

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

7 18

SENATE
S. B. No. 1264


APPROVED 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.*

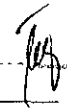

MIRIAM DEFENSOR SANTIAGO
defi

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

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

7 2 18

SENATE
S. B. No. 1264

RECEIVED BY 

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

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

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

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

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

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

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

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

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

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3 with the provision of this Act is hereby repealed, modified, or amended accordingly.

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

6 Approved,