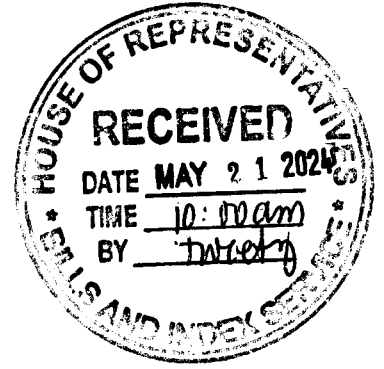




Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

NINETEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 10452



Introduced by Representative Crispin Diego “Ping” D. Remulla

AN ACT
RECOGNIZING THE CIVIL SOLIDARITY PACT OF COUPLES, PROVIDING
FOR THEIR RIGHTS AND OBLIGATIONS, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

It is enshrined in Article III, Section 1 of the Philippine Constitution that, “No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws.”

According to the Philippine Statistics Authority, more Filipinos opt for cohabitation, with couples living together without formal marriage. In 2023, data showed that 15% of the population constitutes cohabitation. This is a significant increase from the 9% recorded in 2015. In addition, their data showed that approximately 5 million more unmarried couples cohabitate in 2020 compared to 2015.

This shows that the traditional concept of family, as the basic unit of society, is now evolving. Love knows no bounds, yet within the legal framework of the Philippines, a gap exists that fails to fully recognize and protect the rights of couples who opt for cohabitation.

In France, the Pacte Civil de Solidarité, or PACS, was introduced in the late 1990s. PACS is a legally recognized union between two individuals that offers some legal protections and benefits similar to marriage but does not carry the same cultural or religious significance.

The proposed measure is a significant step toward equality and inclusivity in the Philippines. It recognizes the diverse tapestry of relationships that exists and affirms the rights of couples to choose the form of partnership that best reflects their values and beliefs.

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

A handwritten signature in black ink, appearing to be 'CDR', written in a cursive, stylized font.

CRISPIN DIEGO “PING” D. REMULLA



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

1 **SECTION 1. Short Title.** - This Act shall be known as the "Solidarity Pact Act."

2 **SEC.2. Declaration of Policy.** - It is the policy of the State to value the dignity of every
3 human being and guarantee full respect of human rights. Towards this end, the State shall give
4 full support to the welfare and well-being of couples, regardless of gender, who are in a
5 relationship and are denied their rights and obligations on account of absence of legal
6 provisions that recognize their relationship and amply provide for their protection.

7 **SEC. 3. Definition of Terms.** - As used in this Act:

8 (a) Civil Solidarity Pact or Pact - refers to a legal relationship between two persons,
9 of either the opposite or same sex, established pursuant to this Act;

10 (b) Partners - refers to individuals who formally enter into a civil solidarity pact in
11 accordance with the provisions of this Act;

(c) Civil Solidarity Pact License - refers to a document issued by the local civil registrar of the city or municipality that allows the contracting parties, of either the same or opposite sex, and are habitually residing together, to legally enter into a civil solidarity pact;

(d) Civil Solidarity Pact Certificate - refers to a document that certifies that the persons named on the certificate have established a pact in compliance with this Act;

(e) Infidelity - refers to an act committed by any partner who shall have sexual relations with a man or woman who is not his or her partner or by a man or woman who has sexual relations with a person whom the offender knows to be in a civil solidarity pact, even if the pact be subsequently declared void;

(f) Pre-civil solidarity pact agreement - refers to an agreement pertaining to the property regime between prospective partners made in contemplation of establishing a civil solidarity pact; and

(g) Property - refers to an interest, present or future, legal or equitable, vested or contingent, in real or personal property, including income and earnings.

SEC. 4. Recognition of Civil Solidarity Pact. - Any person who complies with the requirements herein provided shall be allowed to register and enter into a civil solidarity pact, be bound by the obligations and responsibilities, and enjoy the protections and benefits afforded by this Act. The rights of partners shall be recognized and respected.

Government documents and forms shall include and recognize the civil solidarity pact in the civil status of individuals. Furthermore, the civil status of individual partners shall be acknowledged and updated to include their registration in a civil solidarity pact, ensuring that this status is reflected accurately across all legal and administrative records, if necessary.

