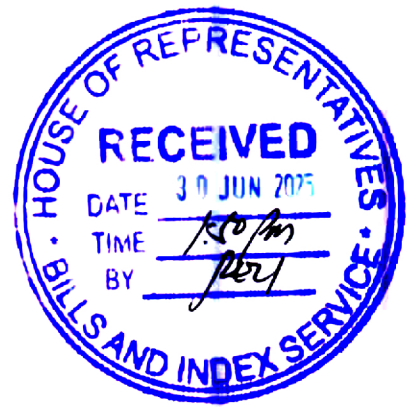


TWENTIETH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



HOUSE OF REPRESENTATIVES

House Bill No. 414

**Introduced by REPRESENTATIVES LANI MERCADO-REVILLA,
BRYAN B. REVILLA AND RAMON JOLO REVILLA III**

**AN ACT
RECOGNIZING THE FOREIGN DECREE OF TERMINATION OF MARRIAGE AND
ALLOWING ITS SUBSEQUENT REGISTRATION WITH THE PHILIPPINE CIVIL
REGISTRY, AMENDING FOR THE PURPOSE EXECUTIVE ORDER NO. 209,
OTHERWISE KNOWN AS THE "FAMILY CODE OF THE PHILIPPINES"**

EXPLANATORY NOTE

Currently, the recognition of foreign divorce in the Philippines involves a legal process wherein courts validate the effectiveness of a divorce obtained abroad. It is crucial to note that this recognition is contingent upon one of the spouses being a foreigner at the time of divorce, as outlined in Executive Order No. 209, or the Family Code. Paragraph 2 of Article 26 reads: "When a marriage between a Filipino citizen and a foreigner is validly celebrated and a divorce is thereafter validly obtained abroad by the alien spouse capacitating him or her to remarry, the Filipino spouse shall have capacity to remarry under Philippine law."

The evolving interpretation of Article 26's second paragraph has led to the acknowledgment of various scenarios where the divorce decree is obtained: 1) by the foreign spouse; 2) jointly by the Filipino and foreign spouse; and 3) by the Filipino spouse solely. Despite progressive court decisions, the requirement for judicial recognition remains a significant hurdle.

The current process, involving a court case for the recognition of foreign divorce carries several implications. Firstly, Filipino spouses validly divorced abroad face delays in the recognition of their divorce in the Philippines due to the procedural steps akin to other court cases, involving document gathering, pleading drafting, witness presentation, and the final decision. The petitioner must establish the foreign judgment as a fact, adhering to specific rules of evidence.

Secondly, Filipino spouses face undue prejudice, as they are considered married to the foreign spouse until the court acts upon and decides the petition,

potentially even after the foreign spouse has remarried. Notably, the majority affected are women, constituting 91 percent of those married to foreigners.

Thirdly, this process contributes to the congestion of court dockets, with such cases taking about a year and a half, adding strain to an already burdened Philippine court system. The rising volume of petitions submitted to Philippine courts seeking recognition and enforcement of foreign divorce decrees is adding to the caseload, creating competition with other pending cases in the judicial system.

Out of desperation, some people fall into false promises of an expedited process. For instance, an individual paid someone to expedite the processing of her documents; however, when she attempted to utilize these expedited documents for official transactions, she uncovered that they were counterfeit. Turning the recognition of foreign divorce decrees into an administrative process would address these issues comprehensively.

This present bill has passed the House of Representatives on its third reading, but it failed to pass in the Senate during the 17th Congress. We have adopted third reading version of the bill which considers various factors, including the consequences of recognized divorce decrees and eligibility criteria for benefitting from the Act.

In light of these considerations, we earnestly request the immediate passage of this bill to alleviate the burdens faced by affected individuals and the court system.


