

THIRTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES
First Regular Session

JUN 30 P 1:10

RECEIVED BY: 

SENATE

S.B. No. 113

Introduced by Senator LUISA "LOI" P. EJERCITO ESTRADA

EXPLANATORY NOTE

The Family Code, Art. 111, provides that, a "spouse of age" has the right to dispose exclusive properties without the consent of the other spouse. This provision is superfluous. Art. 234 as amended by R A. No. 6908 lowered the age of majority to eighteen (18) years, which of the age of emancipation and the age when a person may legally enter into a contract of marriage The Family Code, Art. 236 provides that "emancipation shall terminate parental authority over the person and property of the child who shall then be qualified and responsible for all acts of civil life, save the exceptions established by existing laws in special cases".

This bill replaces the term "spouse of age" with the more accurate term "either spouse," since a spouse must necessarily be of age.

Hence, the immediate passage of this bill is earnestly sought.


LUISA "LOI" P. EJERCITO ESTRADA
Senator

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AN ACT
AMENDING EXECUTIVE ORDER NO. 209 ALSO KNOWN AS THE
FAMILY CODE OF THE PHILIPPINES, ARTICLE III

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

Section 1. The Family Code, Article III is hereby amended to read as follows:

“Art 111. (A spouse of age) EITHER SPOUSE may mortgage, encumber alienate or otherwise dispose of his or her exclusive property (, without the consent of the other spouse and appear alone in court to litigate with regard to the same.)

Section 2. Separability Clause. - If any provision or part hereof is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

Section 3. Repealing Clause. - Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to, or inconsistent with, the provisions of this Act is hereby repealed, modified, or amended accordingly.

Section 4. **Effectivity Clause.** – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved.

GVL/disk2yellow/family code