

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 1331



Introduced by: Hon. Iris Marie D. Montes

AN ACT
AMENDING ARTICLE 55 OF EXECUTIVE ORDER NO. 209, SERIES OF 1987,
OTHERWISE KNOWN AS THE FAMILY CODE OF THE PHILIPPINES, AS
AMENDED

EXPLANATORY NOTE

The 1987 Philippine Constitution in Article XV, Section 2 provides that:

"Marriage, as an inviolable social institution, is the foundation of the family and shall be protected by the State."

Article 55 of the Family Code of the Philippines, however, gives the grounds for the separation of spouses. Particularly, it provides that a petition for legal separation between married couples may be filed for any of the grounds listed in the said article such as "Repeated physical violence or grossly abusive conduct directed against the petitioner, a common child, or a child of the petitioner".

On this basis, it requires that the petitioner must establish the frequency of infliction of bodily harm or demonstrate the severity of the abusive conduct and that an aggrieved spouse can seek such recourse only when they have experienced several instances of physical violence or when the abuse they received is severe.

Unfortunately, victims of spousal violence are predominantly women. According to the Philippine Commission on Women, these victims of domestic violence suffer from immediate to long-term multiple physical, sexual and mental consequences, and even death.

Hence, this bill seeks to amend Article 55 (1) of the Family Code to include all forms of violence as stated in Republic Act (RA) No. 9262, otherwise known as the "Anti-Violence Against Women and Their Children Act of 2004" as additional grounds for legal separation of married couples.

Consequently, the bill includes "any physical, sexual, psychological violence, abusive conduct, 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" under the enumeration of grounds stated in Article 55 of the Family Code.

It is hoped that by amending this provision, women will be given sufficient protection under the law. The bill will also help in eliminate discrimination against women in line with the provisions of the UN Convention on the Elimination of All

Discrimination Against Women (CEDAW), RA No. 9262, and RA No. 9710, otherwise known as the “Magna Carta of Women”.

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


IRIS MARIE D. MONTES
Kababaihan Kabalikatan para sa Kapakanan
at Kaunlaran ng Bayan (4K) Party-list

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

SECTION 1. Grounds for Legal Separation. - Article 55 of E.O. No. 209,
otherwise known as "Family Code of the Philippines", is hereby amended to read
as follows:

"Article 55. A petition for legal separation may be filed on any of the following
grounds:

- (1) [Repeated] ANY physical, SEXUAL, OR PSYCHOLOGICAL violence, [or
grossly] abusive conduct, OR ECONOMIC ABUSE, INCLUDING
THREATS OF SUCH ACTS, BATTERY, COERCION, HARASSMENT OR
ARBITRARY DEPRIVATION directed against the petitioner, a common
child, or a child of the petitioner; x x x"

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

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

Approved,