

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Fifteenth Congress
Second Regular Session



COMMITTEE REPORT NO. 2225

Submitted by the Committee on Revision of Laws on 04 JUN 2012

Re House Bill No. 6307

Recommending its approval in substitution of House Bill Nos. 1671 and 2481

Sponsors : Representatives Mariyn L. Primicias-Agabas, Rufus B. Rodriguez and
Marcelino "Marcy" R. Teodoro

Mr. Speaker:

The Committee on Revision of Laws to which were referred House Bill No. 1671, introduced by Reps. Rufus B. Rodriguez, Maximo B. Rodriguez, Jr., Antonio C. Alvarez, Maria Evita R. Arago and Rachel Marguerite B. Del Mar, entitled:

"AN ACT AMENDING ARTICLE 73 AND 111 OF EXECUTIVE ORDER NO. 209, OTHERWISE KNOWN AS 'THE FAMILY CODE OF THE PHILIPPINES',

and House Bill No. 2481, introduced by Rep. Marcelino R. Teodoro, entitled:

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

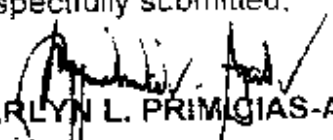
6307

has considered the same and recommends that the attached House Bill No. 6307
entitled

"AN ACT ESTABLISHING THE LIABILITY OF THE ABSOLUTE COMMUNITY OR CONJUGAL PARTNERSHIP FOR AN OBLIGATION OF A SPOUSE WHO PRACTICES A PROFESSION AND THE CAPABILITY OF EITHER SPOUSE TO DISPOSE OF AN EXCLUSIVE PROPERTY WITHOUT THE CONSENT OF THE OTHER SPOUSE, AMENDING FOR THE PURPOSE ARTICLES 73 AND 111 OF EXECUTIVE ORDER NO. 209, ALSO KNOWN AS THE FAMILY CODE OF THE PHILIPPINES"

be approved in substitution to House Bill Nos. 1671 and 2481 with Reps. Rufus B. Rodriguez, Maximo B. Rodriguez, Jr., Marcelino R. Teodoro, Antonio C. Alvarez, Maria Evita R. Arago, Rachel Marguerite B. Del Mar and Mariyn L. Primicias-Agabas as authors thereof.

Respectfully submitted,


MARLYN L. PRIMICIAS-AGABAS
Chairperson
Committee on Revision of Laws

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
Second Regular Session

House Bill No. **6307**
In Substitution of House Bill No. 1671 and 2481

Introduced by Representatives Rufus B. Rodriguez, Maximo B. Rodriguez, Jr.
Marcelino R. Teodoro, Antonio C. Alvarez, Maria Evita R. Arago Rache
Marguerite B. Del Mar and Marilyn L. Primicias-Agabas

AN ACT

ESTABLISHING THE LIABILITY OF THE ABSOLUTE COMMUNITY OR
CONJUGAL PARTNERSHIP FOR AN OBLIGATION OF A SPOUSE WHO
PRACTICES A PROFESSION AND THE CAPABILITY OF EITHER SPOUSE
TO DISPOSE OF AN EXCLUSIVE PROPERTY WITHOUT THE CONSENT
OF THE OTHER SPOUSE, AMENDING FOR THE PURPOSE ARTICLES 73
AND 111 OF EXECUTIVE ORDER NO. 209, ALSO KNOWN AS THE
FAMILY CODE OF THE PHILIPPINES

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

1 SECTION 1. Article 73 of the Family Code, as amended, is hereby
2 further amended to read as follows.

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

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

7 (1) The objection is proper; and

8 (2) Benefit has accrued to the family prior to the objection or thereafter. If
9 the benefit accrued prior to the objection, the resulting obligation shall
10 be enforced against **THE COMMUNITY PROPERTY. IF THE BENEFIT**
11 **ACCRUED THEREAFTER, SUCH OBLIGATION SHALL BE**

ENFORCED AGAINST the separate property of the spouse who has not obtained consent.

The foregoing provisions shall not prejudice the rights of creditors who acted in good faith.

SEC. 2. Article 111 of the Family Code, as amended, is hereby further amended to read as follows:

Art. 111 [A spouse of age] **EITHER SPOUSE** may mortgage encumber, alienate or otherwise dispose of his or her exclusive property [, without the consent of the other spouse, and appear alone in court to litigate with regard to the same]. (n)

SEC. 3. 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.

SEC. 4. 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.

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

Approved.

House of Representatives Committee Affairs Department

FACT SHEET

House Bill No. **6307**
(In substitution of House Bill Nos. 1671 and 2481)

AN ACT ESTABLISHING THE LIABILITY OF THE ABSOLUTE COMMUNITY OR CONJUGAL PARTNERSHIP FOR AN OBLIGATION OF A SPOUSE WHO PRACTICES A PROFESSION AND THE CAPABILITY OF EITHER SPOUSE TO DISPOSE OF AN EXCLUSIVE PROPERTY WITHOUT THE CONSENT OF THE OTHER SPOUSE, AMENDING FOR THE PURPOSE ARTICLES 73 AND 111 OF EXECUTIVE ORDER NO. 209, ALSO KNOWN AS THE FAMILY CODE OF THE PHILIPPINES

Introduced by **REPS. RUFUS B. RODRIGUEZ, MAXIMO B. RODRIGUEZ, JR. AND MARCELINO "MARCY R. TEODORO**

Committee Referral
Committee Chairperson

REVISION OF LAWS
HON. MARLYN L. PRIMICIAS-AGABAS

OBJECTIVES:

- To clearly delineate the obligation of each spouse whenever conflict arises in a question as to who shall be liable to obligations made before and after consent was made attributable to a legitimate profession, occupation, business or activity of a spouse. This is to take into account the original intent of the code commission, which was inadvertently omitted when the Family Code was passed into law.
- To correct the provision in Article 111 by replacing the term "spouse of age" with the more accurate term "either spouse." Republic Act No. 6809 lowering the age of majority to eighteen (18) years granted the right of a person to dispose exclusive properties without the consent of the spouse.

KEY PROVISIONS:

- Mandates the basis for the court to determine whether or not there is a valid, serious and moral ground for the other party to object in case of disagreement in the exercise of any legitimate profession, occupation, business or activity of either spouse without the consent of the other.
- Stipulates that in case of disagreement on the charge against the community of property of an obligation of a spouse who practices a profession the court shall decide whether or not the 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 and if the benefit accrued thereafter, such obligation shall be enforced against the separate property of the spouse who had not obtained consent.

RELATED LAWS:

- Executive Order No. 209, Known as "The Family Code of the Philippines."
- Republic Act No. 6809, Known as "An Act Lowering the Age of Majority from Twenty-One to Eighteen Years."