



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

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 1558



Introduced by Representative WALFREDO R. DIMAGUILA, JR.

AN ACT

**AMENDING ARTICLES 36 AND 45 OF EXECUTIVE ORDER NO. 209,
OTHERWISE KNOWN AS THE FAMILY CODE OF THE
PHILIPPINES, AS AMENDED, TO EXPAND THE GROUNDS AND
DEFINITIONS OF PSYCHOLOGICAL INCAPACITY AND
ANNULMENT, AND TO INSTITUTIONALIZE MECHANISMS FOR
EXPEDITED PROCEEDINGS**

EXPLANATORY NOTE

Sa bawat tahanan ay may kuwento ng pagsasama—ng pagmamahalan, ng sakripisyo, ngunit sa kasamaang-palad, minsan ay kuwento rin ng pagdurusa. Marami sa ating mga kababayan ang natatali sa isang kasal na matagal nang walang saysay, puno ng pananakit, panloloko, at kawalan ng pag-asa. Ngunit sa ilalim ng kasalukuyang batas, ang kanilang tanging pag-asa—ang annulment o legal separation—ay tila isang mabagal, magastos, at masalimuot na laban na pahirap sa halip na ginhawa. Panahon na upang itama ito.

The current legal framework governing marital relations in the Philippines, embodied in the Family Code of 1987, no longer adequately responds to the social,

psychological, and legal complexities of the Filipino family in the 21st century. While crafted with noble intent, the law—over three decades later—has become a rigid and outdated mechanism, often causing more harm than healing to those trapped in broken marriages.

One of the most glaring issues is the overly narrow and inaccessible grounds for nullity and annulment of marriage. Psychological incapacity, while recognized under Article 36, remains misunderstood and inconsistently applied. It has become a legal labyrinth that prolongs the agony of spouses and children alike. Supreme Court jurisprudence—particularly in *Republic v. Molina*, *Ngo Te v. Yu-Te*, and *Tan-Andal v. Andal*—has clarified that psychological incapacity is a legal construct, not a medical diagnosis, and may be proven through the totality of evidence. This bill codifies these interpretations and provides concrete examples to demystify the standard and prevent unjust denials of relief.

Equally urgent is the need to expand the grounds for annulment. This bill introduces provisions to address evolving issues such as fraudulent marriages, gender transition, changes in sexual orientation that fundamentally alter the marital relationship, and patterns of psychological or economic abuse. These additions acknowledge lived realities that the current Code unjustly excludes.

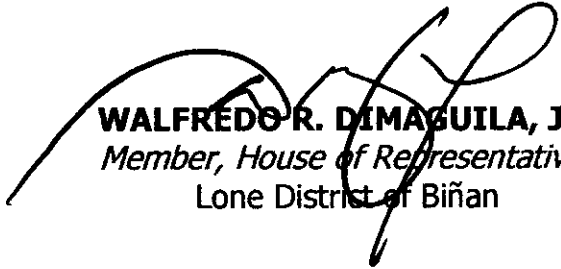
In this light, the continued existence of legal separation as a remedy has also become redundant and counterproductive. Its grounds overlap with those for annulment, yet it offers no definitive legal closure for the parties involved. It merely prolongs conflict and uncertainty, particularly with respect to property, custody, and support. By repealing Title II of the Family Code, this bill abolishes legal separation as a judicial remedy and paves the way for more decisive legal relief.

At the heart of this bill is compassion and justice. Many petitioners endure three to five years—or more—before obtaining legal relief. This is an unacceptable burden for individuals and families already under emotional and financial strain. Hence, this

bill institutionalizes a streamlined, fair, and time-bound process for family court petitions, mandating resolution within twelve (12) months and allowing digital filing, summary procedures, and more liberal evidentiary rules.

Finally, this bill embraces the principles of equality, dignity, and non-discrimination by removing antiquated and stigmatizing references to homosexuality or lesbianism as grounds for annulment. Instead, it focuses on actual harm and disruption to marital obligations, such as concealment of material facts or significant shifts in identity that render the relationship irreparably dysfunctional.

The time has come to liberate Filipino families from the chains of outdated legal norms. The Family Code must evolve—humane in purpose, grounded in jurisprudence, and responsive to reality. This measure is not about weakening marriage. It is about restoring integrity, justice, and compassion to the law that governs it.



