

SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
FIRST REGULAR SESSION)



Senate
Office of the Secretary

'16 AUG 25 A11 :23

RECORDED BY: *J*

SENATE

Senate Bill No. 1089

Introduced by SENATOR JOSEPH VICTOR G. EJERCITO

AN ACT
AMENDING ARTICLE 75 OF TITLE IV OF EXECUTIVE ORDER NO. 209, AS
AMENDED BY EXECUTIVE ORDER NO. 227, OTHERWISE KNOWN AS THE
FAMILY CODE OF THE PHILIPPINES

EXPLANATORY NOTE

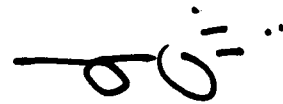
Conjugal Partnership of Property (CPG) is one of the property regime between the spouses provided by law, wherein the husband and wife place in a common fund the proceeds, products, fruits and income from their separate properties and those acquired by either or both spouses through their efforts or by chance. Upon dissolution of the marriage or of the partnership, the net gains or benefits obtained by either or both spouses shall, divided equally between them, unless otherwise agreed in the marriage settlements. Under this property regime, the spouses retain the ownership, possession, administration and enjoyment of their exclusive properties. A spouse may also mortgage, encumber, alienate or otherwise dispose of his or her exclusive property, without the consent of the other spouse, and appear alone in court to litigate with regard to the same.

The Spanish Civil Code, which was enforced from 1889 to 1950, and the New Civil Code, which was in effect from 1950 to 1986, both mandated the conjugal partnership of gains.

However, the set-up was changed to the system of absolute community of property when the Family Code took effect on August 3, 1988. In this property relation, the spouses have equal rights over the property acquired by the husband or the wife before and during the marriage.

This bill put forward the revival of the conjugal partnership of gains as property relation in case the would be spouses fails in the marriage settlement to agree to a property regime that would govern their marriage, or when that agreed upon is void, In this property regime, it will prevent freeloading men and women from benefiting from their spouses, Moreover, this will remove in the minds of the would be spouses and their families that the reason for the marriage is the wealth of the other party. This will also serve as a protection to both spouses that if something unfortunate happen in the future, ie. legal separation or annulment of marriage, the properties that they own before marriage remain as their exclusive property.

In view of the foregoing, the immediate enactment of this measure is earnestly sought.

A handwritten signature in black ink, appearing to read 'JOE EJERCITO', with a stylized flourish at the end.

JOSEPH VICTOR G. EJERCITO

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

1 SECTION 1. Article 75 of Title IV of the Family Code of the Philippines is
2 hereby amended to read as follows:

3 "ART. 75. The future spouses may, in the marriage settlements, agree upon
4 the regime of absolute community, conjugal partnership of gains, complete
5 separation of property, or any other regime. In the absence of marriage settlements,
6 or when the regime agreed upon is void the, system of [absolute community of
7 property] **CONJUGAL PARTNERSHIP OF GAINS** as established in this Code shall
8 govern."

9 SECTION 2. This Act shall take effect fifteen (15) days after its publication in
10 the *Official Gazette* or in at least two (2) newspapers of general circulation.

11 *Approved,*