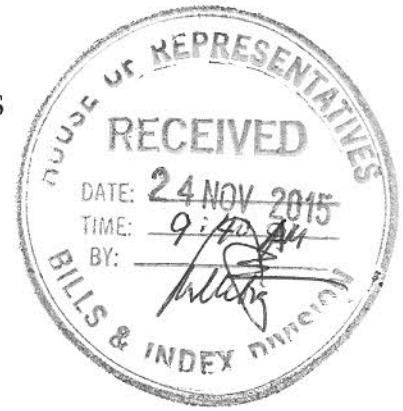


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

SIXTEENTH CONGRESS
Third Regular Session

HOUSE BILL NO. 6297



Introduced by Representative Roman T. Romulo
Lone District of Pasig City

EXPLANATORY NOTE

"Hailed as the bastion of Christianity in Asia, the Philippines boasts of 86.8 million Filipinos – or 93% of a total population of 93.3 million – adhering to the teachings of Jesus Christ. Yet, the admonition for husbands to love their wives as their own bodies just as Christ loved the church and gave himself up for her failed to prevent, or even curb, the pervasiveness of violence against Filipino women." (Garcia vs. Drilon, G.R. No. 179267, June 25, 2013)

Considering that November 25 is "National Consciousness Day for the Elimination of Violence Against Women and Children" by virtue of Republic Act No. 10398, it is paramount to review and reassess whether we have taken sufficient action in the promotion of gender equality and empowerment of women as part of the Millennium Development Goals (MDG).

Notwithstanding legislations to address said goal such as the Anti-Violence Against Women and Their Children Act of 2004, incidents of battery and sexual abuse seem to be continuously increasing, many of these are reportedly found inside the family home. However, only a few complaints for violence inside the conjugal dwelling were filed in our courts because of fear of the trauma they might cause their children after seeing their mothers send their fathers to jail or basically because of their financial dependency on their husbands.

It appears that because of the abovementioned considerations, women will continue to fall victims of an abusive partner. However, there is more danger should a wife suffer from the so-called "Battered Woman Syndrome", a scientifically defined pattern of psychological and behavioral symptoms found in women living in battering relationships as a result of cumulative abuse. Definitely it would be more appalling to society when an abused wife suffering from Battered Woman Syndrome is driven to kill her own husband out of fear for one's life as shown in the landmark case of *People vs. Genosa*.

When a marriage has been severely damaged by the infliction of either physical or sexual violence, the full potential development of the wife as well as the children is already impeded. If filing of criminal cases against their partners is not an option, they must at least be given a way out that will enable them to start over with their lives and more importantly be assured of their safety.

Going through the provisions of the Family Code, incidents of physical violence are grounds for legal separation that does not dissolve the marriage bonds. It involves nothing more than bed-and-board separation of the spouses entitling the spouses to live separately from one another. This provision needs to be revisited as it overlooks the need for women and children escaping domestic violence to genuinely start anew.

This measure at hand proposes to amend the provisions of the Family Code by making physical and sexual violence a ground for the annulment of marriage. This is more in line with the spirit of the State's mandate of according full protection to women, while at the same time ensuring that violence has no place in any family thereby maintaining the sanctity of the Filipino family.

In addition, the provision for support for the innocent spouse and their children, as well as the forfeiture of the fruits of the absolute community or conjugal partnership in favor of the innocent spouse shall eliminate or at least minimize the propensity to remain in an abusive marriage because of economic reasons.

More importantly, victims of abusive marriages should be given another opportunity to remarry in order to recover and actually experience for themselves the sanctity and inviolability of marriage and family life as contemplated not only by the State, but also our faith.

No less than Pope Francis himself said that it may be "*morally necessary*" for some families to split up saying that "*Sometimes, it can even be morally necessary when it's about shielding the weaker spouse or young children from the more serious wounds caused by intimidation and violence, humiliation and exploitation.*"

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

A handwritten signature in black ink, appearing to read 'Roman T. Romulo', with a stylized flourish at the end.

