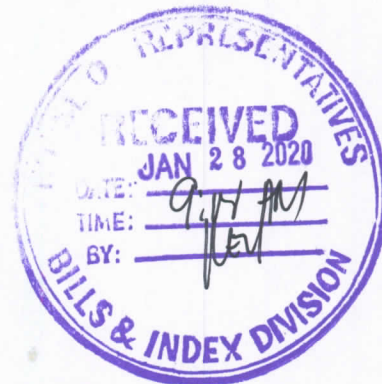


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session



COMMITTEE REPORT NO. **204**

Submitted by the Committee on Women & Gender Equality on **JAN 28 2020**

Re: House Bill No. **6078**

Recommending its approval in substitution of House Bills Numbered 111, 866, 1142, 1148, 3396 and 4113

Sponsors: Representatives Maria Lourdes Acosta-Alba, Lawrence "Law" H. Fortun, Michael Edgar Y. Aglipay, Arlene D. Brosas and Henry R. Villarica

Mr. Speaker:

The Committee on Women and Gender Equality to which were referred **House Bill No. 111**, introduced by Representative Lawrence "Law" H. Fortun, entitled:

AN ACT

ENSURING THE FUNDAMENTAL EQUALITY OF MEN AND WOMEN UNDER THE LAWS ON MARRIAGE AND FAMILY RELATIONS, AMENDING FOR THE PURPOSE ARTICLES 14, 96, 124, 211, AND 225 OF EXECUTIVE ORDER 209, OTHERWISE KNOWN AS THE FAMILY CODE OF THE PHILIPPINES;

House Bill No. 866, introduced by Representative Michael Edgar Y. Aglipay, entitled:

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 225 OF EXECUTIVE ORDER 209, OTHERWISE KNOWN AS THE FAMILY CODE OF THE PHILIPPINES;

House Bill No. 1142, introduced by Representatives Arlene D. Brosas, Sarah Jane I. Elago, Eufemia "Ka Femia" C. Cullamat, and Ferdinand R. Gaite, entitled:

AN ACT

AMENDING ARTICLES 96 AND 124 OF THE FAMILY CODE OF THE PHILIPPINES;

House Bill No. 1148, introduced by Representatives Arlene D. Brosas, Sarah Jane I. Elago, Eufemia "Ka Femia" C. Cullamat, and Ferdinand R. Gaite, entitled:

AN ACT

AMENDING ARTICLES 14, 211 AND 225 OF THE FAMILY CODE OF THE PHILIPPINES;

House Bill No. 3396, introduced by Representative Maria Lourdes Acosta-Alba, entitled:

AN ACT

ENSURING THE FUNDAMENTAL EQUALITY OF MEN AND WOMEN, AMENDING FOR THE PURPOSE ARTICLES 14, 96, 124, 211, AND 225 OF EXECUTIVE ORDER 209, OTHERWISE KNOWN AS THE FAMILY CODE OF THE PHILIPPINES; and

House Bill No. 4113, introduced by Representative Henry R. Villarica, entitled:

AN ACT

ENSURING THE FULL IMPLEMENTATION OF FUNDAMENTAL EQUALITY BEFORE THE LAW OF WOMEN AND MEN, AMENDING FOR THE PURPOSE ARTICLES 14, 96, 124, 211, AND 225 OF EXECUTIVE ORDER 209, OTHERWISE KNOWN AS THE FAMILY CODE OF THE PHILIPPINES.

has considered the same and recommends that the attached House Bill No. 6078, entitled:

AN ACT

ENSURING THE FUNDAMENTAL EQUALITY OF MEN AND WOMEN UNDER THE LAWS ON MARRIAGE AND FAMILY RELATIONS, AMENDING FOR THE PURPOSE ARTICLES 14, 96, 124, 211, AND 225 OF EXECUTIVE ORDER NO. 209, OTHERWISE KNOWN AS "THE FAMILY CODE OF THE PHILIPPINES"

be approved in substitution of House Bills Numbered 111, 866, 1142, 1148, 3396 and 4113 with Representatives Lawrence "Law" H. Fortun, Michael Edgar Y. Aglipay, Arlene D. Brosas, Sarah Jane I. Elago, Eufemia "Ka Femia" C. Cullamat, Ferdinand R. Gaite, Carlos Isagani T. Zarate, Maria Lourdes Acosta-Alba, Henry R. Villarica, Glona G. Labadlabad, Ma. Lourdes T. Arroyo, Paz C. Radaza, Jocelyn Sy Limkaichong, Shirlyn Bañas-Nogales, Irene Gay F. Saulog, Rufus B. Rodriguez and Juan Fidel Felipe F. Nogales as authors thereof.

