

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

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SENATE

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SENATE BILL NO. 1730

Introduced by **SENATOR LEILA M. DE LIMA**

AN ACT AMENDING ARTICLES 14, 19, 124, 211 AND 225 OF EXECUTIVE ORDER NO. 209, OTHERWISE KNOWN AS THE FAMILY CODE OF THE PHILIPPINES

EXPLANATORY NOTE

The Constitution, in Article II, Section 14 of the Constitution, provides that "the State recognizes the role of women in nation-building, and shall ensure the fundamental equality before the law of women and men". Standing as basis for equal treatment before the law, this precept must be upheld in all facets of a woman's life, especially in guaranteeing her equal status with the husband in the household after marriage.

One of the measures identified in the Women's Priority Legislative Agenda for the 17th Congress seeks to ensure that the right of women in marriage and family relations is duly upheld. Such is responsive to Republic Act No. 9710, otherwise known as the Magna Carta of Women, which calls for equal treatment between men and women before the law in Section 12, and providing that "the State shall take steps to review and, when necessary, amend and/or repeal existing laws that are discriminatory to women within three (3) years from the effectivity of this Act."

The woman's importance in nation-building starts from her role in the basic unit of society, the family. This bill seeks to rectify the inequality in decision-making in the household by amending certain provisions in the Family Code of the Philippines. These provisions are deemed patriarchal and detrimental to establishing the status of

married women as partners and equals in their own homes. Progressive amendments more apt with the current times are thus introduced in this bill..

As the Philippine Commission on Women pointed out in a policy paper, "removing the preferential treatment for the father/husband's decision in (1) giving consent to the marriage of a son or daughter, in case of disagreement with the wife (2) in the enjoyment and administration of absolute community or conjugal partnership of gains, and (3) in the exercise of parental authority over the person and legal guardianship over the property of their common child, will contribute to promoting women's rights, ensuring equality before the law between husband and wife, and transforming gender relations between the spouses".

As further exemplified in the Convention on the Elimination of Discrimination against Women, which honors the contribution of women to family welfare and societal development, it is proper to advocate for a measure that will finally strike the balance between parents and finally recognize "the social significance of maternity and the role of both parents in the family and in the upbringing of children".

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

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¹ Philippine Commission on Women. Ensuring Women's Equal Rights in Marriage and Family Relations: Amending Articles 14, 19, 124, 211 and 225 of the Family Code of the Philippines. Retrieved from http://www.pcw.gov.ph/wpla/ensuring-women%E2%80%99s-equal-rights-marriage-and-family-relations-amending-articles-14-19-124-211-and-225-family-code-philippines.



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RECEIVED BY:

SENATE BILL NO. 1730

Introduced by **SENATOR LEILA M. DE LIMA**

AN ACT AMENDING ARTICLES 14, 19, 124, 211 AND 225 OF EXECUTIVE ORDER NO. 209, OTHERWISE KNOWN AS THE FAMILY CODE OF THE PHILIPPINES

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

SECTION 1. Article 14 of E.O. No. 209 shall be amended as follows:

"ART. 14. In case either or both of the contracting parties, not having been emancipated by a previous marriage, are between the ages of eighteen and twenty-one, they shall, in addition to the requirements of the preceding articles, exhibit to the local civil registrar, the consent to their marriage of [their father, mother] **BOTH PARENTS**, surviving parent or guardian, or persons having legal charge of them, [in the order mentioned]. IN CASES WHERE THE PARENTS ARE SEPARATED, CONSENT SHOULD BE PROVIDED BY THE PARENT WHO HAS ACTUAL CUSTODY OVER THE CONTRACTING PARTY OR, IF THE LATTER IS NO LONGER LIVING WITH EITHER PARENTS, \mathbf{BY} THE PARENT WHO **PREVIOUSLY EXERCISED CUSTODY.** Such consent shall be manifested in writing by the interested party, who personally appears before the proper local civil registrar, or in the form of an affidavit made in the presence of two witnesses and attested before any official authorized by law to administer oaths. The personal manifestation shall be recorded in both applications for marriage license, and the affidavit, if one is executed instead, shall be attached to said applications."

SEC. 2. Article 96 of E.O. No. 209 shall be amended as follows:

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"Art. 96. The administration and enjoyment of the community property shall belong to both spouses jointly. [In ease of disagreement, the husband's decision shall prevail, subject to recourse to the court by the wife for proper remedy, which must be availed of within five years from the date of the contract implementing such decision.] INCASE OF DISAGREEMENT, THE SPOUSES MAY OPT TO RESORT TO THE COURTS, WHICH SHALL THEN RESOLVE THE DISAGREEMENT BASED ON LAW AND **MATTERS** EQUITY. \mathbf{ON} RELATING TO THE DISAGREEMENT, NEITHER OF THE SPOUSES SHALL UNILATERALLY CARRY OUT ACTS ADMINISTRATION OVER THE COMMUNITY PROPERTY WITHOUT FIRST OBTAINING A PROPER JUDICIAL ORDER. XXX"

SEC. 3. Article 124 of E.O. No. 209 shall be amended as follows:

"Art. 124. The administration and enjoyment of the conjugal partnership shall belong to both spouses jointly. [In ease of disagreement, the husband's decision shall prevail, subject to recourse to the court by the wife for proper remedy, which must be availed of within five years from the date of the contract implementing such decision.] INCASE OF DISAGREEMENT, THE SPOUSES MAY OPT RESORT TO THE COURTS, WHICH SHALL THEN RESOLVE THE DISAGREEMENT BASED ON LAW AND EQUITY. \mathbf{ON} **MATTERS** RELATING TO THE DISAGREEMENT, NEITHER OF THE SPOUSES SHALL UNILATERALLY CARRY OUT ACTS OF ADMINISTRATION OVER THE CONJUGAL

1	PARTNERSHIP WITHOUT FIRST OBTAINING A
2	PROPER JUDICIAL ORDER. xxx"
3	SEC. 4. Article 211 of E.O. No. 209 shall be amended as follows:
4	"Art. 211. The father and the mother shall jointly exercise
5	parental authority over the persons of their common children. [In
6	ease of disagreement, the father's decision shall prevail, unless
7	there is a judicial order to the contrary.] IN CASE OF
8	DISAGREEMENT, THE SPOUSES SHALL RESORT TO
9	THE COURTS WHICH SHALL THEN DECIDE THE
10	CASE BASED ON THE BEST INTEREST OF THE CHILD.
11	xxx"
12	SEC. 5. Article 225 of E.O. No. 209 shall be amended as follows:
13	"Art. 225. The father and the mother shall jointly exercise legal
14	guardianship over the property of the unemancipated common
15	child without the necessity of a court appointment. [In ease of
16	disagreement, the father's decision shall prevail, unless there is a
17	judicial order to the contrary.] IN CASE OF
18	DISAGREEMENT, THE SPOUSES SHALL RESORT TO
19	THE COURTS WHICH SHALL THEN DECIDE THE
20	CASE BASED ON THE BEST INTEREST OF THE CHILD.
21	xxx"
22	SEC. 6. Repealing Clause. — Any law, presidential decree or issuance,
23	executive order, letter of instruction, rule or regulation inconsistent with the
24	provisions of this Act is hereby repealed or modified accordingly.
25	SEC. 7. Separability Clause. — If, for any reason, any section or provision of
26	this Act is held unconstitutional or invalid, the other sections or provisions hereof shall
27	not be affected and thereby remain in full force and effect.
28	SEC. 8. Effectivity Clause. — This Act shall take effect after fifteen (15) days
29	following its complete publication in the Official Gazette or a newspaper of general
30	circulation.

Approved,