

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
QUEZON CITY

SIXTEENTH CONGRESS
FIRST REGULAR SESSION

H.B. NO 3856



Introduced by **HON. AL FRANCIS C. BICHARA**

EXPLANATORY NOTE

This bill seeks to acknowledge a factual and existing marital condition that plague not a few unions. Without dwelling on the deeper reasons behind the separation, this bill offers a remedy without opening a pandora's box or a can of worms that are usually present during annulment proceedings.

Five years of actual separation would make the couples estrange enough that a possible reconciliation is nil. Besides, five years should have made the parties adjust and move on with their individual lives without further straining the relationship. Thus, they should be granted the best relief that they can have, annulment. This way, they can go on separate ways peacefully as no other reason is needed to justify the annulment.

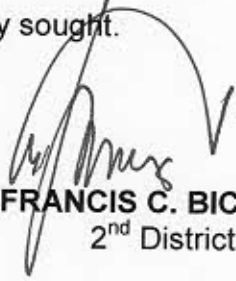
Without the parties having the need to prove any allegation or anything of substance, the court in this case can simplify and expedite the proceedings so that tedious and expensive litigation may be avoided. Five years or more of separation should have been enough that a protracted litigation extending the period will simply prolong the agony of both parties who in all likelihood would have wanted the legal ties severed as soon as possible so they can move on with their lives.

This is especially true when both parties mutually agree to the annulment so they both can have the relief they so fervently seek. Further and more importantly and unlike in the other grounds for annulment, the court in this case need not investigate nor prove collusion between the parties because the parties simply have to prove that they are in fact separated for at least five years and this fact can be extracted through sworn statements from their relatives who while having moral and emotional interests in the union and might not be supportive of the annulment, are limited to attesting to the fact of actual separation.

The bill also seeks to grant relief to the under-privileged and the indigents who find themselves in similar situations but could not seek redress from the courts for the simple reason that they cannot afford the expensive services of lawyers. Like in Small Claims Courts, they will now be allowed to seek annulment without having to engage lawyers' services. The court may use a language that simple laymen will understand, simplify, abbreviate and expedite the proceedings so as to avoid tedious and expensive trials.

Lastly and most importantly, the beneficiary of this speedy proceedings would be the children who may have been born to unions involving one or both parties who may have contracted a previous marriage. In speedily granting annulment on this ground, the court could be an unwitting partner in extending legitimacy status to these children, without whose fault are carrying the stigma of being branded illegitimate.

For this reason, the urgent approval of this bill is earnestly sought.



AL FRANCIS C. BICHARA
2nd District, Albay

SIXTEENTH CONGRESS OF THE)
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**AN ACT AMENDING TITLE I, CHAPTER 3, OF EXECUTIVE ORDER NO. 209,
OTHERWISE KNOWN AS THE FAMILY CODE OF THE PHILIPPINES,
PRESCRIBING ADDITIONAL GROUND FOR ANNULMENT**

Section 1. Title I, Chapter 3 of Executive Order No. 209, otherwise known as the Family Code of the Philippines, is hereby further amended to read as follows:

"TITLE I — MARRIAGE

"CHAPTER 3 — VOID AND VOIDABLE MARRIAGES

**"Art. 45 - A. A marriage may also be annulled if the parties
have been separated in fact for at least five years.**

On this ground, both parties may mutually seek for the annulment, and while no judgment on the pleadings, summary judgment, or confession of judgment shall be allowed, the parties shall both be required as far as practicable to present affidavits or certifications from parents, children of legal age, and other relatives attesting to the fact of the separation period without prejudice to whatever documents the court may further require.

If either or both parties are indigents or cannot afford the services of lawyers, the court shall dispense with the need for lawyers and keep the processes as simple and as expediently as possible to avoid tedious and expensive litigation proceedings.

In cases where both parties mutually seek the annulment on this ground, the court shall likewise find ways to expedite the proceedings to avoid protracted and expensive trials."

Sec. 2. Effectivity clause. — This Act shall take effect after fifteen (15) days following its publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved.