


SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Second Regular Session)

Office of the Secretary
FEB -2 11:41

SENATE

Senate Bill No. 2601

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INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

AN ACT
AMENDING EXECUTIVE ORDER NO. 209, ALSO KNOWN AS THE FAMILY
CODE OF THE PHILIPPINES, ARTICLE 73

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. This 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.

In view of the foregoing, immediate approval of this proposed measure is earnestly solicited.


JINGGOY EJERCITO ESTRADA
Senator

SENATE

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CODE OF THE PHILIPPINES, ARTICLE 73

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

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

3
4 “Art. 73. Either spouse may exercise any legitimate
5 profession, occupation, business or activity without the consent of
6 the other. The latter may object only on valid, serious, and moral
7 grounds.

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

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12 (1) The objection is proper; and,

13
14 (2) Benefit has accrued to the family prior to the objection or
15 thereafter. If the benefit accrued prior to the objection, the
16 resulting obligation shall be enforced against the
17 **COMMUNITY PROPERTY. IF BENEFIT ACCRUED**
18 **THEREAFTER, SUCH OBLIGATION SHALL BE**
19 **ENFORCED AGAINST THE** separate property of the spouse
20 who has not obtained consent.

21
22 The foregoing provisions shall not prejudice the rights of
23 creditors who acted in good faith. (117A)”

24
25
26 **SEC. 2. Repealing Clause.** - Any law, presidential decree or issuance,
27 executive order, letter of instruction, administrative order, rule or regulation
28 contrary to or inconsistent with, the provisions of this Act is hereby repealed
29 modified or amended accordingly.

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

1 **SEC. 4. Effectivity Clause.** - This Act shall take effect fifteen (15) days
2 after its publication in at least two (2) newspapers of general circulation.
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Approved,