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
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 identity.

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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,