

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

'04 JUL 22 110:47

SENATE
S. B. No. 1456

RECEIVED BY: _____ *a*

Introduced by Senator Miriam Defensor Santiago

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 is 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.

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO

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

'04 JUL 22 A10:47

SENATE
S. B. No. 1458

RECEIVED BY:

A

Introduced by Senator Miriam Defensor Santiago

AN ACT
AMENDING EXECUTIVE ORDER NO. 209 KNOWN AS
THE FAMILY CODE OF THE PHILIPPINES, ARTICLE 111

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

SECTION 1. The Family Code, Article 111 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. *Effectivity Clause.* - This Act shall take effect fifteen days (15) days after its publication in at least two (2) newspapers of general circulation.

Approved.