

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Batasan Hills, Quezon City

NINETEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. **9502**



Introduced by: **Hon. Margarita Ignacia B. Nograles**

Explanatory Note

Section 11, Article II of our 1987 Philippine Constitution provides:

“The State values the dignity of every human person and guarantees full respect for human rights.”

Regardless of one’s gender identity, the State is mandated to protect their dignity and ensure that that their human rights will be upheld. Part of our set of human rights is the freedom to choose who we will associate with or who we form intimate relationship with.¹ Regardless of a person’s religious beliefs, political inclination, or even gender, the state can never interfere over who a person will choose as a partner.²

While the Philippines is yet to recognize the union between same-sex couples, we have to yield to the reality that there are already gender-fluid couples existing in our country today. They are valuable members of our society that deserves to be protected by the State.

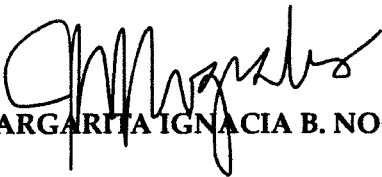
Art. 148 of the Family Code governs the property regime of cohabitating couples but are not legally capacitated to marry each other. As of now, a plethora of jurisprudence impliedly excludes gender-fluid couples from the coverage of this provision. This bill

¹ Guevarra vs Banach, G.R. No. 214016. November 24, 2021.

² Separate opinion of J. Leonen, Versoza vs People, G.R. No. 184535, September 03, 2019.

seeks to have a more inclusive law by providing all couples, regardless of gender, a law that will govern their property regime. Under this amended Art. 148 of the Family Code, the couples covered by this provision will be granted a limited co-ownership over all properties they may have.

While it may still take more time for the Philippines to fully accept unions of all couples regardless of gender, this bill is something we should not deny those who are vulnerable from economic exploitations of their partners. By passing this bill, we are giving all couples the protection which the State mandates. Thus, the passage of this bill is earnestly sought.


MARGARITA IGNACIA B. NOGRALES

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AN ACT

**RECOGNIZING THE PROPERTY RELATIONS BETWEEN GENDER-FLUID
COUPLES WHO ARE COHABITATING, AMENDING FOR THE PURPOSE
ARTICLE 148 OF EXECUTIVE ORDER NO. 209, S. 1987, 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 148 of Executive Order No. 209, S. 1987 is hereby amended to read as
follows:

Art. 148. In cases of cohabitation, **regardless of the gender of the couple**, not falling under the preceding Article, only the properties acquired by both of the parties through their actual joint contribution of money, property, or industry shall be owned by them in common in proportion to their respective contributions. In the absence of proof to the contrary, their contributions and corresponding shares are presumed to be equal. The same rule and presumption shall apply to joint deposits of money and evidences of credit.

If one of the parties is validly married to another, his or her share in the co-ownership shall accrue to the absolute community or conjugal partnership existing in such valid marriage. If the party who acted in bad faith is not validly

married to another, his or her shall be forfeited in the manner provided in the last paragraph of the preceding Article.

The foregoing rules on forfeiture shall likewise apply even if both parties are in bad faith. (144a)

Section 2. Separability Clause. - If any portion or provision of this Act is held unconstitutional or invalid, the other sections or provisions hereof which are not affected thereby shall continue to be in full force or effect.

Section 3. Repealing Clause. - All laws, decrees, orders, rules and regulations or parts thereof which are inconsistent with or contrary to the provisions of this Act are hereby repealed, amended or modified accordingly.

Section 4. Effectivity. - This Act shall take effect fifteen (15) days after its publication in at least two (2) national newspapers of general circulation or in the Official Gazette.

Approved,