SEC. 5. Requisites of Civil Solidarity Pact. - No pact shall be valid unless the following requirements are present:

1 (a) Legal capacity of the contracting parties. For purposes of this Act, there is legal
2 capacity if the parties:

3 (i) Are at least twenty-one (21) years of age;

4 (ii) Are not prohibited to enter into civil solidarity pact by reason of public
5 policy, based on the grounds enumerated under Art. 37 and 38 of
6 Executive Order No. 209, as amended.

7 (iii) Are not part of any existing marriage or civil solidarity pact;

8 (b) Proof of sharing a common domicile for a minimum of five (5) uninterrupted
9 years at the time when the civil solidarity pact license is applied for as supported by competent
10 evidence;

11 (c) Consent freely given in the presence of the administering officer;

12 (d) Authority of the administering officer, unless such pact was contracted with
13 either or both parties believing in good faith that the administering officer had the legal
14 authority to do so;

15 (e) A valid license to contract to contract a civil solidarity pact issued by and
16 obtained from the local civil registrar of the city or municipality where either party habitually
17 resides;

18 (f) Disclosure of significant financial obligations, including but not limited to
19 debts, alimony, and child support from previous relationships;

20 (g) A civil solidarity pact ceremony which takes place with the personal appearance
21 of the contracting parties before the administering officer and their personal declaration, as
22 proof of consent freely given, that they take each other as legal partners in the presence of not
23 less than two (2) witnesses. No specific religious rite or form shall be required for purposes of
24 this requirement.

1 The absence of any of the requisites mentioned in this section shall render the civil
2 solidarity pact void ab initio. A defect in the requirements provided shall be a ground for the
3 dissolution of the civil solidarity pact.

4 The civil solidarity pact shall be established at the moment that the civil solidarity pact
5 is celebrated.

6 **SEC. 6. Administering Officers; Religious Freedom.** - The persons lawfully
7 authorized to solemnize marriage under Art. 7 of the Family Code of the Philippines, as
8 amended, shall likewise be authorized to administer the civil solidarity pact ceremony.

9 Nothing in this Act shall interfere with or regulate the religious practice of any religious
10 body. Any priest, rabbi, imam or minister of any church, sect or religious body is free to choose
11 whether or not to administer or officiate a civil solidarity pact ceremony.

12 **SEC. 7. Civil Solidarity Pact License and Certificate.** - The requirements for and
13 prohibitions relative to, as well as the procedures in the issuance of a valid marriage license
14 and certificate provided for under Articles 9 to 23 and Articles 27 to 34 of the Family Code of
15 the Philippines, as amended, shall likewise be applicable in the issuance of a civil solidarity
16 pact license and certificate.

17 **SEC. 8. Default Property Regime.** - In the absence of a pre-civil solidarity pact
18 agreement or when the regime agreed upon is void, the regime of absolute community of
19 property shall be implemented.

20 **SEC. 9. Pre-Civil Solidarity Pact Agreement.** - Partners may, within the limits
21 provided for by this Act, fix their property relations by executing a pre-civil solidarity pact
22 agreement which shall be in writing, with a statement of assets annexed thereto, signed by both
23 parties, and contained in a public instrument.

Partners may choose between the system of absolute community of property, separation of property, whether total or partial, or any other regime, as provided for in the Family Code of the Philippines, as amended. Such regime shall govern their right to own, dispose of, possess, administer, and enjoy properties, subject to modification through a petition filed in court, which are not contrary to law, morals, good custom, public order, or public policy, given the nature of their pact.

Any stipulation or agreement that is inimical to the interest of the civil solidarity pact relative to sustenance and support for medical treatment, dwelling, food, clothing, and other needs of the couple, or adversely affects the right of children to receive support, shall automatically be declared void. Stipulations which are not contrary to law, morals, good custom, public order, or public policy shall not be invalidated and shall remain effective.

A pre-civil solidarity pact agreement becomes effective upon the establishment of a civil solidarity pact.

