

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

7 30 16 1902

SENATE
S. B. No. 1778

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Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Family Code, Article 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
fedr

* This bill was originally filed during the Thirteenth Congress, First Regular Session.

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1 AN ACT
2 AMENDING EXECUTIVE ORDER NO. 209 KNOWN AS THE FAMILY CODE, ARTICLE
3 111, TO ALLOW EITHER SPOUSE TO MORTGAGE, ENCUMBER, ALIENATE OR
4 OTHERWISE DISPOSE OF HIS OR HER EXCLUSIVE PROPERTY

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

7 SECTION 1. The Family Code, Article 111 is hereby amended to read as follows:

8 Art. 111. [A spouse of age] EITHER SPOUSE may
9 Mortgage, encumber, alienate, or otherwise dispose of his or her
10 exclusive property. [, without the consent of the other spouse, and
11 appear alone in court to litigate with regard to the same.]

12 SECTION 2. *Repealing Clause.* – Any law, presidential decree or issuance, executive
13 order, letter of instruction, administrative order, rule or regulation or part thereof, contrary to, or
14 inconsistent with, the provision of this Act is hereby repealed, modified, or amended
15 accordingly.

16 SECTION 3. *Effectivity Clause.* – This Act shall take effect fifteen days (15) days after
17 its publication in at least two (2) newspapers of general circulation.

18 Approved,