



HOUSE OF REPRESENTATIVES

H. No. 3988

BY REPRESENTATIVES ALVAREZ (P.), GARCIA (G.), PRIMICIAS-AGABAS,
PLAZA, PADUANO, ROCAMORA, DEL ROSARIO, SY-ALVARADO,
BELMONTE (R.) AND YAP (A.), PER COMMITTEE REPORT NO. 4

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. 227, 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 75 of Title IV of the Family Code of the
2 Philippines is hereby amended to read as follows:

3 “Art. 75. The future spouses may, in the marriage
4 settlements, **EITHER IN A SEPARATE DOCUMENT OR AS**
5 **PROVIDED FOR IN THEIR APPLICATION FOR MARRIAGE LICENSE**
6 **OR IN THE MARRIAGE LICENSE ITSELF**, agree upon the regime of
7 absolute community, conjugal partnership of gains, complete
8 separation of property, or any other regime. In the absence of
9 marriage settlements, or when the regime agreed upon is void,

1 the [system of absolute community of property] **REGIME OF**
 2 **COMPLETE SEPARATION OF PROPERTY** as established in this
 3 Code shall govern[.]: **PROVIDED, THAT IT SHALL BE**
 4 **MANDATORY FOR THE LOCAL CIVIL REGISTRAR TO PROVIDE**
 5 **THE ABOVEMENTIONED MARRIAGE REGIME OPTIONS IN THE**
 6 **APPLICATION FOR MARRIAGE LICENSE."**

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

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

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

24 **AGREEMENT AS TO PROPERTY REGIME**

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

28 I, (FULL NAME), of legal age,
 29 (NATIONALITY) citizen, and a resident of

1 (ADDRESS), after having been duly sworn in
2 accordance with law, hereby depose and say;

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

5 ABSOLUTE COMMUNITY OF PROPERTY

6 CONJUGAL PARTNERSHIP OF GAINS

7 COMPLETE SEPARATION OF PROPERTY

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

10 Further affiants sayeth none.

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

14 _____
15 (Signature over Printed Name) (Signature over Printed Name)

16
17 SUBSCRIBED AND SWORN before me this
18 ___ day of _____, _____ by
19 _____ and _____
20 who exhibited to me the following government issued
21 identification _____ issued on
22 _____ at _____ and
23 _____ issued on _____ at
24 _____, respectively, as their
25 competent evidence of identity.

26 NOTARY PUBLIC

27 Doc No. ____;
28 Page No. ____;
29 Book No. ____;
30 Series of ____.

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

6 The property regime form should be duly notarized and
7 registered with the local civil registry of the place where the
8 application for issuance of a marriage license is sought. The absence
9 of registration will not affect the validity of the agreement between
10 the parties but will not prejudice their creditors.

11 The absence of a property regime form shall not affect the
12 validity of the application for issuance of a marriage license but
13 shall automatically mean that the parties shall be governed by
14 complete separation of property.

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

Approved,

O