

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Fifteenth Congress
First Regular Session

House Bill No. 798

Introduced by HON. MARC DOUGLAS IV C. CAGAS

EXPLANATORY NOTE

The State's advocacy in protecting the integrity and solidarity of the Family as a basic social institution should go hand in hand with the equally compelling interest of the State to promote and protect civil liberties.

The quandary of abandoned spouses, who are victims of domestic violence, maltreatment and infidelity of their philandering spouses, pose a somber dilemma confronting the social welfare development of our country. The inadequacy of our marital laws in protecting our abandoned and abused wives and husbands is the primordial cause of this entire social impasse.

Albeit, divorce in the Philippines is not in effect, the propriety of devoiding the marital unions of those who no longer honor the true zeal and spirit of marriage; respect and love for each other; and most importantly the instilment of the highest sense of morality and dignity among spouses, all the more makes it indispensable.

Considering the timeliness and significance of the issues involved, immediate approval of the attached measure is strongly urged.


MARC DOUGLAS C. CAGAS

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“AN ACT
AMENDING PERTINENT PROVISIONS OF EXECUTIVE ORDER NO.
209 OTHERWISE KNOWN AS THE FAMILY CODE OF THE
PHILIPPINES, RELATIVE TO THE PROVISIONS ON THE
ANNULMENT OF MARRIAGES, AND FOR OTHER PURPOSES”

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

Section 1. Supplementary Provision. - Article forty five of The Family Code of the Philippines is hereby amended, to accommodate an additional ground to read as follows:

“ Art. 45. A marriage may be annulled for any of the following causes existing at the time of the marriage;

1. That the party in whose behalf it is sought to have the marriage annulled was eighteen years of age or over but below twenty-one, and the marriage was solemnized without the consent of the parents, guardians or person having substitute parental authority over the party, in that order, unless after attaining the age of twenty-one, such party freely cohabited with the other and both lived together as husband and wife:

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and by way of incorporation;

Art. 45-A 7. "That during the subsistence of the marriage, either party was convicted of the crime of Adultery or Concubinage by final judgment. Unless after having due reflection on the spouse's infidelity, the innocent spouse freely cohabited with the other.

This additional ground, however, as the circumstances and nature of its concept suggests, serves as an exemption to the general rule embodied herein above, and may validly be invoked as a ground for the termination of marital union even if the subsequent conviction transpired only during the subsistence of the marriage.

Provided, that for purposes of this Act, not only should said conviction be final and executory, it should be shown to the satisfaction of the court that the parties were given ample opportunity for reconciliation and the same proved futile.

Section 2. By whom filed? - Art. forty-seven of the Family Code is hereby supplemented to include;

"Art. 47-A Action for annulment of marriage based on this supplementary ground shall be filed only by the innocent spouse and within the period of five years reckoned from the time of conviction.

Section 3. Effects - Except for the regime of Separation of Property, the effects provided by the pertinent provisions of Section forty-three of the Family Code, as to custody, support and manner of liquidation of conjugal and communal properties in cases of dissolution of marriages, shall apply to dissolution and annulment of marriage based on this ground.

Section 4. Procedure - Except as otherwise subsequently formulated by the Supreme Court, the Rules on Summary Procedure shall apply in all aspects of the case, especially in so far as the determination and/or proving the factual basis for the existence of a final and executory judgment of conviction of the crime of Adultery and Concubinage of the guilty spouse is concerned. The manner of proving evidentiary matters and their probative values shall still be governed by the Rules on Evidence.

Section 5 Repealing Clause. - All laws, executive orders, presidential decrees, presidential proclamations, letters of implementation, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

Section 6. Separability Clause. – If any provision of this Act is declared invalid or unconstitutional, the provisions not affected thereby shall continue to be in full force and effect.

Section 7. Effectivity. – This Act shall take effect upon its approval fifteen (15) days following its publication in the Official Gazette or in two newspapers of general circulation in the Philippines.

Approved,