

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

04 JUL 30 P 3 59

SENATE

S. No. 317

RECEIVED BY: Ordo

Introduced by Senator S. R. Osmeña III

EXPLANATORY NOTE

Executive Order No. 209, otherwise known as the Family Code of the Philippines provides for the remedy of legal separation on ten specific causes. The aggrieved spouse is given five years from the occurrence of the cause to file an action for legal separation.

While the prescriptive period is relatively long enough for any aggrieved spouse to discover the cause and bring the matter to court, this is not true when the causes are adultery, concubinage or bigamy. These crimes are usually committed in secrecy, hence it is possible that such illicit relationships last many years before discovery by the innocent spouse. There is then the possibility that the aggrieved spouse is deprived of the right to maintain an action for legal separation on these crimes if it occurred more than five years before filing of the action.

This bill therefore seeks to give the aggrieved spouse the full benefit of the right to file an action for legal separation by changing the reckoning point of the period of prescription from the time of occurrence of the cause to time of its discovery.

In view of the foregoing, passage of this bill is earnestly sought.

*S. Osmeña III*

SERGIO OSMEÑA III  
Senator

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2014 JUN 30 P3:59

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**AN ACT**  
**AMENDING ARTICLE 57 OF EXECUTIVE ORDER NO. 209, AS AMENDED,**  
**OTHERWISE KNOWN AS THE FAMILY CODE OF THE PHILIPPINES**

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

1           SECTION 1. Article 57 of Executive Order No. 209, as amended,  
2 otherwise known as the Family Code of the Philippines, is hereby further  
3 amended to read as follows:

4           “ARTICLE 57.       An action for legal separation shall be filed within five  
5 years from the time of the occurrence of the cause EXCEPT FOR  
6 CAUSES MENTIONED IN PARAGRAPHS 7 AND 8 OF ARTICLE 55 IN  
7 WHICH CASE THE ACTION SHALL BE FILED WITHIN TWO YEARS  
8 FROM DISCOVERY.”

9           SEC. 2. All actions for legal separation filed before the effectivity of this  
10 Act are not covered by this amendment.

11           SEC. 3. This Act shall take effect fifteen (15) days after its publication in  
12 the Official Gazette or in at least two (2) newspapers of general circulation  
13 whichever comes earlier.

14           Approved,