WALFREDO R. DIMAGUILA, JR.
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*Be it enacted by the Senate and House of Representatives of the Philippines in
Congress assembled:*

1 **SECTION 1. Title.** - This Act shall be known as the "*Expanded Family Code*
2 *Reform Act.*"

3
4 **SEC. 2. Amendment of Article 36.** - Article 36 of Executive Order No. 209,
5 otherwise known as the Family Code of the Philippines, is hereby amended to read as
6 follows:

7
8 "Art. 36. A marriage contracted by any party who, at the time of the
9 celebration, was psychologically incapacitated to comply with the essential

marital obligations of marriage, shall likewise be void even if such incapacity becomes manifest only after its solemnization.

PSYCHOLOGICAL INCAPACITY SHALL ALSO INCLUDE THE FOLLOWING:

(1) NARCISSISTIC OR ANTISOCIAL PERSONALITY DISORDER;

(2) SUBSTANCE ABUSE, I.E. ALCOHOLISM OR DRUG ADDICTION;

(3) GROSS INABILITY TO HOLD A JOB;

(4) REFUSAL TO FORM A MARITAL BOND AND CONSUMMATE THE MARRIAGE;

(5) EXTREME IMMATURITY AND PARENTAL DEPENDENCE;

(6) PROLONGED ABSENCE AND ABANDONMENT WITHOUT JUSTIFIABLE CAUSE FOR A PERIOD OF AT LEAST THREE (3) MONTHS;

(7) COMPULSIVE SEXUAL INFIDELITY;

(8) PHYSICAL, EMOTIONAL, AND ECONOMIC ABUSE;

(9) SEVERE PARANOIA OR DETACHMENT FROM REALITY;

(10) PATHOLOGICAL LYING OR EXCESSIVE DECEPTION;

41 **(11) GROSS IRRESPONSIBILITY OR INABILITY TO PERFORM**
42 **PARENTAL DUTIES;**

43
44 **(12) INABILITY TO PERFORM MARITAL AND PARENTAL**
45 **DUTIES DUE TO GAMBLING;**

46
47 **(13) REPEATED PHYSICAL VIOLENCE OR GROSSLY ABUSIVE**
48 **CONDUCT DIRECTED AGAINST THE PETITIONER, A**
49 **COMMON CHILD OR A CHILD OF THE PETITIONER, OR**
50 **ANY RELATIVE OF THE PETITIONER WITHIN THE 2ND**
51 **DEGREE OF CONSANGUINITY;**

52
53 **(14) PHYSICAL VIOLENCE OR MORAL PRESSURE TO COMPEL**
54 **THE PETITIONER TO CHANGE RELIGIOUS OR POLITICAL**
55 **AFFILIATION;**

56
57 **(15) ATTEMPT OF RESPONDENT TO CORRUPT OR INDUCE THE**
58 **PETITIONER, A COMMON CHILD, OR A CHILD OF THE**
59 **PETITIONER, OR ANY RELATIVE OF THE PETITIONER**
60 **WITHIN THE 2ND DEGREE OF CONSANGUINITY, TO**
61 **ENGAGE IN PROSTITUTION, OR CONNIVANCE IN SUCH**
62 **CORRUPTION OR INDUCEMENT;**

63
64 **(16) NOTORIOUS SEXUAL INFIDELITY OR PERVERSION;**

65
66 **(17) ATTEMPT BY THE RESPONDENT AGAINST THE LIFE OF**
67 **THE PETITIONER, A COMMON CHILD OR A CHILD OF THE**
68 **PETITIONER, OR ANY RELATIVE OF THE PETITIONER**
69 **WITHIN THE 2ND DEGREE OF CONSANGUINITY;**

70
71 **(18) OTHER ANALOGOUS BEHAVIORS INDICATIVE OF A**
72 **DEEPLY ROOTED PSYCHOLOGICAL DISORDER THAT**

73 **EXISTED AT THE TIME OF MARRIAGE AND IS NOT LIKELY**
74 **TO CHANGE."**

75
76 **SEC. 3. *Amendment of Article 45.*** - Article 45 of the Family Code is hereby
77 amended to read as follows:

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79 "Art. 45. A marriage may be annulled for any of the following causes,
80 existing at the time of the marriage:

