

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Second Regular Session

House Bill No. 8513



Introduced by Representative LINABELLE RUTH R. VILLARICA
Bulacan – 4th District

EXPLANATORY NOTE

Early marriage is a violation of a child's human rights. Despite being prohibited by international law, it continues to rob thousands of girls around the world of their childhood. Data from the UNFPA¹ reveals that 47,700 girls around the world are married before the age of 18. One (1) in three (3) girls in developing countries will probably be married before they are eighteen (18) years old. In the Philippines, 15% of women aged 20 to 24 were first married or in union before eighteen (18) years of age. Two (2%) percent are married by fifteen (15) years old.

Girls who married early are more likely to experience violence, abuse and forced sexual intercourse. Married girls will likely lose the chance to be educated and gain skills and knowledge which will help her land a good and stable job. It also contributes to school dropouts because the teen mother will take care of her baby, and thus traps her in a cycle of poverty. In the Philippines, there are twenty-four (24) babies born to teenage mothers every hour².

The United Nations General Assembly Resolution 175 (2016) calls upon States, with the participation of relevant stakeholders, including women and girls, parents and other family members, religious, traditional and community leaders, civil society, organizations led by girls, women's organizations to: 1.) develop and implement holistic, comprehensive and coordinated responses and strategies to eliminate child, early and forced marriage; 2.) to support girls and women who are at risk or have been subjected to this practice, including, through the strengthening of child protection systems, protection mechanisms such as safe shelters, access to justice and the sharing of best practices across borders.

Likewise, on June 22, 2017, the United Nations Human Rights Council adopted a Resolution recognizing the need to address child, early and forced marriage in humanitarian contexts. Our national laws such as the Family Code of the Philippines prescribes the minimum marrying age at 18 years old; Magna Carta on Women protects women and girls from all forms of violence; Special Protection of Children against abuse, exploitation and discrimination ensures the protection of children.

¹ 2016 State of the World's Population Report, UNFPA

² Philippines Statistics Authority, 2014

The Philippines has committed to be a “Pathfinder country” to end all forms of violence against children which includes child marriage. Yet, despite the existence of international and national laws, child marriage is still practiced among the Indigenous People and Muslim communities.

In view of the foregoing, the passage of this bill is immediately sought.

A handwritten signature in black ink, appearing to read 'L. Villarica'.

REP. LINABELLE RUTH R. VILLARICA

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AN ACT PROTECTING CHILDREN BY PROHIBITING AND DECLARING CHILD
MARRIAGE AS ILLEGAL AND PROVIDING PROGRAMS AND PENALTIES
THEREOF

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

SECTION 1. *Short Title.* - This Act shall be known as the “Anti-Child Marriage Act”

SEC. 2. *Declaration of Policy.* – The State recognizes the role of women and children in nation building and shall therefore protect and promote their empowerment which entails the abolition of the unequal structures and practices that perpetuate discrimination and inequality. To realize this, the State shall address discrimination and inequality in the economic, political, social, cultural and civil life of women even in their young age and provide the necessary programs and services

The State affirms children's rights as part of human rights and shall intensify its efforts to fulfill its duties under the UN Convention on Rights of Child and the Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act to recognize, respect, protect, fulfill and promote all human rights and fundamental freedoms of women and children, especially the girls, in the economic, social, political, cultural, and other fields without distinction or discrimination on account of class, age, sex, gender, language, ethnicity, religion, ideology, disability, education and status.

The State condemns discrimination against women and children in all its forms and pursues by all appropriate means and without delay the policy of eliminating discrimination against women and girls in keeping with the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) clearly enabled by the Magna Carta and other international instruments consistent with Philippine law.

SEC. 3. *Affirmation of the Principles of Human Rights of Women and Children.* – Human rights are universal and inalienable. Human rights are indivisible. Human rights are inherent to the dignity of every human being regardless of age and gender whether they relate to civil, cultural, economic, political, or social issues.

Child marriage is an act of child abuse and a grave form of discrimination as it debases, degrades and demeans the intrinsic worth and dignity of children under RA 7610

otherwise known as the Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act. It is likewise considered discrimination relating to marriage and family relations sought to be eliminated by the Convention on the Elimination of Discrimination Against Women (CEDAW).

