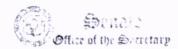
## EIGHTEENTH CONGRESS OF THE REPUBLIC OF THE PHILIPPINES

First Regular Session



## SENATE S.B. NO. <u>1173</u>

19 NOV 13 P5:34

## Introduced by Senator Maria Lourdes Nancy Salinay



## 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:

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"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].

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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as a binding contract upon the acceptance by the other spouse or authorization by the court before the offer is withdrawn by either or both offerors."

Sec. 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:

"Art. 124. The administration and enjoyment of the conjugal partnership 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 proper 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 conjugal properties, the other spouse may assume sole powers of administration. These powers do not include disposition or encumbrance without

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 of the other spouse or authorization by the court before the offer is withdrawn by either or both offerors."

Sec. 3. Article 211 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. 211. The father and the mother shall jointly exercise parental authority over the persons of their common children. In case of disagreement, the FATHER AND THE MOTHER SHALL EXERT EFFORTS TO ENTER INTO A COMPROMISE, FAILING SUCH, THE COURT SHALL DECIDE, TAKING INTO CONSIDERATION THE BEST INTEREST OF SUCH COMMON CHILD [father's decision shall prevail, unless there is a judicial order to the contrary].

Children shall always observe respect and reverence towards their parents and are obliged to obey them as long as the children are under parental authority."

Sec. 4. Article 225 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. 225. The father and the mother shall jointly exercises legal guardianship over the property of the unemancipated common child without the necessity of a court appointment. In case of disagreement, the FATHER AND THE MOTHER SHALL EXERT EFFORTS TO ENTER INTO A COMPROMISE, FAILING SUCH, THE COURT SHALL DECIDE, TAKING INTO CONSIDERATION THE BEST INTERSET OF SUCH COMMON CHILD [father's decision shall prevail, unless there is a judicial order to the contrary].

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

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

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

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

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

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

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

Approved,