

Republic of the Philippines
Congress of the Philippines
Metro Manila

Thirteenth Congress
First Regular Session

House Bill No. 1025



Introduced by GABRIELA Women's Party List
Representative Liza Largoza-Maza

Explanatory Note

Under Article 26 of the Family Code, where a marriage between a Filipino citizen and a foreigner is validly celebrated and a divorce is thereafter validly obtained abroad by the alien spouse capacitating him or her to remarry, the Filipino spouse shall have capacity to remarry under Philippine law.

What is not clear is whether this law grants the same right to a Filipino citizen whose spouse was formerly a Filipino citizen at the time of the celebration of the marriage, but thereafter acquired a foreign citizenship at the time or prior to obtaining a valid divorce. In this case, the Filipino spouse who obtained foreign citizenship and a valid divorce may be capacitated to remarry in accordance with the laws of the country that granted him/her citizenship.

Is the Filipino spouse, however, allowed to remarry?

This bill seeks to clarify the matter, and to clearly grant the same right herein-above discussed to a Filipino citizen whose spouse, although originally also a Filipino citizen, subsequently acquires foreign citizenship and obtains a valid divorce.

Immediate passage of this bill is earnestly requested.

Liza Largoza-Maza
LIZA LARGOZA-MAZA

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AN ACT
AMENDING ARTICLE 26 OF EXECUTIVE ACT NO. 209, OTHERWISE KNOWN AS THE
FAMILY CODE, AS AMENDED BY EXECUTIVE ORDER 227

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

SECTION 1. Article 26 of the Republic Act No. 209, otherwise known as the Family Code, as amended by Executive Act No. 227, is hereby amended further as follows:

Article 26. All marriages solemnized outside the Philippines in accordance with the laws in force in the country where they were solemnized, and valid there as such, shall also be valid in this country, except those prohibited under Articles 35 (1), (4), (5) and (6), 36, 37 and 38.

Where a marriage between a Filipino citizen and a foreigner is validly celebrated and a divorce is thereafter validly obtained abroad by the alien spouse capacitating him or her to remarry, the Filipino spouse shall have capacity to remarry under Philippine law. The same shall apply where the marriage is between two (2) Filipino citizens, if one of them has already acquired foreign citizenship at the time a divorce was validly obtained by the latter. The Filipino spouse who remarried under these circumstances shall not be prosecuted for bigamy in relation therewith.

For purposes of securing a marriage license, it is necessary for the Filipino spouse only to present a certified true copy of the decree of divorce issued in favor of the foreigner spouse.

SECTION 2. Separability Clause. — If any portion of this Act is declared unconstitutional, the same shall not affect the validity and effectivity of the other portions thereof.

SECTION 3. Repealing Clause. — All laws, decrees, executive orders, presidential proclamations, rules and regulations or parts thereof contrary to or inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 4. Effectivity Clause. — This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved: