

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

04 JUL 26 P1:17

SENATE
S.B. NO. 1499

RECEIVED BY:

Introduced by Senator Miriam Defensor Santiago

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. The 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.

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO

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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 in congress of the
Philippines 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) Benefit 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 provision shall not prejudice the rights of creditors who acted in good faith. (117a).”

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administrative order, rule or regulation contrary to or inconsistent with, the provisions of this Act is hereby repealed, modified, or amended accordingly.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.

FN: 701