

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



THIRTEENTH CONGRESS
Third Regular Session

HOUSE BILL NO. 4948

Introduced by HON. MA. AMELITA CALIMBAS-VILLAROSA

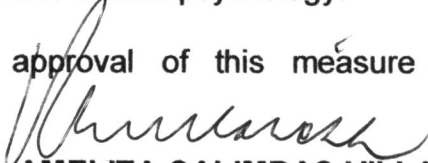
EXPLANATORY NOTE

The sanctity of marriage and the solidarity of the family had been the cornerstones of our society since the beginning of time. Attempts to undermine the same arise every so often disguised as mechanisms for gender equality. Many partisan groups exploit women issues and claim to be protective of feminist interests but forget that reckless disregard for the solemnity of marriage leave children at the losing end. Breakdown of marriage leads to breakdown of the family and, to stress the unnecessary, the ultimate result is breakdown of society.

Hence, the popular clamor for divorce is not the answer to our worsening societal woes. Instead, there is simply a need to make the grounds for legal separation more responsive to the problems that beset modern Filipino households while retaining the strict legal requirements in procedure and evidence before a marriage can be dissolved via a declaration of psychological incapacity so as not to downgrade the importance of the family as a basic autonomous social institution. Flimsy reasons such as irreconcilable incompatibility should not be sufficient to dissolve what would otherwise be a life-long union.

This Bill thus proposes to expand the grounds for legal separation at the same time making the concurrence of at least five of such grounds as prima facie indication of psychological incapacity which, in turn, is a ground for declaration of nullity of marriage. Let it be made clear that the intention is not to make a conclusive but a rebuttable presumption only, subject to confirmatory diagnosis by experts in the field of psychiatry and/or clinical psychology.

In view of the foregoing, approval of this measure is earnestly recommended.


MA. AMELITA CALIMBAS-VILLAROSA

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**AN ACT EXPANDING THE GROUNDS FOR LEGAL SEPARATION AND
CONSTITUTING A COMBINATION THEREOF AS PRIMA FACIE INDICATION
OF PSYCHOLOGICAL INCAPACITY, AMENDING FOR THE PURPOSE,
ARTICLES 36 AND 55 OF THE FAMILY CODE OF THE PHILIPPINES**

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

SECTION 1. Article 36 of Executive Order No. 209, otherwise known as
the Family Code of the Philippines, is hereby amended to read as follows:

*Art. 36. A marriage contracted by any party, who, at the time
of the celebration, was psychologically incapacitated to comply with
the essential marital obligations of marriage, shall likewise be void
even if such incapacity becomes manifest only after its
solemnization.*

*A combination of at least five (5) of the grounds for legal
separation enumerated under Article 55 that becomes manifest
during the marriage shall constitute prima facie indication of
psychological incapacity.*

SECTION 2. Article 55 of the same statute is hereby amended to read as
follows:

*Art. 55. A petition for legal separation may be filed on any of
the following grounds:*

- 1. Repeated physical violence or grossly abusive conduct
directed against the petitioner, a common child, or a child of
the petitioner;*

2. *Physical violence or moral pressure to compel the petitioner to change religious or political affiliation;*
3. *Attempt of respondent to corrupt or induce the petitioner, a common child, or a child of the petitioner, to engage in prostitution, or connivance in such corruption or inducement;*
4. *Final judgment sentencing the respondent to imprisonment of more than six years, even if pardoned;*
5. *Drug addiction, habitual alcoholism or excessive gambling of the respondent;*
6. *Lesbianism, homosexuality or bisexuality of the respondent;*
7. *Contracting by the respondent of a subsequent bigamous marriage, whether in the Philippines or abroad;*
8. *Sexual infidelity or perversion, including the act of forcing the petitioner to engage in sexual intercourse through violence and intimidation;*
9. *Affliction of the respondent of a sexually transmissible disease regardless of its nature, whether or not passed on to the petitioner;*
10. *Attempt by the respondent against the life of the petitioner, his or her descendants or ascendants, brothers or sisters whether of the full or half-blood;*
11. *Unjustifiable refusal of the respondent to provide support to the petitioner and/or their common children;*
12. *Unjustifiable reluctance of the respondent to engage in a decent occupation or means of livelihood;*
13. *Abandonment of petitioner by the respondent without justifiable cause for more than one year.*

For purposes of this Article, the term "child" shall include a child by nature or by adoption.

SECTION 3. This Act shall take effect immediately upon approval.

Approved,