

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. **3951**



Introduced by **REP. EMMELINE Y. AGLIPAY-VILLAR**

EXPLANATORY NOTE

Despite the Constitutional mandate that affirms the equality of men and women, gender inequality continues to exist in our laws that effectively justify the discrimination experienced by women in the society, in their workplace, and even at home.

To this date, women remain to be a minority on various decision making aspects in marriage and family relations. The Family Code provides both spouses joint administration and enjoyment of their property. However, the right of the wife becomes inferior whenever disagreement arises between the spouses because of the explicit provisions that favors the husband's decision. In such cases, the wife is required to go to court to assert her right. Likewise, the Family Code grants the husband and wife equal parental authority and shared responsibility in raising their children. But the right of the mother is only secondary to that of the father. In case of disagreement between the father and mother the Family Code gives preference to the father's decision, unless there is judicial order to the contrary, which the mother will have to get from the court for her parental authority to be recognized.

The foregoing circumstances proved the existing inequality between the rights of the husband/father and wife/mother under the Code.

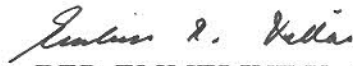
Our Constitution upholds and protects the fundamental rights of every women. Article II, Section 14 of our Constitution ensures fundamental equality before the law of women and men.

Recognizing the Constitutional mandate, Section 19 of The Magna Carta on Women (R.A. 9710) provides equal rights to both man and woman in all matters relating to marriage and family relations. Further, Section 12 of the Magna Carta, provides that the State shall take steps to review and, when necessary, amend and/or repeal existing laws that are discriminatory to women. Likewise, as one of the signatory States to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), it is the State obligation to repeal all discriminatory laws and practices, and provide effective mechanisms and remedies where women can seek redress for violations of these rights.

In line with the State recognized efforts to guarantee the rights and fundamental freedoms of women under the Constitution and in consonance with the Magna Carta on

Women and CEDAW, it becomes imperative to amend the existing provisions of the Family Code to ensure that existing gender bias and inequalities be properly addressed.

The proposed measure seeks to amend only the specific gender biased provisions of the Family Code, which explicitly favors the man/husband/father in the family. Specifically, the bill seeks to amend articles, 14, 96, 124, 211 and 225 of the Family Code. These amendments are aimed at ensuring the fundamental equality of men and women relative to marriage and family relations and promote gender equality in society and at home.



REP. EMMELINE Y. AGLIPAY-VILLAR

DIWA Party-list

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 3951

Introduced by **REP. EMMELINE Y. AGLIPAY-VILLAR**

AN ACT
ENSURING THE FUNDAMENTAL EQUALITY OF MEN AND WOMEN
RELATING TO MARRIAGE AND FAMILY RELATIONS, AMENDING FOR THE
PURPOSE ARTICLES 14, 96, 124, 211 AND 255 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 Executive Order No. 209 is hereby amended to read as follows:

“Article 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 EITHER OF THE PARENTS {Father, Mother}, surviving parent or guardian, or persons having legal charge of them, in the order mentioned. 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.”

Section 2. Article 96 of Executive Order No. 209 is hereby amended to read as follows:

“Article 96. The administration and enjoyment of the community property shall belong to both spouses jointly. In case of disagreement, {the husband's decision shall prevail, subject to} THE SPOUSES SHALL MAKE EARNEST EFFORTS TO SETTLE THEIR DIFFERENCES, PROVIDED THAT SHOULD THE SPOUSES FAIL TO ENTER INTO A COMPROMISE, EITHER SPOUSE SHALL HAVE 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. THE

COURT, IN DECIDING THE CASE, SHALL CONSIDER THE BEST INTEREST OF THE FAMILY.

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 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."

Section 3. Article 124 of Executive Order No. 209 is hereby amended to read as follows:

"Article. 124. The administration and enjoyment of the conjugal partnership shall belong to both spouses jointly. In case of disagreement, {the husband's decision shall prevail, subject to} THE SPOUSES SHALL MAKE EARNEST EFFORTS TO SETTLE THEIR DIFFERENCES PROVIDED THAT SHOULD THE SPOUSES FAIL TO ENTER INTO A COMPROMISE, EITHER SPOUSE SHALL HAVE 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. THE COURT IN DECIDING THE CASE, SHALL CONSIDER THE BEST INTEREST OF THE FAMILY.

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

Section 4. Article 211 of Executive Order No. 209 is hereby amended to read as follows:

"Article 211. The father and the mother shall jointly exercise parental authority over the persons of their common children. In case of disagreement, THE PARENTS SHALL MAKE EARNEST EFFORTS TO SETTLE THEIR DIFFERENCES, TAKING INTO CONSIDERATION THE BEST INTEREST OF THE CHILD, PROVIDED THAT SHOULD THEY FAIL TO ENTER INTO A COMPROMISE, EITHER PARENT SHALL HAVE RECOURSE TO THE COURT FOR PROPER REMEDY {the 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."

Section 5. Article 225 of Executive Order No. 209 is hereby amended to read as follows:

“Article 225. The father and the mother shall jointly exercise legal guardianship over the property of the unemancipated common child without the necessity of a court appointment. In case of disagreement, In case of disagreement, THE PARENTS SHALL MAKE EARNEST EFFORTS TO SETTLE THEIR DIFFERENCES, TAKING INTO CONSIDERATION THE BEST INTEREST OF THE CHILD, PROVIDED THAT SHOULD THEY FAIL TO ENTER INTO A COMPROMISE EITHER PARENT SHALL HAVE RECOURSE TO THE COURT FOR PROPER REMEDY {the father's decision shall prevail, unless there is a judicial order to the contrary.}

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 supplementary 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.

Section 6. Separability Clause – If any provision of this Act is declared invalid, the remainder or any of this provision hereof not affected thereby shall remain in force and effect.

Section 7. Repealing Clause - All laws, decrees, executive orders, presidential issuances and other administrative rules and regulations or parts thereof which are inconsistent with this Act are hereby repealed, amended or modified accordingly.

Section 8. Effectivity – This Act shall take effect fifteen (15) days after its publication in at least two (2) national newspapers of general circulation.

Approved,