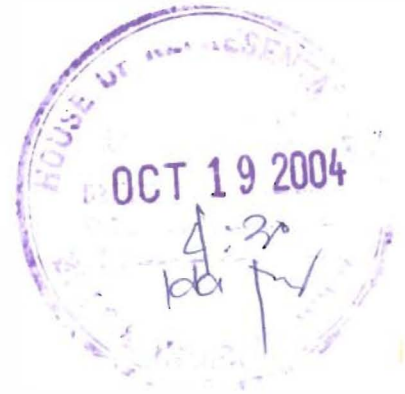


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Batasan Hills, Quezon City

Thirteenth Congress
First Regular Session

House Bill No.: 3124



Introduced by **HONORABLE JOSEFINA M. JOSON**

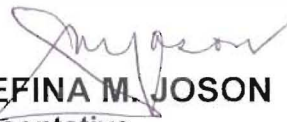
EXPLANATORY NOTE

Although marriage is an institution which the State is interested in, it is also a religious act. In fact, for the predominant Catholics of our country, it is a sacrament, and marriage is not considered valid insofar as Catholics are concerned unless celebrated in accordance with the solemnities of the Church. Marriage therefore is an element in the exercise of religious freedom. So logically, if the marriage, insofar as the contracting parties are concerned, is validated by the laws of the Church, then it necessarily follows that by the same laws, such marriage can also be invalidated or annulled.

The law recognizes as valid a marriage solemnized in accordance with the laws of the Church. In other words, the State respects the laws of the Church. To give full force and effect to this principle of State recognition of the law of the Church, it is but proper, if not logical that the State must also respect the annulment of a marriage that results from the application of Church laws. This holds true with other established churches or religions. In this connection, it is noteworthy that ever since the adoption of the New Civil Code, the State recognizes Muslim divorces or dissolution of marriages in accordance with the Muslim law. Under the principle of equality before the law, if Muslim divorces are legalized, there could be no serious objections to

recognizing the annulment of a marriage by a church or by any other established or duly recognized religious denomination.

In view of the foregoing considerations, the passage of this bill is earnestly sought.



JOSEFINA M. JOSON
Representative
1st District – Nueva Ecija

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Batasan Hills, Quezon City

Thirteenth Congress
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House Bill No.: 3124

Introduced by **HONORABLE JOSEFINA M. JOSON**

AN ACT
TO LEGALIZE CHURCH DECLARATION OF NULLITY OR
NON-EXISTENCE, ANNULMENT OR DISSOLUTION OF
CERTAIN MARRIAGES AND FOR OTHER PURPOSES

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

SECTION 1. Whenever a marriage, duly and legally solemnized by a priest, minister, imam, rabbi, or presiding elder of an established church or religion in the Philippines is subsequently declared null or non-existent, annulled or dissolved in a final judgment or decree by said church or religion, in accordance with the canons or precepts of the latter, duly entered in the corresponding civil registry, the said declaration of nullity or non-existence, annulment or dissolution shall be recognized and given full force and effect in the Philippines: *Provided*, That said declaration of nullity or dissolution is based on any of the grounds recognized in the Civil Code or Family Code of the Philippines for the declaration of non-existence or dissolution of the marriage.

SEC. 2. The final judgment or decree of nullity or non-existence, annulment or dissolution referred to in the next preceding section shall be recorded in the appropriate civil registry, within thirty (30) days from the

issuance of said final judgment or decree of nullity or non-existence, annulment or dissolution: *Provided*, That any and all final judgments or decrees of nullity or non-existence, annulment or dissolution of marriage issued prior to the effectivity of this Act shall likewise be recognized: *Provided, further*, That the same is recorded in the appropriate civil registry within six (6) months after the effectivity of this Act.

SEC. 3. The judgment or decree of nullity or non-existence, annulment or dissolution of the marriage under this Act dissolves the conjugal partnership and the settlement and liquidation of the conjugal partnership shall be effected as in cases of annulment of marriages under the provisions of the Family Code of the Philippines.

SEC. 4. Children born of marriages that are declared by final judgment or decree as null or non-existent, annulled or dissolved under the provisions of this Act are legitimate and are entitled to all successional and other rights due them under the provisions of the Civil Code and the Family Code of the Philippines.

SEC. 5. Children who belong in marriages that are declared by final judgment or decree as null or non-existent, annulled or dissolved under the provisions of this Act shall have the right to choose the surname of the mother or father, or change legally their surname when they reach the legal age of eighteen (18) and above through appropriate civil registry.

SEC. 6. Any act or provision of law inconsistent with this Act is hereby repealed.

SEC. 7. This Act shall take effect after six (6) months from its last publication in the Official Gazette.

Approved,

issuance of said final judgment or decree of nullity or non-existence, annulment or dissolution: *Provided*, That any and all final judgments or decrees of nullity or non-existence, annulment or dissolution of marriage issued prior to the effectivity of this Act shall likewise be recognized: *Provided, further*, That the same is recorded in the appropriate civil registry within six (6) months after the effectivity of this Act.

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