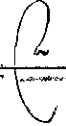


FIFTEENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
First Regular Session )

SECRET  
OFFICE OF THE SECRETARY

10 AUG -3 AM 20

SENATE  
S. No. 2313

RECEIVED BY: 

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Introduced by Senator Miriam Defensor Santiago

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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. 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  
ASST.

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

OFFICE OF THE CLERK  
JAN 25 1920

SENATE  
S. No. 2313

Introduced by Senator Miriam Defensor Santiago

1 AN ACT  
2 AMENDING EXECUTIVE ORDER NO. 209, ALSO KNOWN AS THE FAMILY CODE,  
3 ARTICLE 73, ON THE CHARGE AGAINST THE COMMUNITY PROPERTY  
4 OF AN OBLIGATION OF A SPOUSE WHO PRACTICES A PROFESSION

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

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

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

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

- 11 (1) The objection is proper and  
12 (2) Benefit has occurred to the family prior to the objection or  
13 thereafter.

14 If the benefit accrued prior to the objection, the resulting obligation  
15 shall be enforced against the COMMUNITY PROPERTY. IF  
16 BENEFIT ACCRUED THEREAFTER, SUCH OBLIGATION  
17 SHALL BE ENFORCED AGAINST THE separate property of the  
18 spouse who had not obtained consent.

19 The foregoing provision shall not prejudice the rights of creditors who  
20 acted in good faith. (117a)."

21

1           SECTION 2. *Separability Clause.* - If any provisions or part hereof, is held invalid or  
2 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain  
3 valid and subsisting.

4  
5           SECTION 3. *Repealing Clause.* - Any law, presidential decree or issuance, executive  
6 order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent  
7 with the provision of this Act is hereby repealed, modified, or amended accordingly.

8  
9           SECTION 4. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its  
10 publication in at least two (2) newspapers of general circulation.

Approved,