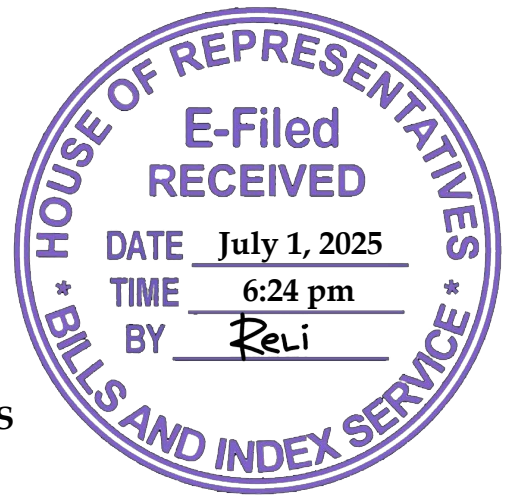




Republic of the Philippines
HOUSE OF REPRESENTATIVES
Batasan Hills, Quezon City



TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 1045

Introduced by 4Ps Partylist Representative
JC M. ABALOS

EXPLANATORY NOTE

Legal separation is governed by the Family Code of the Philippines, which allows the parties to formalize their separation and resolve issues. While the current provisions of the Family Code have been effective in addressing many matters related to legal separation, there is a need to amend the law to better protect victims of domestic violence and abuse.

According to the Philippine Commission on Women (PCW), the current grounds for legal separation have failed to recognize the current realities of the victims, most of whom are subjected to other forms of violence not yet covered in the Family Code but defined in Republic Act No. 9262, also known as the Anti-Violence Against Women and Their Children Act of 2004.

In the 2020 report of the Philippine National Police (PNP), violence within the confines of marriage and inside the homes is evident. There were 54,824 cases of violence against women and children (VAWC) from January to November 2020, 86% were female victims, and 51% of the victims were married. Further, PCW reported that from January to September 2021, there were 27,696 cases of VAWC. Of these cases, 13,723 involved violence against women, and 8,010 were committed against children. While there was a decrease in reported cases due to the pandemic, the severity had increased, with more cases involving physical violence.

These numbers highlight the importance of ensuring that legal protections for the victims of domestic violence and abuse are comprehensive and effective. Therefore it is appropriate to include all forms of violence as grounds for legal separation. It would also help to ensure that perpetrators of violence are held accountable for their actions and that victims have legal recourse to seek redress and protection.

These amendments to the Article 55 of the Family Code of the Philippines are essential to promoting the safety, security, and well-being of all Filipinos, and to upholding the principles of justice and equality in our society, especially those of Filipino women.



JC M. ABALOS
Representative
4Ps Partylist



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**AN ACT TO INCLUDE ALL FORMS OF VIOLENCE DEFINED IN REPUBLIC
ACT NO. 9262 AS GROUNDS FOR LEGAL SEPARATION, AMENDING FOR
THE PURPOSE ARTICLE 55 OF THE FAMILY CODE OF THE PHILIPPINES**

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

SECTION 1. Article 55 (1) of the Family Code of the Philippines is hereby
amended as follows:

“Art. 55. A petition for legal separation may be filed on any of the
following grounds: [Repeated physical violence or grossly abusive conduct]
ANY PHYSICAL, SEXUAL, PSYCHOLOGICAL HARM OR SUFFERING, OR
ECONOMIC ABUSE INCLUDING THREATS OF SUCH ACTS, BATTERY,
ASSAULT, COERCION, HARASSMENT OR ARBITRARY DEPRIVATION OF
LIBERTY directed against the petitioner, a common child, or a child of the
petitioner; XXX”

SEC. 2. *Repealing Clause.* - All laws, decrees, orders, and issuances, or
portions thereof, which are inconsistent with the provision of this Act, are hereby
repealed, amended, or modified accordingly.

SEC. 3. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,