND LEGAL GUARDIANSHIP OVER THE PROPERTY OF COMMON CHILDREN, AMENDING FOR THE PURPOSE ARTICLES 211 AND 225 OF THE FAMILY CODE OF THE PHILIPPINES

Explanatory Note

This measure aims to remove the preferential treatment for the father's decision in case of disagreement with the mother in the exercise of parental authority over the person and legal guardianship over the property of their common child to ensure equality before the law between husband and wife.

At present, Articles 211 and 225 of the Family Code of the Philippines states that the father's decision shall prevail in the exercise of parental authority over the person and legal guardianship over the property of the common children.

Given the importance of this measure, passage of this is immediately requested.


LOREN LEGARDA
Senator

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

1 **SECTION 1.** Article 211 is hereby amended to read as follows:
2

3 "Art. 211. The father and the mother shall jointly exercise parental
4 authority over the persons of their common children **TAKING INTO**
5 **CONSIDERATION THE BEST INTEREST OF THE CHILD.** In case of
6 disagreement, [the father's decision shall prevail, unless there is a
7 judicial order to the contrary.] **EITHER SPOUSE MAY FILE A**
8 **COMPLAINT BEFORE THE PROPER COURT FOR ISSUANCE OF A**
9 **JUDICIAL ORDER OR THE AVAILMENT OF AN ALTERNATIVE**
10 **DISPUTE RESOLUTION TO SETTLE THE ISSUE."**

11
12 **SEC. 2.** Article 225 is hereby amended to read as follows:
13

14 "Art. 225. The father and the mother shall jointly exercise legal
15 guardianship over the property of the unemancipated common child
16 without the necessity of a court appointment **TAKING INTO**
17 **CONSIDERATION THE BEST INTEREST OF THE CHILD.** In case of
18 disagreement, [the father's decision shall prevail, unless there is a
19 judicial order to the contrary.] **EITHER SPOUSE MAY FILE A**
20 **COMPLAINT BEFORE THE PROPER COURT FOR ISSUANCE OF A**
21 **JUDICIAL ORDER OR THE AVAILMENT OF AN ALTERNATIVE**
22 **DISPUTE RESOLUTION TO SETTLE THE ISSUE."**
23

24 **SEC. 3. Separability Clause.** – If any provision of this Act is declared
25 unconstitutional, the same shall not affect the validity and effectivity of
26 other provisions thereof.
27

28 **SEC. 4. Effectivity.** – This Act shall take effect fifteen (15) days following
29 its publication in at least two (2) newspapers of general circulation.
30

31 Approved,