



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 7960



Introduced by **Representative GLORIA MACAPAGAL-ARROYO**

**AN ACT RECOGNIZING THE CIVIL EFFECTS OF ANNULMENT,
DECLARATION OF NULLITY, AND DISSOLUTION OF MARRIAGES BY CANON
LAW AND FOR OTHER PURPOSES**

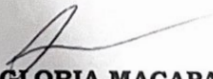
EXPLANATORY NOTE

The decision to end a martial relationship, in which the two persons invested so much of their lives, their emotions as well as their dreams, could be one if not the most painful and traumatic experiences a person could ever face. While the State and the Catholic Church believe and teach the permanence of the marriage bond and strives to promote stability of marriage, both also recognize that some unions do not survive because they were lacking from the very beginning of some essential ingredients without which there could not be a valid canonical marriage.

The current Family Code of the Philippines does not allow divorce for it reflects the law of the Catholic Church or Canon Law. However, it provides recourse for marriages that are irreparably destroyed through marriage annulment or the declaration of marriage nullity. Unfortunately, the process and procedures of said recourse are so tedious and expensive rendering it intimidating for the poor and marginalized population.

Given the above premise and pursuant to the Constitutional Principles on Separation of Church and State and the principle of Benevolent Neutrality Accommodation, this bill seeks to authorize the Catholic Church annulment of marriage or declaration of nullity of marriage and recognize the civil effects of such annulment or declaration of nullity pronounced by the Church just in the same way it recognizes the civil effects of marriages solemnized by the clergy in the Church.

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


Representative GLORIA MACAPAGAL-ARROYO



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3 **LAW AND FOR OTHER PURPOSES**

4
5 *Be it enacted by the Senate and House of Representatives of the Philippines in*
6 *Congress assembled:*

7
8 **SECTION 1.** *Short Title.* This Act shall be known as the “*Canon Law Annulment Act*
9 *of 2023*”

10
11 **SEC. 2.** *Declaration of Policy and Guiding Principles.* While both the State and the
12 Church recognize the sanctity of family life and shall protect and strengthen the
13 family as a basic autonomous social institution and uphold the inviolability of
14 marriage as a social institution, it is also the policy of the State and the Church to
15 provide for remedies for the dissolution of an irreparably broken and dysfunctional
16 marriage that no longer serves as a primary source of support and security between
17 the couple and among their family members or that it no longer provides safe and
18 stable environments to nurture the growth and development of each family member.

19
20 **SEC. 3.** *Guiding Principles.* The following shall be the guiding principles of this Act:

- 21
22 a) Under the doctrine of benevolent neutrality accommodation, the State shall
23 recognize the power of the Catholic Church to declare the nullity of marriages.
24 The power to declare the nullity of marriages should not only be vested in the
25 courts of the State, but also in the ecclesiastical tribunals, without confusing
26 the separation of the two spheres.
27
28 b) The State shall assure that the proceedings for the grant of annulment of
29 marriage, the declaration of nullity and the dissolution of marriages shall be
30 inexpensive and expeditious.
31
32 c) The tribunals shall issue a decree recognizing the pronouncements of the
33 ecclesiastical tribunals on the of annulment of marriage, the declaration of
34 nullity and the dissolution of marriages and order the Register of Marriages
35 to record such pronouncements.
36

- d) The decree of annulment of marriage, the declaration of nullity and the dissolution of marriages shall have the same effects as provided in the New Civil Code of the Philippines, the Family Code of the Philippines and existing case laws.

SEC. 4. *The Civil Law and the Canon Law.* In recognition of the similarities of the Civil law and the Canon law in terms of grounds for an invalid or voidable marriage as well as the procedures and rules followed by both the Church and the judicial courts, the annulment of marriage pronounced by the Church tribunal shall be recognized to have complied with the demands of process as if it was done in a judicial court.

SEC. 5. *Civil Effects of Church Annulment.* When a marriage that was duly and legally solemnized by a Catholic Church in the Philippines is subsequently annulled, dissolved or declared null in a final judgement or decree in accordance with the Canon Law, the said annulment, dissolution, or declaration of nullity shall have the same effect as a decree of annulment, dissolution or declaration of nullity issued by the competent court.

SEC 6. *Grounds for Annulment of Marriage Under the Canon Law.* When there is a lack of an essential element that can be proven through competent and relevant evidence in a Catholic Church Tribunal, the validity of marriage can be declared null and void. Specifically, the following shall be grounds for the annulment of marriage under the Canon Law:

- a) Insufficient use of reason (Canon 1095, 10). Both the spouses or any one of them did not know what was happening during the marriage ceremony because of insanity, mental illness, or a lack of consciousness.
- b) Grave lack of discretionary judgment concerning essential matrimonial rights and duties (Canon 1095, 20). Both the spouses or any one of them was affected by some serious circumstances or factors that made them unable to judge or evaluate either the decision to marry or the ability to create a true marital relationship.
- c) Psychological incapacity to assume marital obligations (Canon 1095, 30). Both the spouses or any one of them, at the time of consent, was unable to fulfill the obligations of marriage because of a serious psychological disorder or other condition.
- d) Ignorance about the nature of marriage (Canon 1096, sec. 1). Both the spouses or any one of them did not know that marriage is a permanent relationship between a man and a woman ordered toward the procreation of offspring by means of sexual cooperation.
- e) Error of person (Canon 1097, sec. 1). Both the spouses or any one of them intended to marry a specific individual who was not the individual with whom marriage was celebrated. (e.g mail order bride).

SEC. 7. *Evaluation of marriage.* The Church Tribunal composed of competent priests shall evaluate the marriage and make judgement on its validity based on the norms of Canon Law and the facts of the particular case. Whenever necessary, the Church Tribunal may seek assistance of professional experts and lay people in the conduct of evaluation of marriage.

SEC. 8. *Record in the Civil Registry.* The decree of annulment or declaration of nullity of marriage issued by the Church shall be recorded in the appropriate civil registry within thirty (30) days from the issuance of the said final judgement or decree of annulment or declaration of nullity.

SEC. 9. *Right to Remarry.* Without prejudice to the conditions set forth by the Church, either of the former spouses may marry again after complying with the requirements of the preceding paragraph and Article 52 of the Family Code of the Philippines; otherwise the subsequent marriage shall be null and void.

SEC. 10. *Separability Clause.* If any part or provision of this Act is held unconstitutional or invalid, other parts or provisions hereof shall not be affected and shall continue to remain in full force and effect.

SEC 11. *Repealing Clause.* All laws, decrees, executive orders, rules and regulations or parts thereof that are inconsistent with or contrary to the provisions of this Act are deemed amended, modified or repealed accordingly.

SEC 12. *Effectivity.* This Act shall take effect fifteen (15) days following completion of its publication in the Official Gazette and in at least two (2) newspapers of general circulation.

Approved,