

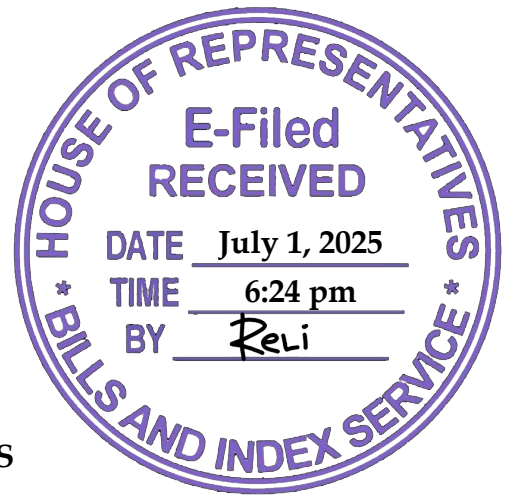


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Batasan Hills, Quezon City

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 1043

Introduced by 4Ps Partylist Representative
JC M. ABALOS



EXPLANATORY NOTE

No less than the Constitution guarantees that each person shall receive equal protection under its laws as provided in Section 1 of Article III. It means that given the same conditions and situations, all persons shall be treated equally by the laws of the land. Likewise, all persons shall have the same access to the laws and courts.

One cannot help but wonder then as to Article 45(3) in relation to Article 46(2) of the Family Code, or Executive Order No. 209, series of 1987, whereby a ground for annulment exists when a wife may be held liable for fraud should she be found to have concealed her pregnancy by another man other than her husband at the time of marriage. Yet, this the Family code does not prescribe the same to the husband should he impregnate a person other than his wife at the time of marriage.

In the spirit of upholding what has been provided in the Constitution that all Filipinos shall have the equal protection of the law that this bill is being filed. Furthermore, it aims to reinforce the role of the Filipino family as the basic foundation of the Filipino nation.

By providing clearer requisites and processes under the Family Code, all parties entering the institution of marriage, who shall be made accountable for similar acts, will continually enjoy the same rights and responsibilities.

To this end, the approval of this bill is earnestly sought.



JC M. ABALOS
Representative
4Ps Partylist



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AN ACT
PROVIDING FOR EQUAL PROTECTION OF WOMEN AS REGARDS TO
ANNULMENT ON ACCOUNT OF FRAUD BY CONCEALMENT OF THE
HUSBAND THAT HE HAS IMPREGNATED A PERSON OTHER THAN HIS
WIFE AT THE TIME OF MARRIAGE; AMENDING ARTICLE 46, CHAPTER 3 OF
EXECUTIVE ORDER NO. 209, SERIES OF 1987, OTHERWISE KNOWN AS THE
FAMILY CODE OF THE PHILIPPINES

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

SECTION 1. *Declaration of Policy.* - The State recognizes the importance of the family as the foundation of the nation. As such, the State shall strengthen, promote, and protect Filipino families. It shall advance the guaranteed right 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.

SEC. 2. Executive Order No. 209, series of 1987, otherwise known as the Family Code, is hereby amended to read as follows:

“Art. 46. Any of the following circumstances shall constitute fraud referred to in number 3 of the preceding article;

XXX

(3) Concealment by the wife of the fact that at the time of the marriage, she was pregnant by a man other than her husband;
XXX

(5) CONCEALMENT BY THE HUSBAND OF THE FACT THAT AT THE TIME OF THE MARRIAGE, HE HAS IMPREGNATED ANOTHER PERSON OTHER THAN HIS WIFE;"

SEC. 3. *Separability Clause.* – If any provision or part hereof is declared unconstitutional, the remainder of this Act or any provision not affected shall remain in full force and effect.

SEC. 4. *Repealing Clause.* – All laws, presidential decrees, executive orders, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

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

Approved,