

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

SIXTEENTH CONGRESS

Third Regular Session

House Bill No. **5916**



Introduced by **Rep. EVELIO R. LEONARDIA**

EXPLANATORY NOTE

It has been an undeniable fact that a Filipino spouse married to a foreigner may become a divorcee. That, while the Family Code of the Philippines, Art. 26, paragraph 2 thereof, provides that a Filipino divorcee can remarry under Philippine laws when such divorce was validly obtained by his/her alien spouse, the same Article 26 of the Family Code however, is not clear in regard to the validity of re-marriage by a Filipino spouse who was divorced by his/her alien spouse who was formerly a Filipino when their former marriage took place.

Hence, there is a need to amend the subject law as supported by jurisprudence, notably the "Republic of the Philippines vs. Cipriano Obrecido III case, under G.R. No. 154380 (Oct. 5, 2005), as a matter of legislative clarity consistent with the view of putting equal rights in regard to marriage and family life between Filipino citizens and other persons of foreign nationality or citizenship.

As such, the approval of this Bill is earnestly sought.


REP. EVELIO R. LEONARDIA
Lone District, Bacolod City

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

SIXTEENTH CONGRESS

Second Regular Session

House Bill No. **5916**

Introduced by **Rep. EVELIO R. LEONARDIA**

AN ACT

AMENDING ARTICLE 26, BY ADDING PARAGRAPH 3 IN EXECUTIVE ORDER NO. 209 OTHERWISE KNOWN AS THE FAMILY CODE OF THE PHILIPPINES THEREBY ALLOWING THE DIVORCEE FILIPINO SPOUSE TO REMARRY

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

SECTION 1. Article 26 paragraph 2 of the Family Code of the Philippines (Executive Order No. 209) is hereby amended by adding paragraph 3 thereof, to read as follows:

Art. 26. xxx

Where a marriage between two (2) Filipino citizens is validly celebrated and one spouse thereafter obtained a foreign citizenship and validly obtained a divorce abroad capacitating him or her to remarry, the Filipino spouse shall have the capacity to remarry under Philippine law.

SEC. 2. All existing laws or parts thereof inconsistent with the provision of this Act are hereby repealed or modified accordingly.

SEC. 3 This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in two (2) newspapers of general circulation.

Approved,