

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Batasan Hills, Quezon City

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 1339



Introduced by Honorable Representatives
ARLENE D. BROSAS (Gabriela Women's Party);
FRANCE L. CASTRO (ACT Teachers Partylist);
and RAOUL DANNIEL A. MANUEL (Kabataan Partylist)

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

EXPLANATORY NOTE

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

Amending certain provisions on legal separation will give women and their children additional State protection consistent with Republic Act (RA) 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.

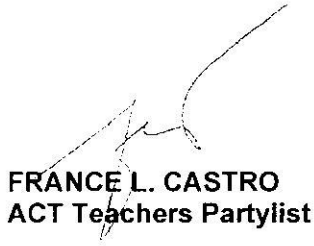
This measure proposes to amend Article 55 (1), (5), (6), (8), and (9) under the grounds for legal separation. Amendment to Article 55 (1) is to consider not only the number of times violence is perpetrated but also the severity or gravity of the violence committed. Amendments to Article 55 (5), (6) and (8) are additional grounds related to and equated to the previously considered marriage offenses. Meanwhile, the Article 55 (9) amendment adds threat by one of the spouses to the life of their legal or biological children as the basis for filing a case for legal separation.

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.

The urgent passage of this bill is earnestly sought.



ARLENE D. BROSAS
Gabriela Women's Party



FRANCE L. CASTRO
ACT Teachers Partylist



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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. SERIOUS PHYSICAL OR SEXUAL VIOLENCE, repeated physical violence or grossly abusive conduct directed against the petitioner, a common child, or a child of the petitioner;
2. Physical violence or moral pressure to compel the petitioner to change religious or political affiliation;
3. Attempt of respondent to corrupt or induce the petitioner, a common child, or a child of the petitioner, to engage in prostitution, or connivance in such corruption or inducement;
4. Final judgment sentencing the respondent to imprisonment of more than six years, even if pardoned;
5. Drug addiction, habitual alcoholism OR EXCESSIVE GAMBLING of the respondents;
6. Lesbianism, homosexuality, OR BISEXUALITY of the respondent;
7. Contracting by the respondent of a subsequent bigamous marriage, whether in the Philippines or abroad;
8. MARITAL [Sexual] infidelity or perversion OR HAVING A CHILD WITH ANOTHER PERSON OTHER THAN ONE'S SPOUSE DURING THE MARRIAGE, EXCEPT WHEN UPON THE MUTUAL AGREEMENT OF THE SPOUSES, A CHILD IS BORN

TO THEM BY *IN VITRO* OR A SIMILAR PROCEDURE OR WHEN THE WIFE BEARS A CHILD AFTER HAVING BEEN A VICTIM OF RAPE;

9. Attempt by the respondent against the life of the petitioner, A COMMON CHILD OR A CHILD OF THE PETITIONER; or

10. Abandonment of petitioner by respondent without justifiable cause for more than one year.xxx”

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

Approved,