

HONORABLE GERALDINE B. ROMAN

Chairperson
Committee on Women and Gender Equality
House of Representatives
Quezon City, Philippines

Dear **Representative ROMAN**,

The Department of Social Welfare and Development (DSWD) supports **House Bills Numbered 1335 and 5281** 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”***, introduced by Representative Arlene D. Brosas et al. and Representative Linabelle Ruth R. Villarica, respectively.

The proposed measures amending **Articles 14, 96, 124, 211, and 225 of Executive Order No. 209** or ***“The Family Code of the Philippines”*** are necessary to ensure that women have equal rights with their men counterparts in terms of decision making, guardianship over their child, and administration of their conjugal or community properties. The bills also used gender fair language in its provisions that promotes non-discrimination against women in marriage and family relations.

The proposed amendments are embedded from State’s obligation under the ***Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)***, specifically under Article 16.1, which states:

“Article 16.1. States Parties to take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations, and ensure on a basis of equality of men and women...”

Further, the proposed amendments are also in accordance with the ***Magna Carta of Women***, particularly Articles 12 and 19 which mandates the State to take all measures to eliminate discrimination against women in all matters relating to marriage, family, and property relations.

To further enhance the bills, the DSWD respectfully submits the following comments and recommendations:

1. To consolidate the bills into one.
2. On **Articles 96 and 124**, to clarify the following provisions:
 - 2.1 The phrases **“settle their differences”** and **“compromise”** will be interpreted in their ordinary meaning or in their legal technical terms, and if so, whether it will be carried out judicially or extrajudicially;

- 2.2 The concept of **“best interests of the family”** and, of intended, specify that its determination will be left with the courts;
 - 2.3 Clarify and define the term **“knowledge”** in reference to the necessity of the phrase **“whichever comes later”**;
 - 2.4 Strongly suggested that the term **“acceptance” be retained**; and
 - 2.5 Consider the **effects of defective contracts** in these provisions
3. **On Article 225.** The father and the mother shall jointly exercise legal guardianship over the property of their MINOR child...

We respectfully recommend that the addition of the word **“MINOR”** in child be given careful consideration because, considering the foregoing, **not all children are minors per se.**

CHILD, especially as used in family laws, have a technical meaning and does not only include those who are MINOR.

MINORITY is defined as the state of a person who is under the age of legal majority. In other words, a minor is a person below eighteen years of age since majority commences upon attaining the age of 18.

While, CHILD refers to person below eighteen (18) years of age or a person over eighteen (18) years of age but is unable to fully take care of himself/herself or protect himself/herself from abuse, neglect, cruelty, exploitation, or discrimination because of physical or mental disability or condition.

MINOR CHILD, then, assumes that the concept of CHILD is limited.

4. Other Comments and Recommendations:

- 4.1 To include **provision on alternative remedies** that may be taken before the filing of cases in courts.

Women, being vulnerable are frequently unable to mediate or negotiate on an equal footing and are frequently pressured to accept terms which they disagree. Also, the cost of litigation may add burden on the part of women of often lack of financial support and would prefer not to go to court.

- 4.2 To include **additional provision that directs government agencies**, in coordination with their mandates, to spearhead **advocacy campaigns and capacity development**, in order to have an effective and long-term solutions to the foregoing deep discrimination against women in terms of family relations, exercise of parental authority, and property relations between husband and wife.

4.3 To include a **Section on Appropriations**, to be appropriated to the concerned agencies, for the efficient and effective implementation of advocacy interventions.

This is being submitted for the Committee's consideration.

Thank you.

Very truly yours,



REX GATCHALIAN

Secretary

Date: 02/14/23