

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

SIXTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 5238



INTRODUCED BY REPRESENTATIVES
EMMI A. DE JESUS and LUZVIMINDA C. ILAGAN

EXPLANATORY NOTE

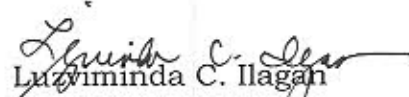
Legal separation is one of the existing tools under the Family Code of the Philippines which a women suffering from an abusive spouse can opt to use to get out of the atrocious relationship. It will not dissolve the marriage, yet it will relief to the aggrieved party.

Amending certain provisions on legal separation will give women and their children additional State protection consistent with Republic Act No. 9262, otherwise known as the Anti-Violence Against Women and Their Children Act of 2004. While the proposed amendments shall apply to both spouses, more women will benefit from the measure since they comprise the majority of the reported victims of violence within the typical Filipino family home.

This measure proposes to amend Article 55 (1), (5) and (6) under the grounds for legal separation. Amendment to Article 55 (1) is to consider not only the number of times violence is perpetrated but also the severity or gravity of the violence committed, while amendments to Article 55 (5) & (6) are additional grounds related and equated with the previously considered marriage offenses.

It is with hope that this measure be considered, consistent with the Magna Carta of Women, in order to attain substantive protection and enhancement of the right of all Filipinos to human dignity.


Emmi A. De Jesus


Luzviminda C. Ilagan

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**AN ACT EXPANDING THE GROUNDS FOR LEGAL SEPARATION,
AMENDING FOR THE PURPOSE ARTICLE 55 OF THE FAMILY CODE OF
THE PHILIPPINES**

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

SECTION 1. Article 55 of the Family Code of the Philippines is hereby
amended to read as follows:

“Article 55. A petition for legal separation may be filed on any of the
following grounds:

- (1) PHYSICAL, PSYCHOLOGICAL, FINANCIAL OR ECONOMIC OR
SEXUAL VIOLENCE, OR ANY SERIOUS ATTEMPT TO INFLICT
VIOLENCE against the petitioner, a common child, or a child of
the petitioner;
- (2) Moral pressure to compel the petitioner to change religious or
political affiliation;
- (3) Final judgment sentencing the respondent to imprisonment of
more than six years, even if pardoned;
- (4) Drug addiction, habitual alcoholism OR EXCESSIVE GAMBLING
of the respondents;
- (5) Lesbianism, homosexuality OR BISEXUALITY of the respondent;
xxx”

SECTION 2. This Act shall take effect immediately upon approval.

Approved,