Human rights are interdependent and interrelated. The fulfillment of one right often depends, wholly or in part, upon the fulfillment of others. All individuals are equal as human beings by virtue of the inherent dignity of each human person. No one, therefore, should suffer discrimination on the basis of ethnicity, gender, age, language, sexual orientation, race, color, religion, political, or other opinion, national, social, or geographical origin, disability, property, birth, or other status as established by human rights standards.

The State, in recognition of the International Agreements entered into for the protection of the children's rights, always gives primary consideration of the best interests of the child. The State likewise recognizes resolutions on the intensification of efforts to eliminate all forms of violence against women and children. It now endeavours to have this enabling law to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse and the abolition of traditional or cultural practices prejudicial to the health of children which includes, among other practices, child marriage and betrothal.

The State affirms that marriage shall be entered into only with the free and full consent of the intending spouses and that betrothal and child marriages shall have no legal effect.

The State, through this law now eliminates child marriage to strictly enforce Articles 2-5 of the Family Code providing that marriage is entered into only with the free and full consent of intending spouses who should be at least 18 years of age at the time of marriage.

SEC. 4. *Definition of Terms.* -

a) ***Child*** - refers to persons below 18 years of age, or those unable to fully take care of themselves or protect themselves from abuse, exploitation or discrimination because of a physical or mental disability or condition as defined by the Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act.

b) ***Child Abuse*** - refers to any act by deeds or words which debases, degrades or demeans the intrinsic worth and dignity of a child as a human being; or any circumstance which gravely threatens or endangers the life, survival, safety and normal development of children as defined by the Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act.

c) ***Child Marriage*** - any marriage entered into where one or both parties are below 18 years of age or unable to fully take care or protect themselves because of a physical or mental disability or condition, solemnized in civil, church or in any recognized traditional, cultural or customary manner and it shall be considered as Child Abuse.

d) ***Solemnizing Officer*** - any person authorized by law as defined in Article 7 of the Family Code or recognized by reason of religion, tradition, culture or customs, to solemnize marriage.

e) ***Parents*** - refer to biological parents or those legally adopting parents

f) ***Guardians*** - refer to relatives taking custody of the child or minor in the absence of the parents; or anyone to whom a child or minor was given or left for care or custody.

g) ***Facilitation of child marriage*** - any person, who caused, fixed, facilitated or arranged the child marriage shall be considered to have committed abuse of the child/child abuse under RA 7610

h) ***Solemnization of child marriage*** - the person who officiated and performed the formal rites of child marriage shall be considered to have committed abuse of the child/child abuse under RA 7610

SEC. 5. *Prohibited Act.* - It is hereby declared that the prohibited act of child marriage, its facilitation and solemnization are considered public crimes. These acts are grave forms of child abuse, exploitation and discrimination as they gravely threaten and endanger the survival and normal development of children physically, emotionally and psychologically and can be initiated by any concerned individual.

SEC. 6. *Legal Effect of Child Marriage.* - Child marriage is considered as void ab initio, hence, the action for annulment of child marriage does not prescribe as provided in Article 39 of the Family Code. The legal effect of Child Marriage insofar as Support, Property Relations and Custody shall be governed by Articles 50-55 of the Family Code.

SEC. 7. *Programs and Services.* - There shall be a comprehensive program and services to be formulated by the Department of Social Welfare and Development in coordination with other government agencies identified herein as duty-bearers and with the concerned CSOs and NGOs. This shall be made and initiated by the DSWD within six (6) months from the effectivity of this Code to ensure the over-all support, health and development of the children.

SEC. 8. *Penalties for Violators.* -

SEC. 8.1. The Solemnizing Officer who solemnized child marriage shall be meted the following penalties:

- a) First offense - Fine in the amount of P 25,000.00; suspension of license for a period of six (6) months; compulsory attendance to seminars and learning sessions on human rights, child rights and marriage and this law during the suspension period. Unless complied with, the suspension of license shall not be lifted or the solemnizing officer shall not be allowed to resume office.
- b) Second offense - Fine in the amount of P 50,000.00; and forfeiture of license
- c) Third Offense - Fine in the amount of P 100,000.00; Imprisonment as provided for by RA 7610

SEC. 8.2. Parents or guardians of children who caused, facilitated, arranged and consented to a child marriage shall be meted the following penalties:

- a) First Offense – Suspension of parental authority for a period of six (6) months to one (1) year, subject to the determination and written recommendation of DSWD considering the best interest of the child; and compulsory attendance to seminars and learning sessions on human rights, child rights and marriage and this law during the suspension period.
- b) Second Offense – Permanent Protection Order in favour of the child.
- c) Third Offense – Imprisonment as provided for by RA 7610. The custody of the children shall be transferred to the Department of Social Welfare and Development until the child reaches the age of majority or is able to protect herself/himself.

