



Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

SIXTEENTH CONGRESS
First Regular Session

House Bill No. **2854**

Introduced by **Honorable PAULINO SALVADOR "DOY" C. LEACHON**

EXPLANATORY NOTE

Marriage is sacred. No less than our constitution safeguards its seemingly immaculate nature and its role as the foundation of the family.

However, there is an increasingly alarming rate of spousal abuse; wherein one of the spouses commits acts of violence against the other and worst, to the children they are supposed to take care of. The "gridlock", "limited" and sometimes "expensive" way to end a marriage doomed by violence betrays the virtues of what a family should be in our society.

Trapped in a loveless and violent union, the victim spouse and their children are forced to accept this situation. The family that supposed to nurture them with all the essential values necessary to develop a productive citizenry is now their death trap.

Adding a way to give scorned spouses and their children a way to end a marriage from hell will give the victims of "violent" families a new lease on life and can be their "light" at the end of the "dark tunnel."

Giving the victim spouse and their children an additional and more defined option to "freedom" can help them regain their self-worth and be better citizens rather than suffer a lifetime of violence in any shapes and sizes.

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


PAULINO SALVADOR C. LEACHON
First District, Oriental Mindoro



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AN ACT
PROVIDING FOR THE INCLUSION OF VIOLENCE AGAINST SPOUSES AND
THEIR CHILDREN AS A ADDITIONAL GROUND TO ANNUL MARRIAGE,
THEREBY AMENDING SECTION 45 OF
EXECUTIVE ORDER NO. 209, SERIES OF 1987
ENTITLED "THE FAMILY CODE OF THE PHILIPPINES."

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

Section 1. Section 45 of Executive Order No 209, series of 1987 entitled "The Family Code of the Philippines" is hereby amended 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, guardian 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;

(2) That either party was of unsound mind, unless such party after coming to reason, freely cohabited with the other as husband and wife;

(3) That the consent of either party was obtained by fraud, unless such party afterwards, with full knowledge of the facts constituting the fraud, freely cohabited with the other as husband and wife;

(4) That the consent of either party was obtained by force, intimidation or undue influence, unless the same having disappeared or ceased, such party thereafter freely cohabited with the other as husband and wife;

(5) That either party was physically incapable of consummating the marriage with the other, and such incapacity continues and appears to be incurable; or

(6) That either party was afflicted with a sexually-transmissible disease found to be serious and appears to be incurable.

(7) That either party committed violence against the other spouse, their child or the child of the victim spouse during the marriage, be it physical, emotional, financial and psychological in form. The same must be proven by clear and convincing evidence.

Section 2. *Implementing Rules and Regulations.* For purposes of the implementation of this Act, the Secretaries of the Department of Justice and Social Welfare and Development shall issue such rules and regulations as he may deem necessary and appropriate Joint Department Orders.

Section 3. *Repealing Clause* - All other laws, decrees, orders, issuances and rules and regulations or parts thereof inconsistent with this Act, are hereby repealed or modified accordingly.

Section 4. *Separability Clause* .All other provisions of Executive Order No. 209 not otherwise affected by the provisions of this Act shall remain in full force and effect.

Section 5. *Effectivity Clause* - This Act shall take effect fifteen (15) days after its publication in at least two (2) national newspapers of general circulation.

Approved.