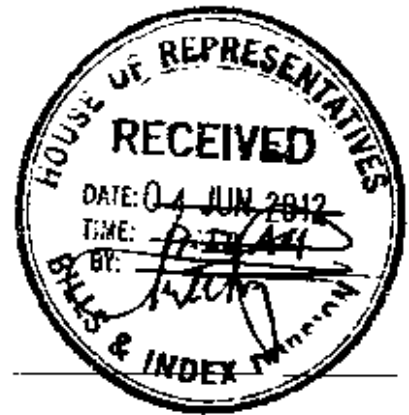


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Fifteenth Congress
Second Regular Session



COMMITTEE REPORT NO. 2224

Submitted by the Committee on Revision of Laws on 04 JUN 2012

Re : House Bill No. 4368

Recommending its approval without amendment

Sponsors : Representatives Marlyn L. Primicias-Agabas and Rufus B. Rodriguez

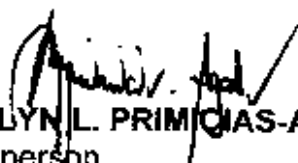
Mr. Speaker:

The Committee on Revision of Laws to which was referred House Bill No. 4368, introduced by Reps. Rufus B. Rodriguez, Maximo B. Rodriguez, Jr., and Augusto Buboy Syjuco, Ph.D., entitled:

"AN ACT AMENDING EXECUTIVE ORDER NO. 209 OTHERWISE KNOWN AS THE FAMILY CODE OF THE PHILIPPINES, BY HARMONIZING SAID LAW WITH RECENT RULINGS OF THE SUPREME COURT OF THE PHILIPPINES ON DIVORCE OBTAINED BY THE ALIEN SPOUSE IN ANOTHER COUNTRY".

has considered the same and recommends its approval without amendment, with Reps. Rufus B. Rodriguez, Maximo B. Rodriguez, Jr., Augusto Buboy Syjuco, Ph.D., Jeci A. Lapus Catalina C. Bagasina and Marlyn L. Primicias-Agabas as authors thereof.

Respectfully submitted,


MARLYN L. PRIMICIAS-AGABAS
Chairperson
Committee on Revision of Laws

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HOUSE OF REPRESENTATIVES
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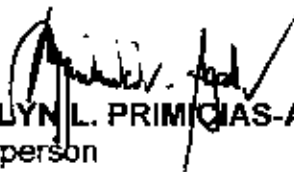
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Respectfully submitted,


MARLYN L. PRIMICIAS-AGABAS
Chairperson
Committee on Revision of Laws

FIFTEENTH CONGRESS)
REPUBLIC OF THE PHILIPPINES)
FIRST REGULAR SESSION)

HOUSE OF REPRESENTATIVES

**Introduced by Representative Rufus B. Rodriguez and
Representative Maximo B. Rodriguez, Jr.**

House Bill No. **4368**

EXPLANATORY NOTE

In the case of **GARCIA-RECIO vs. RECIO** (G.R. No. 138322, October 2, 2001), it was ruled that, "a divorce obtained abroad by an alien may be recognized in our jurisdiction, provided such decree is valid according to the national law of the foreigner. However, the divorce decree and the governing personal law of the alien spouse who obtained the divorce must be proven. Our courts do not take judicial notice of foreign laws and judgments; hence, like any other facts, both the divorce decree and the national law of the alien must be alleged and proven according to our law on evidence". Further, it ruled that, "the certificate mentioned in Article 21 of the Family Code would have been sufficient to establish the legal capacity of respondent, had he duly presented it in court. A duly authenticated and admitted certificate is prima facie evidence of legal capacity to marry on the part of the alien applicant for a marriage license."

This ruling made it a requirement that a foreign divorce decree be recognized before it can be enforced by the court in the Philippines, thereby putting to naught the concept of equity for the Philippine spouse

As such, the Filipino spouse is once again put at a disadvantage considering that the foreign spouse is already free to remarry. This proposed amendment to the Family Code will cure such anomaly.