Respectfully submitted:



MARIA LOURDES ACOSTA-ALBA
Chairperson
Committee on Women and Gender Equality

HONORABLE SPEAKER
HOUSE OF REPRESENTATIVES

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 6078

(In Substitution of House Bills Numbered 111, 866, 1142, 1148, 3396 and 4113)

Introduced by Representatives Lawrence "Law" H. Fortun, Michael Edgar Y. Aglipay, Arlene D. Brosas, Sarah Jane I. Elago, Eufemia "Ka Femia" C. Cullamat, Ferdinand R. Gaité, Carlos Isagani T. Zarate, Maria Lourdes Acosta-Alba, Henry R. Villarica, Glona G. Labadlabad, Ma. Lourdes T. Arroyo, Paz C. Radaza, Jocelyn Sy Limkaichong, Shirlyn Bañas-Nogralles, Irene Gay F. Saulog, Rufus B. Rodriguez and Juan Fidel Felipe F. Nogralles

AN ACT
ENSURING THE FUNDAMENTAL EQUALITY OF MEN AND WOMEN UNDER THE LAWS ON MARRIAGE AND FAMILY RELATIONS, AMENDING FOR THE PURPOSE ARTICLES 14, 96, 124, 211, AND 225 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:

1 **SECTION 1.** Article 14 of Executive Order No. 209 is hereby amended to read as follows:

2 "Art. 14. In case either or both of the contracting parties[, not having
3 been emancipated by a previous marriage,] are between the ages of
4 eighteen and twenty-one, they shall, in addition to the requirements of the
5 preceding articles, exhibit to the local civil registrar, the consent to their
6 marriage of [their father, mother, surviving parent], EITHER PARENT, or
7 guardian, or [persons] THE PERSON WHO HAS [having] legal charge of
8 them, AS PROVIDED UNDER THIS CODE AND OTHER RELEVANT

1 LAWS, in the order mentioned. Such consent shall be manifested in
2 writing by the interested party, who personally appears before the proper
3 local civil registrar, or in the form of an affidavit made in the presence of
4 two witnesses and attested before any official authorized by law to
5 administer oaths. The personal manifestation shall be recorded in both
6 applications for marriage license, and the affidavit, if one is executed
7 instead, shall be attached to said applications.”

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

9 “Art. 96. The administration and enjoyment of the community property
10 shall belong to both spouses jointly. ANY ACT OF ADMINISTRATION BY
11 EITHER SPOUSE WITHOUT THE CONSENT OF THE OTHER SHALL
12 BE UNENFORCEABLE UNTIL IT IS SUBSEQUENTLY RATIFIED BY
13 THE NON-CONSENTING SPOUSE. In case of disagreement, the
14 [husband’s decision shall prevail, subject to] SPOUSES SHALL MAKE
15 EARNEST EFFORTS TO SETTLE THEIR DIFFERENCES, PROVIDED
16 THAT, SHOULD THE SPOUSES FAIL TO ENTER INTO A
17 COMPROMISE, EITHER SPOUSE SHALL HAVE recourse to the court
18 [by the wife] for proper remedy IN A SUMMARY PROCEEDING, which
19 must be availed of within five years from the date [of] the contract WAS
20 ENTERED THERETO, BY THE PARTIES OR UPON KNOWLEDGE OF
21 THE NON-CONSENTING SPOUSE, WHICHEVER COMES LATER
22 [implementing such decision]. THE COURT, IN DECIDING THE CASE,
23 SHALL CONSIDER THE BEST INTEREST OF THE FAMILY. DAMAGES

1 AND EXPENSES OF LITIGATION, WHICH DID NOT REDOUND TO THE
2 BENEFIT OF THE FAMILY, SHALL BE BORNE BY THE CONTRACTING
3 SPOUSE AND SHALL NOT BE CHARGED TO THE COMMUNITY
4 PROPERTY.