SEC. 8.3 All others who caused the facilitation and solemnization of child marriage shall be meted a penalty in accordance with the provision of RA 7610.

SEC. 8.4 The adult who contracted a child marriage with a minor twelve (12) years or under or who is ten (10) years or more his/her junior shall be meted a penalty of Prison Mayor in its maximum period as provided for in Article VI of the RA 7610

SEC 9. *Duty-Bearers and Responsibilities.* – In order to prevent and eventually end child marriages and protect the children from this form of abuse and exploitation, the following government offices shall be responsible to take the necessary actions:

a) Department of Social Welfare and Development (DSWD) – Shall take lead in the implementation of this Act and create programs that will address the prevalence of child marriage and provide appropriate services to children who were forced to enter into child marriage. It shall conduct an information drive in the communities on child marriage as a form of abuse of violence, its impacts and effects, the roles of parents and guardians; and include the same in its existing programs such as pre-marriage counselling sessions, family development sessions, and parenting effectiveness seminars.

b) Council for the Welfare of Children (CWC) – Shall work closely with the DSWD in strengthening policies to prohibit and end child marriage. It shall include the advocacy to prevent child marriage in the Philippine Plan of Action to End Violence against Children.

c) Department of Justice (DOJ) – Shall assume responsibility in ensuring that the penal provisions of this Act are carried out and provide access to justice and legal services to those who experienced child marriage. There should also be mandatory capacity building for Family Court Judges on the provisions of this Act.

d) Family and Executive Courts' Judges – Shall undergo trainings on the impacts and effects of child marriage on the health and development of children and shall ensure strict application and implementation of this Act.

e) Department of the Interior and Local Government (DILG) – Shall ensure that LGUs are monitoring the implementation of the law through the Local/Barangay Council for the Protection of Children.

f) Department of Education (DepEd) – Shall incorporate the discussion on the impact and effects of child marriage in the comprehensive sexuality education curriculum.

g) Department of Health (DOH) – Shall ensure access to health services from the prevention of child marriage and services for boys and girls who experienced child marriage.

h) Philippine Commission on Women (PCW) – Shall integrate dissemination of the provisions of this Act in programs on public awareness and behaviour-change communications.

i) Commission on Human Rights (CHR) – Shall monitor the implementation of this Act as Gender Ombud and through its Child Rights Center.

j) National Commission on Muslim Filipinos (NCMF) – Shall include in its program of action the awareness of Muslim communities on: the impacts and effects of child marriage on the health and development of children; the provisions of this Act. The NCMF shall also monitor and report cases of child marriages in communities of jurisdiction.

k) National Commission for Indigenous Peoples (NCIP) – Shall include in its program of action, national conferences and gatherings the awareness of indigenous cultural communities on the impacts and effects of child marriage on the health and development of children; the provisions of this Act. The NCIP shall ensure the implementation of this Act, monitor and report cases of child marriages in communities of jurisdiction.

SEC 10. *Implementing Rules and Regulations.* – Within ninety (90) days from the effectivity of this Act, the Department of Social Welfare and Development, the Department of Education and the Department of Health, in coordination with other concerned government agencies and women and children organizations, shall promulgate the necessary rules and regulations for the effective implementation of this Act. They shall likewise incorporate the resources for programs and services in their Annual Budget.

SEC 11. *Repealing Clause.* – The legal capacity to contract marriage set at age lower than eighteen (18) years of age is hereby repealed. All other laws, decrees, orders, regulations and other issuances or part thereof inconsistent with this Act are hereby repealed or modified accordingly.

SEC 12. *Separability Clause.* – If any part or provision of this Act is held invalid or unconstitutional, the other parts or provisions thereof shall remain valid and effective.

SEC. 13. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in two (2) newspapers of general circulation.

Approved.