



SENATE
S.B. NO. 1173

'19 NOV 13 P5:34

Introduced by Senator Maria Lourdes Nancy S. Binay

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].

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11 by the court before the offer is withdrawn by either or both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

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

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18 “Art. 124. The administration and enjoyment of the conjugal
19 partnership shall belong to both spouses jointly. In case of
20 disagreement, the SPOUSES SHALL EXERT EARNEST EFFORTS TO
21 ENTER INTO A COMPROMISE, FAILING SUCH, THE COURT SHALL
22 DECIDE, UPON A PROPER PETITION IN A SUMMARY PROCEEDING
23 [husband’s decision shall prevail, subject to recourse to the court
24 by the wife for proper remedy, which must be availed of within five
25 years from the date of the contract implementing such decision].

26
27 In the event that one spouse is incapacitated or otherwise unable
28 to participate in the administration of the conjugal properties, the
29 other spouse may assume sole powers of administration. These
30 powers do not include disposition or encumbrance without

1 authority of the court or the written consent of the other spouse. In
2 the absence of such authority or consent, the disposition or
3 encumbrance shall be void. However, the transaction shall be
4 construed as a continuing offer on the part of the consenting
5 spouse and the third person, and may be perfected as a binding
6 contract upon the acceptance of the other spouse or authorization
7 by the court before the offer is withdrawn by either or both
8 offerors.”
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10 Sec. 3. Article 211 of Executive Order No. 209, otherwise known as the
11 Family Code of the Philippines, as amended, is hereby further amended to read
12 as follows:
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14 “Art. 211. The father and the mother shall jointly exercise parental
15 authority over the persons of their common children. In case of
16 disagreement, the FATHER AND THE MOTHER SHALL EXERT
17 EFFORTS TO ENTER INTO A COMPROMISE, FAILING SUCH, THE
18 COURT SHALL DECIDE, TAKING INTO CONSIDERATION THE BEST
19 INTEREST OF SUCH COMMON CHILD [father’s decision shall
20 prevail, unless there is a judicial order to the contrary].
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22 Children shall always observe respect and reverence towards their
23 parents and are obliged to obey them as long as the children are
24 under parental authority.”
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26 Sec. 4. Article 225 of Executive Order No. 209, otherwise known as the
27 Family Code of the Philippines, as amended, is hereby further amended to read
28 as follows:
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1 "Art. 225. The father and the mother shall jointly exercises legal
2 guardianship over the property of the unemancipated common
3 child without the necessity of a court appointment. In case of
4 disagreement, the FATHER AND THE MOTHER SHALL EXERT
5 EFFORTS TO ENTER INTO A COMPROMISE, FAILING SUCH, THE
6 COURT SHALL DECIDE, TAKING INTO CONSIDERATION THE BEST
7 INTERSET OF SUCH COMMON CHILD [father's decision shall
8 prevail, unless there is a judicial order to the contrary].
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10 Where the market value of the property or the annual income of
11 the child exceeds P50,000 the parent concerned shall be required
12 to furnish a bond in such amount as the court may determine, but
13 not less than ten *per centum* (10%) of the value of the property or
14 annual income, to guarantee the performance of the obligations
15 prescribed for general guardians.
16

17 A verified petition for approval of the bond shall be filed in the
18 proper court of the place where the child resides, or, if the child
19 resides in a foreign country, in the proper court of the place where
20 the property or any part thereof is situated.
21

22 The petition shall be docketed as a summary special proceeding in
23 which all incidents and issues regarding the performance of the
24 obligations referred to in the second paragraph of this Article shall
25 be heard and resolved.
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27 The ordinary rules on guardianship shall be merely suppletory
28 except when the child is under substitute parental authority, or the
29 guardian is a stranger, or a parent has remarried, in which case
30 the ordinary rules on guardianship shall apply."

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

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

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

Approved,