


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

7 JUL -2 11:4

SENATE

RECEIVED BY: 

Senate Bill No. 392

INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

EXPLANATORY NOTE

The Family Code, Article 236 paragraph provides:

“Nothing in this Code shall be construed to derogate from the duty or responsibility of parents and guardians for children and wards below twenty-one years of age mentioned in the second and third paragraphs of Article 2180 of the Civil Code.”

The last paragraph of Art 236 was inserted to emphasize the tort liability of parents and guardians for damages that their emancipated children or wards might cause.

However, the reference to Art 2180 of the Civil Code is incorrect. Prior to the enactment of R.A. No. 6809, which amended Art. 236 of the Family Code, the liability of parents with respect to their unemancipated children’s acts or omissions was governed by Art. 221 of the Family Code and not by the second and third paragraphs or Art. 2180 of the Civil Code. The present law limits the tort liability of parents and guardians to the acts or omissions of their unemancipated children and wards.

The last paragraph of Art. 236 contemplates a situation where a victim of a tort committed by person aged between eighteen and twenty one years sues for damages. Recovery would be slim as the emancipated child or ward might still be in school or unemployed or both. There is a need to hold parents and guardians liable for the damages that their emancipated children and wards, while still living with them, might cause.

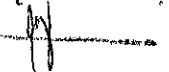
Immediate approval of this bill is earnest sought.


JINGGOY EJERCITO ESTRADA
Senator

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AN ACT
AMENDING ART. 236 OF EXECUTIVE ORDER NO. 209, ALSO 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. Art. 236 of the Family Code is hereby amended to read as follows:

Art. 236. Emancipation shall terminate parental authority over the person and property of the child who shall then be qualified and responsible for all acts of civil life, save the exceptions established by existing laws in special cases. NEVERTHELESS, THE LIABILITY OF THE PARENTS MENTIONED IN ART. 221 OF THIS CODE SHALL REMAIN FOR THE DAMAGES CAUSED BY THEIR CHILDREN BETWEEN EIGHTEEN AND TWENTY-ONE YEARS OF AGE WHO LIVE WITH THEM AND, IN CASE OF GUARDIANS, THEY SHALL BE LIABLE IF THE SAID PERSONS ARE UNDER THEIR AUTHORITY AND LIVE WITH THEM. THE LIABILITY OF THE PARENTS AND GUARDIANS MENTIONED IN THIS ARTICLE SHALL ONLY BE SUBSIDIARY.

Contracting marriage shall require parental consent until the age of twenty one.

[Nothing in this Code shall be construed to derogate from the duty or responsibility of parents and guardians for children and wards below twenty-one years of age mentioned in the second and third paragraphs of Article 2180 of the Civil Code.]

SEC 2. Separability Clause. If any provisions of part hereof is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SEC 3. *Repealing Clause.* Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with, the provisions of this Act is hereby repealed, modified or amended accordingly.

SEC 4. *Effectivity Clause.* This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,