

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Philippines

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 2768

INTRODUCED BY: HON. MARCELINO "MARCY" R. TEODORO

EXPLANATORY NOTE

Marriage is a sacred union between man and woman, founded on love, protection and respect. It is a special contract given the highest regard universally that even in the most modern society, dissolution of marital ties cannot be readily demanded. In the Philippines, separation of husband and wife is generally frowned upon, and viewed to be detrimental to the children's welfare and psychological make-up.

The 1987 Constitution, Article XV on the Family states that:

Section 1. The State recognizes the Filipino family as the foundation of the nation. Accordingly, it shall strengthen its solidarity and actively promote its total development.

Further, the Family Code, Article 1 thereof provides that "[M]arriage is a special contract of permanent union between a man and a woman entered into in accordance with law for the establishment of conjugal and family life. It is the foundation of the family and an inviolable social institution whose nature, consequences, and incidents are governed by law and not subject to stipulation, except that marriage settlements may fix the property relations during the marriage within the limits provided by this Code."

Indeed, not only religion but more importantly the law that places utmost importance on family and marriage bond.

Recently however, there are initiatives from some groups, as well as, legislative proposals that supports the introduction of divorce in the Philippines. The measure claims to grant couples in failed marriages to have another option to remarry other than that of annulment of marriage and declaration of nullity. Despite of its apparent worthy objective, it still undermines the value of marriage by encouraging couples to put an end to their relationship instead of allowing them to reconcile immediately or fix the same over time.

Hence, this bill seeks to unceasingly protect the very foundation of the nation by adhering to the policy that renounces divorce, and acknowledging the instances under the law wherein dissolution of marriage may be done to include only that of Articles 35, 36, 37, 38 and 45 of Executive Order 292, otherwise known as the Family Code.

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



MARCELINO "MARCY" R. TEODORO
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City of Marikina

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INTRODUCED BY: HON. MARCELINO "MARCY" R. TEODORO

AN ACT
PROVIDING FOR THE PROTECTION OF MARRIAGE AS AN INVIOABLE SOCIAL
INSTITUTION AND THE FAMILY AS THE FOUNDATION OF THE NATION AND FOR
OTHER PURPOSES

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

SECTION 1. Short Title. --This Act shall be known and cited as the "Anti-Divorce and Unlawful Dissolution of Marriage Act of 2010"

SECTION 2. Declaration of Principles. -- The State recognizes the Filipino family as the foundation of the nation. Consequently, it shall strengthen its solidarity and actively promote its total development.

Further, the State recognizes marriage as an inviolable social institution, and the foundation of the family, hence, shall be protected accordingly.

Likewise, the State shall defend the right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation and other conditions prejudicial to their development.

Pursuant thereto, the State shall guarantee that no legislation encouraging or facilitating the dissolution of marriage, and recognizing divorce shall be passed.

SECTION 3. Objectives. -

a) This Act aims to strengthen family as the foundation of the nation by making sure that marriage bond remains intact unless on grounds prescribed by existing law on the matter;

b) This Act ensures that absolute divorce remains unacceptable in the Philippine legal system, and maintains that legal separation can be availed of by spouses in troubled marriage, as provided under the Family Code, so they live independently of each other but without right to remarry other persons;

c) This Act sustains that decree of divorce obtained by a Filipino citizen abroad shall not be valid in this country ;

d) This Act acknowledges that dissolution of marriage and legal separation, notwithstanding provisions of the Family Code on the matter, remains strictly applied except in certain situations; and

e) This Act provides penalty for acts or omissions prejudicial to the family and

marriage ties committed by the either or both spouses, as well as, other public officers involved in a case.

SECTION 4. *Prohibited Acts.* - The following shall be prohibited under this Act:

- a. Knowingly doing an act or omission at the time of marriage or prior thereto that would give grounds for legal separation, annulment or declaration of nullity, e. g., failure to procure marriage license, seeking a solemnizing officer that has no authority over the parties, etc.;
- b. Connivance between the parties in the commission of the offense or act constituting the ground for legal separation;
- c. Collusion between the parties to obtain a decree of legal separation and annulment of marriage;
- d. Trial of an action for legal separation before the lapsed of six months from filing of petition;
- e. Issue of decree of legal separation without the Court taking necessary steps towards the reconciliation of spouses and without determining beforehand that reconciliation is highly improbable;
- f. Issue of decree of legal separation based merely on stipulation of facts or a confession of judgment; and
- g. Deliberate intent of any person and/or the prosecuting attorney assigned in a case to induce collusion between the parties, as well as, encourage fabrication or suppression of evidence.

SECTION 5. *Penalties.* - Any person, which includes the spouse(s), assisting or prosecuting lawyer of the parties, and court judge violating the prohibited acts as prescribed under this Act shall suffer the penalty of imprisonment ranging from one (1) month to six (6) months or a fine ranging from Ten Thousand Pesos (P10,000.00) to Fifty Thousand Pesos (P50,000.00), or both such fine and imprisonment at the discretion of the court.

SECTION 6. *Repealing Clause.* - All laws, presidential decrees, executive orders, rules and regulations or parts thereof which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 7. *Separability Clause.* - If any part of provision of this Act shall be held unconstitutional or invalid, other provisions hereof which are not affected hereby shall continue to be in full force and effect.

SECTION 8. *Effectivity.* --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,