

SENATE
S.B. No. 417

'19 JUL 15 A8:54

Introduced by **SENATOR IMEE R. MARCOS** RECEIVED BY: 

**AN ACT
INSTITUTING A PROPERTY REGIME
FOR COHABITING SAME SEX PARTNERS AND FOR OTHER PURPOSES**

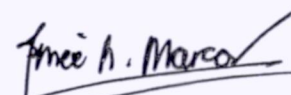
EXPLANATORY NOTE

The acquisition, ownership and use of property, is a guaranteed right of all citizens. Property ownership, for so many, provides the citizen with the assurance that in times of difficult challenges, there is hope for survival and there will be better days ahead.

The rights of same sex partners to acquire and own property jointly, and to use, sell, dispose or in any manner alienate such property for their benefit deserves protection.

This bill seeks to provide protection to the rights of same sex partners to jointly acquire, own, use, enjoy, manage, sell, dispose or alienate property for their benefit, including the rights of each partner to a just share of such properties acquired during the partnership in case of death, disability or incapacity of the other partner, and in instances of separation or termination of the partnership and/or abandonment of one partner by the other for any cause.

Under the premises, approval of this bill is strongly recommended.

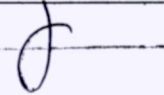

IMEE R. MARCOS
Senator

SENATE
S.B. No. 417

'19 JUL 15 A 8:54

Introduced by **SENATOR IMEE R. MARCOS**

RECEIVED BY



N ACT
INSTITUTING A PROPERTY REGIME
FOR COHABITING SAME SEX PARTNERS AND FOR OTHER PURPOSES

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

1 SECTION 1. *Title.* - This Act shall be known as the "Same Sex Partners Property
2 Relations Act".

3 Section 2. *Coverage.* - This Act shall cover the property relations of same sex
4 partners who are cohabiting or living together which include, among others, the
5 acquisition and ownership of property, real or personal, inclusive of such other rights
6 that are appurtenant thereto, and the enjoyment, distribution, alienation, sale and
7 disposition thereof.

8 Section 3. *Applicability.* - The provisions of this Act shall be applicable to persons
9 in a same sex partnership who are cohabiting or actually living together and who have
10 been cohabiting or actually living together for at least one year at the time of effectivity
11 of this Act.

12 Section 4. *Ownership of Properties Acquired During the Partnership* -The
13 provisions of a written agreement between the partners on the acquisition, ownership,
14 enjoyment, sharing, distribution, alienation, sale or disposition of property acquired by
15 both or any of the parties during the period of cohabitation shall govern. The written
16 agreement shall be notarized in the city or municipality where the partners reside.

17 In the absence of any written agreement, the partners shall be deemed as co-
18 owners of all the properties that are acquired during their cohabitation and all of the
19 income that may be realized therefrom including, among others, the proceeds of any
20 lease, rental, sale or any other mode of disposition or use thereof, Provided, that
21 properties, in any form, inherited by or bequeathed to, or donated to any one of the
22 partners during the cohabitation shall not form part of the co-owned properties and
23 Provided , finally, that the period of cohabitation shall be established by any one of the

1 parties and/or by credible witnesses or by pertinent, relevant and useful testamentary
2 and/or documentary evidence

3 Sec. 5. *Administration and Other Rights Over Properties* - Both partners shall
4 have joint rights to the administration and enjoyment of the properties co-owned by
5 them. In case of incapacity, permanent or temporary, or inability, for any lawful reason,
6 to properly administer the properties, the other partner shall assume administration and
7 management of all co-owned properties until the other partner is fit and able. No lease,
8 use, sale, alienation or disposition of any property co-owned by the parties shall be
9 done without the consent of both partners. Any contract or agreement for the use,
10 lease, sale, alienation or disposition of any property co-owned by the partners shall be
11 signed by both of the partners.

12 Sec. 6. *Donations and Gifts*. – Donations and gifts received by any of the
13 partners during the cohabitation, except those from members of the immediate family
14 of the donee, shall form part of the co-owned properties of the partners, Provided, that
15 donations or gifts given by a partner to the other, shall be the exclusive personal
16 property of the recipient partner. No donations or gifts may be made in favor of any
17 person without the consent of both parties.

18 Sec. 7. *Personal Debts, Loans and Other Liabilities*. – Any loan or financial
19 obligation incurred by a partner without the knowledge or consent of the other shall be
20 the personal liability of the partner who incurred the debt or liability. Final and
21 executory court judgments arising from acts that happened before the cohabitation of
22 the partners shall not be paid out of co-ownership funds or property, Provided, that
23 court judgments promulgated during the period of cohabitation may be paid out of the
24 co-ownership funds if the alleged acts were undertaken with the knowledge and/or full
25 consent of the parties.

26 Sec. 8. *Dissolution of Co-Ownership*. – The co-ownership of properties of persons
27 in a same sex relationship shall be deemed dissolved upon the death or permanent
28 disability of any of the partners or upon the termination of the relationship for any
29 cause, unless in cases of termination of the partnership due to mutually agreed and /or
30 amicable separation, the partners agree to continue their co-ownership of particular
31 properties, which agreement shall be reduced in writing and duly notarized as a formal
32 contract or agreement between the parties. Otherwise, upon the dissolution of the
33 partnership, the properties co-owned by the partners shall be divided equally between
34 the partners after the payment of debts and obligations jointly incurred prior to the
35 dissolution.

1 *Sec. 9. Implementing Rules and Regulations.* – The Secretary of the Department
2 of Justice together with the Committee Chairmen of the Committees on Justice of the
3 House of Representatives and the Senate, and five (5) representatives of the Lesbian,
4 Gay, Bisexual, and Transgender (LGBT) sector shall prepare the implementing rules and
5 regulations within sixty (60) days from the effectivity of this Act.

6 *Sec. 10. Suppletory Effect.* - The provisions of the Civil Code on co-ownership
7 shall be suppletory to this Act.

8 *Sec. 11. Effectivity* — This Act shall take effect fifteen (15) days after its
9 complete publication in the Official Gazette or in at least two (2) newspapers of national
10 circulation.

11

12 Approved,