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

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

17 "Art. 124. The administration and enjoyment of the conjugal
18 partnership shall belong to both spouses jointly. ANY ACT OF
19 ADMINISTRATION BY EITHER SPOUSE WITHOUT THE CONSENT OF
20 THE OTHER SHALL BE UNENFORCEABLE UNTIL IT IS
21 SUBSEQUENTLY RATIFIED BY THE NON-CONSENTING SPOUSE. In
22 case of disagreement, the [husband's decision shall prevail, subject to]
23 SPOUSES SHALL MAKE EARNEST EFFORTS TO SETTLE THEIR

1 DIFFERENCES: *PROVIDED* THAT, SHOULD THE SPOUSES FAIL TO
2 ENTER INTO A COMPROMISE, EITHER SPOUSE SHALL HAVE
3 recourse to the court [by the wife] for proper remedy IN A SUMMARY
4 PROCEEDING, which must be availed of within five years from the date
5 [of] the contract [implementing such decision] WAS ENTERED THERETO,
6 BY THE PARTIES OR UPON KNOWLEDGE OF THE NON-
7 CONSENTING SPOUSE, WHICHEVER COMES LATER. THE COURT,
8 IN DECIDING THE CASE, SHALL CONSIDER THE BEST INTEREST OF
9 THE FAMILY. DAMAGES AND EXPENSES OF LITIGATION, WHICH DID
10 NOT REDOUND TO THE BENEFIT OF THE FAMILY, SHALL BE BORNE
11 BY THE CONTRACTING SPOUSE AND SHALL NOT BE CHARGED TO
12 THE COMMUNITY PROPERTY.

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

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

2 “Art. 211. The father and the mother shall jointly exercise parental
3 authority over the persons of their common children. In case of
4 disagreement, the [father’s decision shall prevail, unless there is a judicial
5 order to the contrary] PARENTS SHALL MAKE EARNEST EFFORTS TO
6 SETTLE THEIR DIFFERENCES, TAKING INTO CONSIDERATION THE
7 BEST INTEREST OF THE CHILD, PROVIDED THAT SHOULD THEY
8 FAIL TO ENTER INTO A COMPROMISE, EITHER PARENT SHALL
9 HAVE RECOURSE TO THE COURT FOR PROPER REMEDY.

10 Children shall always observe respect and reverence towards their
11 parents and are obliged to obey them as long as the children are under
12 parental authority.

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

14 “Art. 225. The father and the mother shall jointly exercise legal
15 guardianship over the property of [the unemancipated common] THEIR
16 MINOR child without the necessity of a court appointment. ANY
17 EXERCISE OF GUARDIANSHIP BY EITHER PARENT WITHOUT THE
18 CONSENT OF THE OTHER SHALL BE UNEFORCEABLE, UNTIL IT IS
19 SUBSEQUENTLY RATIFIED BY THE NON-CONSENTING PARENT. In
20 case of disagreement, [the father’s decision shall prevail, unless there is a
21 judicial order to the contrary.] EITHER PARENT SHALL HAVE
22 RECOURSE TO THE COURT WITHIN FIVE (5) YEARS FROM THE
23 DATE THE CONTRACT WAS ENTERED BY THE PARTIES THERETO,

OR UPON KNOWLEDGE OF THE NON-CONSENTING PARENT, WHICHEVER COMES LATER. THE COURT, IN DECIDING THE CASE, SHALL TAKE INTO CONSIDERATION THE BEST INTEREST OF THE MINOR CHILD. DAMAGES AND EXPENSES OF LITIGATION, WHICH DID NOT REDOUND TO THE BENEFIT OF THE MINOR CHILD, SHALL BE BORNE BY THE CONTRACTING PARENT AND SHALL NOT BE CHARGED TO THE PROPERTY OF THE MINOR CHILD.

