


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



Senate
Office of the Secretary

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SENATE
S.B. NO. 1370

RECEIVED BY: 

Introduced by Senator Maria Lourdes Nancy S. Binay

EXPLANATORY NOTE

The 1987 Philippine Constitution affirmed the role of women in nation-building and endeavors to ensure the fundamental equality before the law of men and women. Thus, reforms to the patently discriminatory provisions of the Civil Code of the Philippines were removed with the introduction of the Family Code of the Philippines. Under the Civil Code of the Philippines the authority of the husband over family relations was persistent. For instance, the husband was designated as the administrator of the conjugal properties and had the right to object to the exercise by the wife of her profession if his income is sufficient to support the family. The Family Code of the Philippines eliminated these inequalities, among many other provisions which are bias against women.

Despite major reforms to our law on marriage and family relations, there are still a number of provisions in the Family Code of the Philippines which prejudice against women. The Family Code of the Philippines still recognizes the supremacy of the husband's decisions in case of disagreement with the wife involving property administration and exercise of parental authority over the common children.

These provisions have no place in our law and serve no purpose other than to perpetuate discrimination. Consistent with the declaration in Republic Act No. 9710, or the Magna Carta of Women, provisions of law which engender inequality should be abolished.

There have been, in the past, series of proposals to amend these anti-women provisions in the Family Code of the Philippines. Regrettably to date, none have been enacted into law. It is therefore strongly urged that the passing of this bill be granted utmost importance.

In view of the foregoing, the passage of this bill is earnestly recommended.


MARIA LOURDES NANCY S. BINAY
Senator



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**AN ACT ENSURING THE FUNDAMENTAL EQUALITY OF MEN AND
WOMEN UNDER THE LAWS ON MARRIAGE AND FAMILY RELATIONS,
AMENDING FOR THIS 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 House of Representatives of the Philippines in Congress assembled:

SECTION 1. Article 96 of Executive Order No. 209, otherwise known as the Family Code of the Philippines, as amended, is hereby further amended to read as follows:

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

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

SECTION 2. Article 124 of Executive Order No. 209, otherwise known as the Family Code of the Philippines, as amended, is hereby further amended to read as follows:

1 “Art. 124. The administration and enjoyment of the conjugal partnership
2 shall belong to both spouses jointly. In case of disagreement, the
3 SPOUSES SHALL EXERT EARNEST EFFORTS TO ENTER INTO A
4 COMPROMISE, FAILING SUCH, THE COURT SHALL DECIDE,
5 UPON A PROPER PETITION IN A SUMMARY PROCEEDING
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].
9

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

21 **SECTION 3.** Article 211 of Executive Order No. 209, otherwise known as the Family
22 Code of the Philippines, as amended, is hereby further amended to read as follows:
23

24 “Art. 211. The father and the mother shall jointly exercise parental
25 authority over the persons of their common children. In case of
26 disagreement, the FATHER AND THE MOTHER SHALL EXERT
27 EFFORTS TO ENTER INTO A COMPROMISE, FAILING SUCH, THE
28 COURT SHALL DECIDE, TAKING INTO CONSIDERATION THE
29 BEST INTEREST OF SUCH COMMON CHILD [father’s decision shall
30 prevail, unless there is a judicial order to the contrary].
31

32 Children shall always observe respect and reverence towards their parents
33 and are obliged to obey them as long as the children are under parental
34 authority.”
35

36 **SECTION 4.** Article 225 of Executive Order No. 209, otherwise known as the Family
37 Code of the Philippines, as amended, is hereby further amended to read as follows:
38

39 “Art. 225. The father and the mother shall jointly exercises legal
40 guardianship over the property of the unemancipated common child
41 without the necessity of a court appointment. In case of disagreement, the
42 FATHER AND THE MOTHER SHALL EXERT EFFORTS TO ENTER
43 INTO A COMPROMISE, FAILING SUCH, THE COURT SHALL
44 DECIDE, TAKING INTO CONSIDERATION THE BEST INTERSET
45 OF SUCH COMMON CHILD [father’s decision shall prevail, unless there
46 is a judicial order to the contrary].

1
2 Where the market value of the property or the annual income of the child
3 exceeds P50,000 the parent concerned shall be required to furnish a bond
4 in such amount as the court may determine, but not less than ten *per*
5 *centum* (10%) of the value of the property or annual income, to guarantee
6 the performance of the obligations prescribed for general guardians.
7

8 A verified petition for approval of the bond shall be filed in the proper
9 court of the place where the child resides, or, if the child resides in a
10 foreign country, in the proper court of the place where the property or any
11 part thereof is situated.
12

13 The petition shall be docketed as a summary special proceeding in which
14 all incidents and issues regarding the performance of the obligations
15 referred to in the second paragraph of this Article shall be heard and
16 resolved.
17

18 The ordinary rules on guardianship shall be merely suppletory except
19 when the child is under substitute parental authority, or the guardian is a
20 stranger, or a parent has remarried, in which case the ordinary rules on
21 guardianship shall apply.”
22

23 **SECTION 5. *Separability Clause.*** If any portion or provision of this Act is declared void
24 and unconstitutional, the remaining portions or provisions hereof shall not be affected by
25 such declaration.
26

27 **SECTION 6. *Repealing Clause.*** All laws, decrees, orders, rules and regulations, other
28 issuances, or parts thereof inconsistent with the provisions of this Act are hereby repealed
29 or modified accordingly.
30

31 **SECTION 7. *Effectivity Clause.*** This Act shall take effect fifteen (15) days after its
32 publication in the Official Gazette or in at least two (2) newspapers of general circulation.
33

34 *Approved,*