

SEVENTEENTH CONGRESS
CONGRESS OF THE PHILIPPINES
First Regular Session
HOUSE OF REPRESENTATIVES

House Bill No. 3263

HOUSE OF REPRESENTATIVES	
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TIME:	1:45 PM
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Introduced by REPRESENTATIVE PIA S. CAYETANO

EXPLANATORY NOTE

Our country is recognized as one of the most gender equal nations in the world. The Philippines is the best performer in the Asia-Pacific region when it comes to equality between genders.

However, despite the landmark legislation we have passed and been recognized for, there remain vestiges of gender insensitivity and discrimination against women in our laws.

One such law is Executive Order No. 209, otherwise known as the Family Code of the Philippines. The Family Code, as amended, contains several provisions that hold the decision of the husband or father, supreme over that of the wife or mother.

Executive Order No. 209 was a Presidential Proclamation made in 1987, almost thirty years ago. And although it introduced many subsequent changes, gender-biased provisions which are remnants of the Civil Code passed in 1950, still remain. To wit:

Article 14, which deals with the requirement of parental consent for marriage of a child aged between eighteen (18) and twenty-one (21) years old, accords primacy to the consent of the father over that of the mother.

Articles 96 and 124, which deal with the administration of community property and conjugal partnership, respectively, state that although administration and

enjoyment belong to both spouses jointly, the husband's decision shall prevail in case of disagreement. The wife's only recourse is to bring such matter before the courts.

Article 211 states that the father and mother shall jointly exercise parental authority over their common children, but the father's decision shall prevail in case of disagreement. The rearing of children is a joint and collaborative effort between the father and mother. There is no rational explanation for according more weight to the decision of the father in the exercise of parental authority.

Finally, Article 225, which states that the father and mother shall jointly exercise legal guardianship over the property of their unemancipated common child, once again holds the father's decision supreme in case of disagreement.

Given these apparent inequalities, this bill seeks to amend the preceding provisions to give equal weight to the decision of the husband or father, and the wife or mother. This way, we eliminate the undue prejudice against women, and the law can now accord the same weight to the decision of either spouse or parent, in important matters concerning their marriage and family.

Hence, the swift passage of this bill is earnestly sought.

Pia S. Cayetano
PIA S. CAYETANO

2nd District, City of Taguig

SEVENTEENTH CONGRESS
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3263
House Bill No. _____

Introduced by REPRESENTATIVE PIA S. CAYETANO

AN ACT

ENSURING THE FUNDAMENTAL EQUALITY OF MEN AND WOMEN UNDER
THE LAWS ON MARRIAGE AND FAMILY RELATIONS, AMENDING FOR THE
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 the House of Representatives of the Philippines in
Congress assembled:*

1 **SECTION 1.** Article 14 of Executive Order No. 209, as amended, otherwise known
2 as the Family Code of the Philippines, is hereby amended to read as follows:

3 "Art. 14. In case either or both of the contracting parties[, not having
4 been emancipated by a previous marriage,] are between the ages of
5 eighteen and twenty-one, they shall, in addition to the requirements of
6 the preceding articles, exhibit to the local civil registrar, the consent to
7 their marriage of [their father, mother, surviving parent]**EITHER**
8 **PARENT,[or] THE** guardian, or persons having legal charge of them
9 **AS PROVIDED UNDER THIS CODE AND OTHER RELEVANT**
10 **LAWS**, in the order mentioned. Such consent shall be manifested in
11 writing by the interested party, who personally appears before the
12 proper local civil registrar, or in the form of an affidavit made in the

1 presence of two witnesses and attested before any official authorized
2 by law to administer oaths. The personal manifestation shall be
3 recorded in both applications for marriage license, and the affidavit, if
4 one is executed instead, shall be attached to said applications.”