“Where the market value of the property or the annual income of the MINOR 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 MINOR child resides, or, if the MINOR 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 suppletory except when the MINOR child is under substitute parental authority, or the

1 guardian is a stranger, or a parent has remarried, in which case the
2 ordinary rules on guardianship shall apply.”

3 **SEC. 6.** Separability Clause – If any provision of this Act is found unconstitutional or
4 invalid, the other provisions not affected by such declaration shall remain in full force and
5 effect.

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

9 **SEC. 8.** Effectivity - This Act shall take effect fifteen (15) days after its publication in
10 the *Official Gazette* or in a newspaper of general circulation.

11 Approved,

FACT SHEET

6078

HOUSE BILL NO. _____

(In substitution of House Bills Numbered 111, 866, 1142, 1148, 3396 and 4113)

AN ACT

ENSURING THE FUNDAMENTAL EQUALITY OF MEN AND WOMEN UNDER THE LAWS ON MARRIAGE AND FAMILY RELATIONS, AMENDING FOR THE PURPOSE ARTICLES 14, 96, 124, 211 AND 225 OF EXECUTIVE ORDER NO. 209, OTHERWISE KNOWN AS THE FAMILY CODE OF THE PHILIPPINES

Introduced By: **REPRESENTATIVES LAWRENCE "LAW" H. FORTUN, MICHAEL EDGAR Y. AGLIPAY, ARLENE D. BROSAS, SARAH JANE I. ELAGO, EUFEMIA "KA FEMIA" C. CULLAMAT, FERDINAND R. GAITE, CARLOS ISAGANI T. ZARATE, MARIA LOURDES ACOSTA-ALBA, HENRY R. VILLARICA, GLONA G. LABADLABAD, MA. LOURDES T. ARROYO, PAZ C. RADAZA, JOCELYN SY LIMKAICHONG, SHIRLYN BAÑAS-NOGRALES, IRENE GAY F. SAULOG, RUFUS B. RODRIGUEZ AND JUAN FIDEL FELIPE F. NOGRALES**

Committee Referral: **COMMITTEE ON WOMEN AND GENDER EQUALITY**

Committee Chairperson: **REP. MARIA LOURDES ACOSTA-ALBA**

OBJECTIVE

- To correct the inequitable and unfair situation under current law which mandates that the decisions of the father should prevail on matters relating to marriage and family relations

KEY PROVISIONS

- Mandates that the best interest of the children and family shall be considered in making decisions on matters involving the exercise of parental authority and the administration of properties during marriage;
- Mandates the parity of the father and mother with respect to granting parental consent to the marriage of minor children, and where the situation applies, granting authority to either the guardian or persons having legal charge over the minor child to give such consent;
- Mandates that in the administration and enjoyment of the community property and conjugal partnership, any act of administration by either spouse without the consent of the other shall be unenforceable until it is subsequently ratified by the non-consenting spouse. In case of disagreement, 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 for proper remedy in a summary proceeding which must be availed of within five (5) years from the date

- the contract was entered by the parties thereto, or upon knowledge of the non-consenting spouse, whichever comes later. The court, in deciding the case, shall take into consideration the best interest of the family. Damages and expenses of litigation which did not redound to the benefit of the family shall be borne by the contracting spouse and shall not be charged to the community property and conjugal partnership;
- Mandates that in case of disagreement in the exercise of parental authority over the persons of their common children, 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; and
- Provides that both parents shall jointly exercise legal guardianship over the property of the minor child without the necessity of a court appointment. Any exercise of guardianship by either parent without the consent of the other shall be unenforceable, until it is subsequently ratified by the non-consenting parent and in case of disagreement either parent shall have recourse to the court within five (5) years from the date the contract was entered by the parties thereto, or upon knowledge of the non-consenting spouse, whichever comes later. The court, in deciding the case, shall take into consideration the best interest of the minor child. Damages and expenses of litigation which did not redound to the benefit of the minor child shall be borne by the contracting parent and shall not be charged to the property of the minor child.

RELATED LAWS

- Article II, Section 14 of the 1987 Constitution
- Executive Order No. 209 or Family Code of the Philippines
- Republic Act No. 9710 (Magna Carta of Women)