ROMAN T. ROMULO

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HOUSE BILL NO. 6297

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AN ACT MAKING PHYSICAL OR SEXUAL VIOLENCE UPON THE PERSON OF THE SPOUSE OR CHILDREN AS ADDITIONAL GROUNDS FOR ANNULMENT OF MARRIAGE, AMENDING FOR THIS PURPOSE EXECUTIVE ORDER NO. 209, AS AMENDED, OTHERWISE KNOWN AS THE FAMILY CODE OF THE PHILIPPINES, AND FOR OTHER PURPOSES

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

Section 1. Declaration of Policy. - It is hereby declared that the State values the dignity of women and children and guarantees full respect for human rights. The State also recognizes the need to protect the family and its members particularly women and children, from violence and threats to their personal safety and security.

Section 2. Definition of Terms - For purposes of this Act, the following terms shall mean:

- (a) PHYSICAL VIOLENCE - refers to any act or series of acts committed against the spouse or child that include bodily or physical harm;
- (b) SEXUAL VIOLENCE - refers to an act which is sexual in nature, committed against the spouse or child that includes, but is not limited to:
 - 1. Rape, sexual harassment, acts of lasciviousness, treating as a sex object, making demeaning and sexually suggestive remarks, physically attacking the sexual parts of the body, forcing him/her to do indecent acts and/make films thereof, forcing the other spouse and lover to live in the conjugal home or sleep together in the same room;
 - 2. Acts causing or attempting to cause the spouse or child to engage in sexual activity by force, threat of force, physical or other harm or threat of physical or other harm or coercion;
 - 3. Prostituting the wife or child.

Section 3. *Grounds for Annulment of Marriage* - In addition to the grounds provided for under Executive Order No. 209, otherwise known as the Family Code of the Philippines, the infliction of physical or sexual violence upon the person(s) of the spouse and/or their common child, or a child of the petitioner during the marriage shall now constitute grounds for the annulment of marriage.

Section 4. *Effects of Annulment*. - The final judgment declaring the marriage annulled shall have the following effects:

- (a) The marital bond shall be severed;
- (b) The absolute community or conjugal partnership shall be dissolved and liquidated and the assets shall be equally divided between the spouses but the offending spouse shall have no right to any share in the net profits earned by the absolute community or the conjugal partnership, which shall be forfeited in favor of the common children, or in default of children, the innocent spouse;
- (c) The innocent spouse who is not gainfully employed shall be entitled to support from the other spouse until he or she finds adequate employment, provided however, that the support shall only be for one year from the finality of the decree of annulment, provided further that the right to support shall be subject to the provisions of Article 201 of the Family Code and provided finally that the right to support shall automatically cease once the innocent spouse remarries before the end of the one year period of support;
- (d) Actual, moral and exemplary damages shall be awarded to the innocent spouse in accordance with the provisions of the Civil Code on Damages;
- (e) Custody of minor children shall be decided by the Court in accordance with the best interests of the children, subject to the provisions of Article 213 of the Family Code;
- (f) Children conceived or born before the finality of the decree of annulment shall be considered legitimate and entitled to support in accordance with the provisions of the Family Code;
- (g) The spouses shall be disqualified from inheriting from each other by intestate succession;
- (h) Any provision in favor of the guilty spouse made in the will or in any insurance policy, even if deemed irrevocable, of the innocent spouse shall be revoked by operation of law.

Section 5. *Filing of Separate Civil or Criminal Action*. - A petition for annulment may be filed separately, simultaneously or subsequently with any criminal case for violation of the Anti-Violence Against Women and Their Children Act, or any other crimes in relation to physical or sexual violence, provided that the annulment case can stand on its own without awaiting the judgment on the criminal case.

Section 6. *Repealing Clause*. - All laws, decreed and orders or parts thereof which are contrary to or inconsistent with this Act are hereby repealed, amended or modified accordingly. Nothing in this Act shall affect the existing food programs being implemented by other government agencies.

Section 7. *Effectivity*. - This Act shall take effect fifteen (15) days following its complete publication in the Official Gazette or in at least two (2) newspapers of general circulation, whichever comes earlier.

APPROVED,