5 **SEC. 2.** Article 96 of Executive Order No. 209, as amended, otherwise known
6 as the Family Code of the Philippines, is hereby amended to read as follows:

7 “Art. 96. The administration and enjoyment of the community property
8 shall belong to both spouses jointly. In case of disagreement, the
9 **SPOUSES SHALL EXERT EARNEST EFFORTS TO ENTER INTO A**
10 **COMPROMISE AND ONLY UPON FAILING SUCH SHALL THE**
11 **COURT DECIDE THE CASE, UPON A PROPER PETITION, IN A**
12 **SUMMARY PROCEEDING**[the husband's decision shall prevail,
13 subject to recourse to the court by the wife for proper remedy, which
14 must be availed of within five years from the date of the contract
15 implementing such decision].

16 In the event that one spouse is incapacitated or otherwise
17 unable to participate in the administration of the common properties,
18 the other spouse may assume sole powers of administration. These
19 powers do not include disposition or encumbrance without authority of
20 the court or the written consent of the other spouse. In the absence of
21 such authority or consent, the disposition or encumbrance shall be
22 void. However, the transaction shall be construed as a continuing offer
23 on the part of the consenting spouse and the third person, and may be
24 perfected as a binding contract upon the acceptance by the other
25 spouse or authorization by the court before the offer is withdrawn by
26 either or both offerors.”

27 **SEC. 3.** Article 124 of Executive Order No. 209, as amended, otherwise
28 known as the Family Code of the Philippines, is hereby amended to read as follows:

29 “Art. 124. The administration and enjoyment of the conjugal partnership
30 shall belong to both spouses jointly. In case of disagreement, the
31 **SPOUSES SHALL EXERT EARNEST EFFORTS TO ENTER INTO A**
32 **COMPROMISE AND ONLY UPON FAILING SUCH SHALL THE**

1 **COURT DECIDE THE CASE, UPON A PROPER PETITION, IN A**
2 **SUMMARY PROCEEDING** [husband's decision shall prevail, subject
3 to recourse to the court by the wife for proper remedy, which must be
4 availed of within five years from the date of the contract implementing
5 such decision].

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

17 **SEC.4.** Article 211 of Executive Order No. 209, as amended, otherwise
18 known as the Family Code of the Philippines, is hereby amended to read as follows:

19 "Art. 211. The father and the mother shall jointly exercise parental
20 authority over the persons of their common children. In case of
21 disagreement, the **FATHER AND MOTHER SHALL EXERT**
22 **EARNEST EFFORTS TO ENTER INTO A COMPROMISE AND ONLY**
23 **UPON FAILING SUCH SHALL THE COURT DECIDE THE CASE,**
24 **UPON A PROPER PETITION, TAKING INTO CONSIDERATION THE**
25 **BEST INTERESTS OF THE COMMON CHILDREN** [father's decision
26 shall prevail, unless there is a judicial order to the contrary].

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

30 **SEC. 5.** Article 225 of Executive Order No. 209, as amended, otherwise
31 known as the Family Code of the Philippines, is hereby amended to read as follows:

1 "Art. 225. The father and the mother shall jointly exercise legal
2 guardianship over the property of the unemancipated common child
3 without the necessity of a court appointment. In case of disagreement,
4 the **FATHER AND THE MOTHER SHALL EXERT EARNEST**
5 **EFFORTS TO ENTER INTO A COMPROMISE AND ONLY UPON**
6 **FAILING SUCH SHALL THE COURT DECIDE,UPON A PROPER**
7 **PETITION, TAKING INTO CONSIDERATION THE BEST INTEREST**
8 **OF THE COMMON CHILD** [father's decision shall prevail, unless there
9 is a judicial order to the contrary].

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

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

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

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

28 **SEC. 6.Separability Clause.** If any portion or provision of this Act is declared
29 void and unconstitutional, the remaining portion or provisions hereof shall not be
30 affected by such declaration.

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

4 **SEC.8.Effectivity Clause.** This Act shall take effect fifteen (15) days after its
5 complete publication in at least two (2) national newspapers of general circulation.

Approved,