

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 3179



Introduced by **HONORABLE EDCEL "GREX" B. LAGMAN**

EXPLANATORY NOTE

As an individual or collective citizen, there are inherent rights that we should enjoy without any interference. All which are guaranteed by the constitution. Perhaps the most fundamental tenet, not just in the Philippines but in other countries as well, is equality. From which emanates a broad range of rights that anyone could assert and one of them is the right to marriage. But the issue that is taking place in this modern day era is whether or not gay marriage or same sex marriage should be allowed. In most part of the globe, the lesbian, gay, bisexual and transgender community has been very vocal and vigilant in questioning their respective state's law that deny them same sex marriage. This issue has put the government to come out with a position once and for all. Some countries have begun recognizing same sex marriage. At present, same sex marriage is legally recognized in Argentina, Belgium, Canada, Iceland, the Netherlands, Norway, Portugal, South Africa, Spain and Sweden. In the United States, same-sex marriages are not recognized federally, though same-sex couples can marry in six of the fifty states and one district. There are still other cases waiting to be resolved either at the congress level or at the Supreme Court. Some countries have already stood firmly to preserve the conventional concept of marriage – that is a marriage between a man and woman only.

In the Philippines wherein the traditional culture is still very much embedded in the social fabric and the church has a certain degree of influence to the state affairs, gay marriage has no place in the government agenda. But sooner or later, time will come when the congress must face and debate on the issue of same sex marriage.

But before the advent of legal same sex marriage, society has been confronted by issues involving property relationship of same sex live-in relationship. The absence of such legislation may even result to violence as what has happened in many ended same sex relationships.

Thus, this proposed bill. The same is not about same sex marriage but about property rights and obligations of two persons of the same sex that opted to cohabit with each other. The law should also protect such relationship not only from third persons but even against each other. After all, they should also be treated equally.


EDCEL "GREX" B. LAGMAN

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AN ACT
GOVERNING PROPERTY OWNERSHIP OF COUPLES OF
SAME SEX LIVING TOGETHER

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

SECTION 1. Title This Act shall be known as the "Same Sex Property Relations Act".

SECTION 2. Coverage. This Act shall cover property relationship of Persons of the Same Sex actually living together as partners including its ownership administration and dissolution.

SECTION 3. Registration of Same Sex Relationship. The provisions of this Act shall be applicable to person if the same sex living together as partners duly registered with the Civil Registrar of the City or municipality where either one of the partners actually reside.

SECTION 4. In the absence of any written agreement the same sex partners shall be deemed as co-owners of all the properties that they bring into their actual living together. Properties acquired during their actual living together are also co-owned by the same sex partners. The date of registration of their actual living together shall be deemed to be the date of their actual cohabitation.

SECTION 5. Both same sex partners shall have the joint rights to the administration and enjoyment of the properties co-owned by them. One of the same sex partners of administration in case the other becomes incapacitated or unable to properly administer the properties or in case of disagreement the same sex partner who actually brought the property to the live-in relationship, either by purchase or any mode of acquisition of ownership shall prevail and the other without prejudice to the right of the other partner to seek recourse from the Court.

SECTION 6. In case of a written agreement governing the property arrangement of the same sex partners such agreement must be submitted and registered in the civil registry where the place of the live-in partner actually resides.

SECTION 7. In case, properties are agreed upon in writing to be the exclusive property of either same sex partners, said properties shall be considered as separate properties and are exclusively owned by the same sex partner to which it is attributed in the agreement.

SECTION 8. Causes of Dissolution of the same sex Co-ownership of Properties – The co-ownership of properties of the same sex relationship shall be deemed dissolved if one of them dies or chooses to terminate said same sex relationship. Such dissolution must be registered with the civil registrar where the same sex partnership was registered by submitting



the death certificate of the deceased partner or a notarized document stating therein the cause of dissolution.

SECTION 9. In case either same sex partner incurred any debt or financial obligation arising from the contract or said partner is legally obliged to pay by provisions of the law or court judgment, the co-owned properties may be subjected to answer for such claim.

SECTION 10. The Provisions of Co-ownership shall be suppletory to this Act.

SECTION 11. Effectivity. — This Act shall take effect fifteen (15) days after its complete publication in at least two (2) newspapers of national circulation.

A handwritten signature in black ink, appearing to be a stylized name, located in the upper right quadrant of the page.