SEC. 10. Amendment or Revocation of Pre-Civil Solidarity Pact Agreement. -

Upon the establishment of a civil solidarity pact, a pre-civil solidarity pact agreement may be amended or revoked only by a duly notarized written agreement, freely, and consensually entered into, signed by the parties and approved by the court. The court's role is to ensure that the amendment or revocation of the property regime is consensual.

The burden of proof to set aside a pre-civil solidarity pact agreement shall be upon the party alleging the agreement to be unenforceable. A pre-civil partnership solidarity pact agreement shall be unenforced if the party seeking to set the same aside proves, by clear and convincing evidence, that:

(a) The party executed the agreement involuntarily; or

(b) The party executed the agreement under duress, undue influence, or through mistake or fraud; or

1 (c) The agreement was unconscionable at the time enforcement was sought; or

2 (d) The party, before execution of the agreement, failed to:

3 (i) Provide full and fair disclosure of the earnings, property, and financial
4 obligations of the other party;

5 (ii) Voluntarily and expressly waive, in writing, any right to disclose of the
6 property or financial obligations of the other party beyond the disclosure
7 provided;

8 (iii) Have, or reasonably have had, an adequate knowledge of the
9 property or financial obligations of the other party; or

10 (iv) Consult with independent legal counsel and voluntarily and expressly
11 waive, in writing, the opportunity to consult with independent legal
12 counsel.

13 (e) In case of disagreement and the parties cannot settle the issue of
14 unconscionability of a pre-civil solidarity pact agreement, the issue shall be determined by the
15 court.

16 If a partnership is declared void, an agreement that is otherwise a pre-civil solidarity
17 pact agreement shall be enforced only to the extent necessary to avoid an inequitable result.

18 **SEC. 11. Benefits and Protections of a Civil Solidarity Pact.** - partners shall be
19 afforded the following benefits, protections, and responsibilities:

20 (a) Laws of marital relations, including donations by reasons of marriage, legal
21 separation, adoption, child custody and support, property division and maintenance, and
22 spousal support, shall apply to partners;

23 (b) Rights of partners with respect to a child of whom both become the parents of
24 during the terms of the civil solidarity pact, shall be the same as those of a married couple with
25 respect to their child;

1 (c) All contracts made between persons in contemplation of a pact shall remain in
2 full force after such pact takes place;

3 (d) A certified true copy of the record of the civil solidarity pact from the local civil
4 registrar having custody of the record shall be presumptive evidence of the pact for all legal
5 purposes;

6 (e) Laws relating to intestate succession, survivorship, or other incidents of the
7 acquisition, ownership or transfer, inter vivos or at death, of real or personal property, as
8 affecting parties to a marriage, shall likewise be applicable to partners;

9 (f) Causes of action related to or depended upon spousal status, including torts or
10 actions under contracts reciting, related to, or dependent upon spousal status may be availed of
11 by partners;

12 (g) Partners shall automatically have insurable interest over their respective
13 partners and may avail of benefits relating to insurance, health, and pension benefits provided
14 to married couples;

15 (h) Labor standards benefits and privileges accorded to employees based on marital
16 status shall likewise be accorded to employees who entered into a civil solidarity pact;

17 (i) Benefits under tax laws relating to marital status shall be applicable to civil
18 solidarity pact partners; and

19 (j) Partners are covered by laws relating to immunity from being compelled to
20 testify against the other and bound by the marital communication privilege.

21 **SEC. 12. Obligations of Partners.** - Partners legally owe each other respect, fidelity,
22 support, and assistance. They are bound to live together and are jointly responsible in the
23 management of their household; exercise of parental authority, if applicable; the contribution

1 towards expenses; the maintenance of the civil solidarity pact residence; and other duties which
2 married couples are jointly responsible for.

3 Partners shall have the same obligations with respect to a child of whom both become
4 the parents of during the terms of the civil solidarity pact, as those of a married couple with
5 respect to their child as provided for in existing laws.

6 Infidelity as defined in Section 3 committed by either of the partners in a civil solidarity
7 pact shall be punished under this Act and shall constitute a ground for dissolution.

