

THIRTEENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
First Regular Session )

'04 JUN 30 P1:20

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SENATE  
S.B. NO. 123

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Introduced by Senator LUISA "LOI" P. EJERCITO ESTRADA

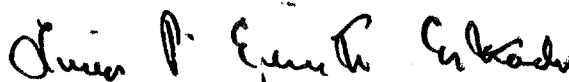
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### EXPLANATORY NOTE

When Executive Order No. 209, also known as the Family Code of the Philippines was enacted, there was an omission in Article 73. This omission totally varied the provision, its application and effects. As it now stands, Article 73 departs from the intent of the framers of the Family Code.

This bill seeks to restore in Article 73, the original language proposed and approved by the Code Commission as found in the 8 November 1986 Committee Meeting Minutes. It also seeks to restore a thoroughly studied provision which best serves the needs of our countrymen.

In view of the foregoing, immediate approval of this proposed measure is earnestly solicited.



**LUISA "LOI" P. EJERCITO ESTRADA**  
Senator

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Introduced by Senator LUISA "LOP" P. EJERCITO ESTRADA

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**AN ACT  
AMENDING EXECUTIVE ORDER NO. 209, ALSO KNOWN AS THE FAMILY  
CODE OF THE PHILIPPINES, ARTICLE 73**

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

**SECTION 1.** The Family Code as amended, Article 73 is hereby amended to read as follows:

"Art. 73. Either spouse may exercise any legitimate profession, occupation, business or activity without the consent of the other. The latter may object only on valid, serious, and moral grounds.

In case of disagreement, the court shall decide whether or not:

- (1) The objection is proper; and
- (2) Benefits has occurred to the family prior to the objection or thereafter. If the benefit accrued prior to the objection, the resulting obligation shall be enforced against the **COMMUNITY PROPERTY. IF BENEFIT ACCRUED THEREAFTER, SUCH OBLIGATION SHALL BE ENFORCED AGAINST THE** separate property of the spouse who has not obtained consent.

The foregoing provisions shall not prejudice the rights of creditors who acted in good faith. (117A)”

**SEC. 2. *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.

**SEC. 3. *Separability Clause.*** - If any provision or part hereof is held invalid or unconstitutional, the remainder of the law or the provisions not otherwise affected shall remain valid and subsisting.

**SEC. 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/pink disk 3/amending eo209*