

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



THIRTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 3630

Introduced by Hon. Vincent "Bingbong" P. Crisologo

EXPLANATORY NOTE

In petitions for legal separation as well as declarations of absolute nullity and annulment of marriages, children, especially minors, always end up suffering the most.

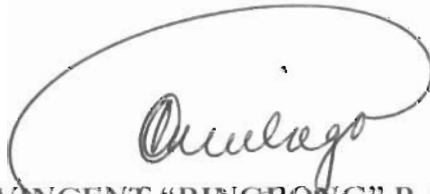
In some cases, breaking-up parents are too insensitive to ensure sufficient support for their children despite their (parents) able resources. Parents, in their above petitions, only allege matters to convince the court to grant the same but they unfortunately never raise the matter of support for their children.

While courts may exact support for the children from their parents through compulsory processes, the matter, however, is not always brought before them (courts) to resolve. The inaction of the courts on the matter of support to children is sometimes due to mere inadvertence of parents to raise the matter before the court. Some parents, especially the wives, however, deliberately refuse to seek support for their children if only to conceitedly prove that they can provide for the needs of their children sans support from their unworthy partners. In either case, children are deprived of the financial support rightfully due them.

To ensure that the material needs of children are addressed and settled in final judgments granting petitions for legal separation or declaration of absolute nullity or annulment of marriages, there is a need to make it incumbent upon

courts to necessarily resolve the matter of support in all cases of legal separation and declaration of absolute nullity or annulment of marriages brought before them, even if the matter is not raised in the said petitions.

This bill will essentially ensure the material welfare of children their insensitive parents notwithstanding. Support thereof is thus earnestly sought.

A handwritten signature in dark ink, appearing to read 'Crisologo', is enclosed within a large, hand-drawn oval loop.

HON. VINCENT "BINGBONG" P. CRISOLOGO

Congressman
First District, Quezon City

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**AN ACT AMENDING ARTICLE 198
OF EXECUTIVE ORDER NO. 209,
OTHERWISE KNOWN AS
"THE FAMILY CODE OF THE PHILIPPINES"**

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

SECTION 1. Article 198 of Executive Order No. 209, otherwise known as "The Family Code of the Philippines, is hereby amended to read as follows:

During the proceedings for legal separation or for annulment of marriage, and for declaration of nullity of marriage, the spouses and their children shall be supported from the properties of the absolute community or the conjugal partnership. After final judgment granting the petition, the obligation of mutual support between spouses ceases. However, in case of legal separation, the court may order that the guilty spouse shall give support to the innocent one, specifying the terms of such order.

Even if not alleged in the pleadings or raised as an issue by the parties, the court must ensure that the matter of support for the

common children is taken up during the proceedings and ruled upon as well in the final judgment granting the petition.

SECTION 2. This Act shall take effect fifteen (15) days upon its publication in two (2) newspapers of general circulation.

Approved.