8 **SEC. 13. Inheritance Rights.** - For purposes of inheritance rights, a partner shall be
9 considered a compulsory heir of the other, who shall have the same rights and benefits accorded
10 to a husband or wife in Republic Act No. 386, otherwise known as the Civil Code of the
11 Philippines, as amended, the Family Code of the Philippines, as amended, and Republic Act
12 No. 8552, also known as the Domestic Adoption Act of 1998. There is a presumption that co-
13 ownership exists, unless otherwise proven, for properties acquired by the partners during the
14 civil solidarity pact. The surviving partner, upon the death of another, is entitled to one-half of
15 the co-owned properties. The other half constitutes the estate of the decedent for disposition
16 and liquidation.

17 **SEC. 14. Adoption Rights.** - Partners residing in the Philippines who have the
18 qualifications and none of the disqualifications may adopt if the requirements for a valid
19 adoption, as provided under existing laws, are complied with.

20 If the adopting partners are of the same sex, this fact alone shall not be considered as
21 proof of bad moral character.

22 The best interest and welfare of the child shall always be the paramount consideration
23 in deciding matters concerning the adoption of a child by partners.

24 **SEC. 15. Social Security and Insurance Membership.** - Partners shall have the same
25 rights and privileges as that granted to married couples with regard to application for social

1 security and other insurance membership and claiming entitlement to their benefits. The Social
2 Security System, Government Service Insurance System, Philippine Health Insurance
3 Corporation, and other benefits-related state agencies shall restructure their benefits system to
4 accommodate parties to civil solidarity pacts and their corresponding dependents.

5 **SEC. 16. Dissolution of Civil Solidarity Pact.** - The procedures and grounds for legal
6 separation, annulment, and declaration of nullity of marriages under the Family Code of the
7 Philippines, as amended, shall be applicable in civil solidarity pacts. Further, the attempt
8 against the life of the partner shall also be a ground for the dissolution of the civil solidarity
9 pact.

10 Parties may, through a verified joint petition filed before the appropriate regional trial
11 court, move for the consensual termination of their civil solidarity pact. The petition must
12 include a joint plan for parenthood over common children, if any. The joint plan must provide
13 for the support and living arrangements of the common children. The court shall ensure its
14 enforcement and shall review the plan on an annual basis or as often as possible, in case the
15 need arises. An action for a joint petition for the termination of a civil solidarity pact shall not
16 be tried before six (6) months have elapsed since the filing of the petition. If the court
17 determines that the consent of both parties was freely given and that the joint plan for
18 parenthood is sufficient to protect the rights and interests of the common children, the court
19 shall grant the joint petition.

20 **SEC. 17. Protection of Children in Case of Dissolution of Civil Solidarity Pact.** -
21 To protect the rights and interests of children in the event of dissolution of the civil solidarity
22 pact, the court shall consider the following factors in so far as support for children, if applicable,
23 is concerned:

24 (a) Needs of the child;

25 (b) Standards of living and economic circumstances of each parent;

(c) All sources of income and assets of each parent;

(d) Earning ability of each parent, including education background, training, employment skills, work experience, custodial responsibility for children including the cost of providing child care and the length of time and cost of each parent to obtain training or experience for appropriate employment;

(e) Need and capacity of the child for education, including higher education;

(f) Age and health of the child and each parent;

(g) Income, assets, and earning ability of the child;

(h) Responsibility of the parents for the court-ordered support of others;

(i) Reasonable debts and liabilities of each child and parent; and

(j) Any other factors the court may deem relevant.

The obligation to give support to a child who has not been emancipated by the court shall not terminate solely on the basis of the child's age if the child suffers from a severe mental or physical incapacity that causes the child to be financially dependent on a parent. The obligation to give support for that child shall continue until the court finds that the child is relieved of the incapacity or is no longer financially dependent on the parent.