REP. LANI MERCADO-REVILLA
2nd District of Cavite


REP. BRYAN B. REVILLA
AGIMAT Partylist


REP. RAMON JOLO REVILLA III
1st District of Cavite

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

SECTION 1. Article 13 of Executive Order No. 2019, otherwise known as
the Family Code of the Philippines, is hereby amended to read as follows:

"Art. 13. In case either of the contracting parties has
been previously married, the applicant shall be required to
furnish, instead of the birth or baptismal certificate required in
the last preceding article, the death certificate of the deceased
spouse [or the judicial decree of the absolute divorce, or], the
judicial decree of annulment or declaration of nullity of [his or
her] the previous marriage[.], **OR A FOREIGN DECREE OF
TERMINATION OF MARRIAGE DULY AUTHENTICATED BY
THE PHILIPPINE EMBASSY OR CONSULAR OFFICE
WHERE THE FOREIGN DECREE WAS ISSUED.**

**"THE FILIPINO SPOUSE NEED NOT SEEK
JUDICIAL RECOGNITION OR ENFORCEMENT OF THE
FOREIGN DECREE OF TERMINATION OF MARRIAGE. THE
REGISTRATION OF THE DULY AUTHENTICATED FOREIGN
DECREE OF TERMINATION OF MARRIAGE IN THE
PHILIPPINE CIVIL REGISTRY SHALL BE SUFFICIENT
PROOF OF CAPACITY TO REMARRY.**

"In case the death certificate cannot be secured, the party shall make an affidavit setting forth this circumstance and [his or her] actual civil status and the name and date of death of the deceased spouse."

SEC 2. Article 26 of Executive Order No. 209, as amended, is hereby further amended to read as follows:

"Art. 26. All marriages solemnized outside the Philippines in accordance with the laws in force in the country where they were solemnized, and valid there as such, shall also be valid in this country, except those prohibited under Articles 35 (1), (4), (5) and (6), 36, 37 and 38.

"Where a marriage between a Filipino citizen and a foreigner is [validly] celebrated and a [divorce] **DECREE OF TERMINATION OF MARRIAGE** is thereafter [validly] obtained abroad by [the alien] EITHER spouse [capacitating him or her to remarry], **AND SUBSEQUENTLY REGISTERED IN THE PHILIPPINE CIVIL REGISTRY AS PROVIDED IN ARTICLE 13 HEREOF**, the Filipino spouse shall **LIKEWISE** have capacity to remarry under Philippine law.

"ARTICLE 412 OF THE CIVIL CODE SHALL NOT APPLY IN RECOGNIZING THE TERMINATION OF MARRIAGES REFERRED THEREIN.

"ANY AGREEMENT OF THE LIQUIDATION, PARTITION AND DISTRIBUTION OF THE PROPERTIES OF THE SPOUSES, THE CUSTODY AND SUPPORT OF COMMON CHILDREN, THE DELIVERY OF THEIR PRESUMPTIVE LEGITIMES INCLUDED IN THE DECREE OF TERMINATION OF MARRIAGE SHALL BE RECOGNIZED. IN THE ABSENCE THEREOF, THE PROVISIONS OF THE FAMILY CODE SHALL BE IN FORCE.

"THE PROVISIONS OF THIS ACT CAN BE AVAILED BY A FILIPINO:

"(A) WHO IS MARRIED TO A FOREIGNER WHOSE MARRIAGE HAS BEEN TERMINATED ABROAD BY EITHER SPOUSE, INCLUDING A FILIPINO WHOSE MARRIAGE HAS BEEN TERMINATED ABROAD PRIOR TO THE EFFECTIVITY OF THIS ACT;

"(B) WHO HAS BEEN DIVORCED FROM A SPOUSE WHO HAD SUBSEQUENTLY ACQUIRED FOREIGN CITIZENSHIP; AND

"(C) WHO HAS SUBSEQUENTLY ACQUIRED FOREIGN CITIZENSHIP AND WHO HAS DIVORCED FROM THE FILIPINO SPOUSE ABROAD."

SEC 3. If any part or provision of this Act shall be declared unconstitutional and invalid, such declaration shall not invalidate other parts hereof which shall remain in full force and effect.

SEC 4. All laws, decrees, orders, decrees, rules and regulations, and other parts thereof inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SEC 5. This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,