



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Constitution Hills, Quezon City

EIGHTEENTH CONGRESS
First Regular Session

2262

HOUSE BILL NO. _____



Introduced by
REPRESENTATIVE PANTALEON D. ALVAREZ

AN ACT
PROVIDING FOR THE REGIME OF COMPLETE SEPARATION OF
PROPERTY AS THE GOVERNING REGIME IN THE ABSENCE OF
A MARRIAGE SETTLEMENT OR WHEN THE REGIME AGREED
UPON IS VOID, AMENDING FOR THE PURPOSE ARTICLES 75
AND 147 OF TITLE IV OF EXECUTIVE ORDER NO. 209, AS
AMENDED BY EXECUTIVE ORDER NO. 277, OTHERWISE
KNOWN AS THE FAMILY CODE OF THE PHILIPPINES

EXPLANATORY NOTE:

On October 6, 2016, then Deputy Speaker and Cebu 3rd District Representative Gwendolyn F. Garcia filed a bill titled "*An Act Providing for the Conjugal Partnership of Gains as the Governing Regime in the Absence of a Marriage Settlement or when the Regime Agreed Upon is Void, Amending for the Purpose Article 75 of Title IV of Executive Order No. 209, as Amended by Executive Order No. 277, Otherwise Known as the Family Code of the Philippines*" which was then docketed as House Bill No. 3988.

Said Bill was then referred to the appropriate Committee and, after much deliberations, was revised so that the default property regime is complete separation of property. The bill was approved on third reading by the House of Representatives and was then transmitted to the Senate of the Philippines on May 17, 2018.

The version of the bill that was approved on third reading and transmitted to the Senate is herein reproduced, refiled, and its passage is earnestly sought.


PANTALEON D. ALVAREZ



Republic of the Philippines
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HOUSE BILL NO. 2262

Introduced by
REPRESENTATIVE PANTALEON D. ALVAREZ

AN ACT
PROVIDING FOR THE REGIME OF COMPLETE SEPARATION OF
PROPERTY AS THE GOVERNING REGIME IN THE ABSENCE OF
A MARRIAGE SETTLEMENT OR WHEN THE REGIME AGREED
UPON IS VOID, AMENDING FOR THE PURPOSE ARTICLES 75
AND 147 OF TITLE IV OF EXECUTIVE ORDER NO. 209, AS
AMENDED BY EXECUTIVE ORDER NO. 277, 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 75 of Title IV of the Family Code of the Philippines is hereby amended to read as follows:

“Art. 75. The future spouses may, in the marriage settlements, **EITHER IN A SEPARATE DOCUMENT OR AS PROVIDED FOR IN THEIR APPLICATION FOR MARRIAGE LICENSE OR IN THE MARRIAGE LICENSE ITSELF**, agree upon the regime of absolute community, conjugal partnership of gains, complete separation of property, or any other regime. In the absence of marriage settlements, or when the regime agreed upon is void, the [system of absolute community of property] **REGIME OF COMPLETE SEPARATION OF PROPERTY** as established in this Code shall[.]: **PROVIDED, THAT IT SHALL BE MANDATORY**

**FOR THE LOCAL CIVIL REGISTRAR TO PROVIDE THE
ABOVEMENTIONED MARRIAGE REGIME OPTIONS IN THE
APPLICATION FOR MARRIAGE LICENSE."**

SEC. 2. Article 147, first paragraph, of Title IV of the Family Code of the Philippines is hereby amended to read as follows:

"Art. 147. When a man and a woman who are capacitated to marry each other, live exclusively with each other as husband and wife without the benefit of a marriage or under a void marriage, their **RESPECTIVE** wages and salaries **EARNED IN THEIR INDIVIDUAL CAPACITY** shall be owned by them [in equal shares] **UNDER THE REGIME OF COMPLETE SEPARATION OF PROPERTY** and the property acquired by both of them through their work or industry shall be governed by the rules on co-ownership."

SEC. 3. *Property Regime Form.* - Unless otherwise prescribed by special law, the parties applying for a marriage license before the local civil registrar shall accomplish a document expressing their choice of property regime, which shall govern their property relations within the marriage. The document shall comply substantially with the following form:

AGREEMENT AS TO PROPERTY REGIME

I, (FULL NAME), of legal age, (NATIONALITY) citizen, and a resident of (ADDRESS); and

I, (FULL NAME), of legal age, (NATIONALITY) citizen, and a resident of (ADDRESS), after having been duly sworn in accordance with law, hereby depose and say;

That together, we have chosen the property regime herein provided -

ABSOLUTE COMMUNITY OF PROPERTY
CONJUGAL PARTNERSHIP OF GAINS
COMPLETE SEPARATION OF PROPERTY

to govern our property relations effective upon the execution of our marriage.

Further affiants sayeth none.

IN WITNESS WHEREOF, we have hereunto affixed our signatures this _____ day of _____, in _____.

(Signature over Printed Name)

(Signature over Printed Name)

SUBSCRIBED AND SWORN before me this _____ day of _____, _____ by _____ and _____ who exhibited to me the following government issued identification _____ issued on _____ at _____ and _____ issued on _____ at _____, respectively, as their competent evidence of identify.

NOTARY PUBLIC

Doc No. _____;
Page No. _____;
Book No. _____;
Series of _____.

Should there be variations in property relation within the limits provided for in the Family Code of the Philippines, the parties shall submit an additional document containing the same to form part of the prenuptial agreement, which shall be attached to the application for issuance of a marriage license.

The property regime form should be duly notarized and registered with the local civil registry of the place where the application for issuance of a marriage license is sought. The absence of registration will not affect the validity of the agreement between the parties but will no prejudice their creditors.

SEC. 4. This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,