SEC. 18. Support Pendente Lite. - In all actions brought for dissolution of a pact, legal separation from a partner or annulment of the civil solidarity pact, the court may provide for support pendente lite. In so doing, the court shall consider the following factors, among others:

(a) The actual need and ability of the parties to pay;

(b) The duration of the civil partnership;

(c) The age, physical, and emotional health of the parties;

(d) The standard of living established in the pact and the likelihood that each party can maintain a reasonably comparable standard of living;

(e) The earning capacities, educational levels, vocational skills, and employability of the parties;

(f) The length of absence from the job market of the party seeking maintenance;

(g) The parental responsibilities for the children;

(h) The time and expense necessary to acquire sufficient education or training to enable the party seeking maintenance to find appropriate employment, the availability of the training and employment, and the opportunity for future acquisitions of capital assets and income;

(i) The history of the financial or non-financial contributions to the pact by each partner including contributions to the care and education of the children and interruption of personal careers or educational opportunities;

(j) The equitable distribution of property ordered and any payouts on equitable distribution, directly or indirectly, out of current income, to the extent this consideration is reasonable, just, and fair;

(k) The income available to either party through investment of any assets held by that party; and

(l) Any other factors which the court may deem relevant.

For purposes of liquidation of earned assets and properties during the pact, household support and assistance are deemed equivalent to actual work and industry.

Dissolution of the pact shall not prejudice the right of children to legitimes under the Family Code of the Philippines, as amended.

SEC. 19. Unlawful or Discriminatory Employment Practices. - The following are declared as unlawful or discriminatory employment practices:

(a) For an employer, to refuse to hire or employ or to bar or to discharge or require to retire, unless justified by lawful considerations other than age, from employment such

individual because of civil partnership status, or to discriminate against such individual in compensation or in terms, conditions, or privileges of employment;

(b) For a labor organization to exclude or to expel from its membership such individual because of civil partnership status, or to discriminate in any way against any of its members, against any applicant for, or individual included in, any apprentice or other training program or against any employee or any individual employed by an employer;

(c) For any employee or employment agency to print or circulate or cause to be printed or circulated any statement, advertisement, or publication, or to use any form of application for employment, or to make an inquiry in connection with prospective employment, which expresses, directly or indirectly, any limitation, specification, or discrimination as to civil partnership status for employment;

(d) For any owner, lessee, proprietor, manager, superintendent, agent, or employee of any place of public accommodation, directly or indirectly, to refuse, withhold from or deny to any person any of the accommodations, advantages, facilities or privileges thereof, or directly or indirectly to publish, circulate, issue, display, post, or mail any written or printed communication, notice, or advertisement to the effect that any of the accommodations, advantages, facilities, or privileges of any such place will be refused, withheld from, or denied to any person on account of civil partnership status; and

(e) For any person, including any owner, lessee, sublessee, assignee, or managing agent of, or other person having the right of ownership or possession of or the right to sell, rent, lease, assign, or sublease any real property or part or portion thereof, or any agent or employee of any of these to refuse to sell, rent, lease, assign, or sublease or otherwise to deny to or withhold from any person or group of persons any real property or part or portion thereof because of civil partnership status.

SEC. 20. Penalty Provisions. -

(a) Any person who knowingly or willfully refuses to issue civil solidarity pact licenses or certificates despite being authorized to do so; denies rights and benefits entitled to civil partners; or commits unlawful, discriminatory employment practices, as provided for in this Act, shall be penalized by a fine of not less than One hundred thousand pesos (Php 100,000.00) but not more than Five hundred thousand pesos (Php 500,000.00) or imprisonment of not less than one (1) year but not more than six (6) years, or both, at the discretion of the court.

If the offender is a corporation or association, the officer responsible for the acts enumerated in this Section shall be criminally and civilly liable.

If the offender is a public officer, prosecution under this Act shall be without prejudice to the filing of any administrative case against the public officer under other existing laws.

(b) Any person who commits an act of infidelity while bound in a pact, as defined in Section 3 of this Act, shall be punished by prision correccional in its medium and maximum periods.

SEC. 21. Separability Clause. - If for any reason, any section or provision of this Act is declared unconstitutional or invalid, the other sections or provisions which are not affected shall continue to be in full force and effect.

SEC. 22. Repealing Clause. - Pertinent provisions of the Family Code of the Philippines, as amended, the Civil Code of the Philippines, as amended, and the Domestic Adoption Act of 1998, which are inconsistent with the provisions of this Act are hereby amended accordingly. All other laws, decrees, executive orders, proclamations, rules and regulations, or parts thereof, inconsistent with the provisions of this Act are also hereby amended or repealed accordingly.

SEC. 23. Effectivity. - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,