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


RUFUS B. RODRIGUEZ


MAXIMO B. RODRIGUEZ, JR.

HOUSE OF REPRESENTATIVES

Introduced by Representative Rufus B. Rodriguez and
Representative Maximo B. Rodriguez, Jr.

House Bill No. **4368**

AN ACT

AMENDING EXECUTIVE ORDER NO. 209, OTHERWISE KNOWN AS THE
FAMILY CODE OF THE PHILIPPINES, BY HARMONIZING SAID LAW WITH
RECENT RULINGS OF THE SUPREME COURT OF THE PHILIPPINES ON
DIVORCE OBTAINED BY THE ALIEN SPOUSE IN ANOTHER COUNTRY

*Be it enacted by the Senate and House of Representatives of the Philippines in
Congress Assembled*

1 **SECTION 1.** Article 13 of Executive Order 209, otherwise known as the Family Code
2 of the Philippines is hereby amended to read as follows:

3 Art. 13. In case either of the contracting parties has been
4 previously married, the applicant shall be required to furnish,
5 instead of the birth or baptismal certificate required in the
6 last preceding article, the death certificate of the deceased
7 spouse or the judicial decree of the absolute divorce
8 **OBTAINED BY THE ALIEN SPOUSE DULY**
9 **AUTHENTICATED BY THE PHILIPPINE CONSUL IN THE**
10 **COUNTRY WHERE THE DECREE WAS OBTAINED,** or the
11 judicial decree of annulment or declaration of nullity of his or
12 her previous marriage

13 **THE FILIPINO SPOUSE NEED NOT SEEK JUDICIAL**
14 **RECOGNITION OR ENFORCEMENT OF THE FOREIGN**
15 **JUDICIAL DECREE OF ABSOLUTE DIVORCE AND ITS**
16 **REGISTRATION BY THE CIVIL REGISTRAR SHALL BE**
17 **SUFFICIENT FOR THE ISSUANCE OF A MARRIAGE**
18 **LICENSE**

19 In case the death certificate cannot be secured, the party
20 shall make an affidavit setting forth this circumstance and his
21 or her actual civil status and the name and date of death of
the deceased spouse.

FACT SHEET

House Bill No. 4368

As approved by the Committees on Revision of Laws

AN ACT AMENDING EXECUTIVE ORDER NO. 209, OTHERWISE KNOWN AS THE "FAMILY CODE OF THE PHILIPPINES", BY HARMONIZING SAID LAW WITH RECENT RULINGS OF THE SUPREME COURT OF THE PHILIPPINES ON DIVORCED OBTAINED BY THE ALIEN SPOUSE IN ANOTHER COUNTRY

Introduced by: (REPRESENTATIVES RUFUS B. RODRIGUEZ, MAXIMO B. RODRIGUEZ, JR., AUGUSTO BOBOY SYJUCO, PH.D., JECI A. LAPUS, CATALINA C. BAGASINA AND MARILYN L. PRIMICIAS-AGABAS)

Committee Referral : REVISION OF LAWS
Committee Chairpersons : HON. MARLYN L. PRIMIAS-AGABAS

OBJECTIVE:

- To put Filipino and alien spouses on equal footing and prevent unintentional discrimination

KEY PROVISION/S:

- Allows a Filipino to contract a subsequent marriage in cases where divorce is validly obtained abroad by the alien spouse.
- Recognizes divorce obtained by the alien spouse in another country without the need to seek judicial recognition or enforcement of the foreign judicial decree of absolute divorce;
- Adds a requirement for contracting parties who are previously married to furnish copy of their Judicial Decree of Absolute Divorce obtained by the alien spouse duly authenticated by the Philippine Consul in the country where the decree was obtained
- Mandates that the registration of the Foreign Judicial Decree of Absolute Divorce in the Civil Registration shall be sufficient for the issuance of marriage license;

RELATED LAWS

Articles 13 and 26 of the Family Code of the Philippines