81
82 (1) That the party in whose behalf it is sought to have the marriage
83 annulled was eighteen years of age or over but below twenty-one,
84 and the marriage was solemnized without the consent of the
85 parents, guardian or person having substitute parental authority
86 over the party, in that order, unless after attaining the age of
87 twenty-one, such party freely cohabited with the other and both
88 lived together as husband and wife;

89
90 (2) That either party was of unsound mind, unless such party after
91 coming to reason, freely cohabited with the other as husband
92 and wife;

93
94 (3) That the consent of either party was obtained by fraud, unless
95 such party afterwards, with full knowledge of the facts
96 constituting the fraud, freely cohabited with the other as
97 husband and wife;

98
99 (4) That the consent of either party was obtained by force, intimidation
100 or undue influence, unless the same having disappeared or
101 ceased, such party thereafter freely cohabited with the other as
102 husband and wife;

103

104 (5) That either party was physically incapable of consummating the
105 marriage with the other, and such incapacity continues and
106 appears to be incurable; or

107
108 (6) That either party was afflicted with a sexually-transmissible disease
109 found to be serious and appears to be incurable.

110
111 **(7) THAT EITHER PARTY ENTERED INTO THE MARRIAGE FOR**
112 **FRAUDULENT OR EXPLOITATIVE PURPOSES;**

113
114 **(8) THAT ONE OF THE SPOUSES, AFTER THE CELEBRATION OF**
115 **MARRIAGE, UNDERGOES GENDER REASSIGNMENT OR**
116 **SEX TRANSITION;**

117
118 **(9) FINAL JUDGMENT IN CRIMES INVOLVING MORAL**
119 **TURPITUDE, BIGAMY, ADULTERY, CONCUBINAGE, AND**
120 **OTHER HEINOUS CRIMES, EVEN IF PARDONED;**

121
122 **(10) THAT A CHANGE IN SEXUAL ORIENTATION OR**
123 **PREFERENCE RESULTED IN THE INABILITY OF THE**
124 **RESPONDENT TO CONSUMMATE THE MARRIAGE OR TO**
125 **FULFILL ESSENTIAL MARITAL OBLIGATIONS;**

126
127 **(11) REPEATED PSYCHOLOGICAL, EMOTIONAL, AND**
128 **ECONOMIC ABUSE, AND OTHER DOMESTIC AND**
129 **MARITAL ABUSE, AS MAY BE DEFINED BY SPECIAL**
130 **LAWS.**

131
132 **SEC. 5. *Repeal of Title II of the Family Code.*** — Title II of Executive Order
133 No. 209, otherwise known as the Family Code of the Philippines, comprising Articles
134 55 to 67 and providing for legal separation, is hereby repealed. Legal separation as a
135 judicial remedy is hereby abolished.

SEC. 6. *Conforming Amendments.* — All other provisions of the Family Code and related laws that refer to legal separation as a remedy, basis for relief, or ground for action, are hereby repealed or amended accordingly to conform with this Act.

SEC. 7. *Expedited Resolution of Petitions.* - The following procedural mechanisms shall be implemented to expedite proceedings:

- (1) Family courts shall resolve all petitions within twelve (12) months from pre-trial, unless extended by the Supreme Court for just cause;
- (2) Summary proceedings shall apply in uncontested cases;
- (3) Mandatory mediation shall be conducted within thirty (30) days from pre-trial;
- (4) Courts shall accept judicial affidavits and apply rules of evidence liberally;
- (5) Expert testimony in Article 36 cases shall not be mandatory;
- (6) Indigent parties shall be exempt from filing fees;
- (7) Where no factual issues exist, courts may conduct a one-day hearing;
- (8) Remote hearings and digital filing shall be permitted.

SEC. 8. *Transitory Provision.* — Pending cases for legal separation filed before the effectivity of this Act shall proceed to finality and enforcement under the

provisions of the Family Code prior to its amendment. No new petition for legal separation shall be entertained upon the effectivity of this Act.

SEC. 9. *Implementing Rules and Regulations.* — Within sixty (60) days from the effectivity of this Act, the appropriate bodies shall promulgate the necessary implementing rules and regulations (IRR) to ensure the effective implementation of this Act, including the streamlined procedures provided in Section 6.

SEC. 10. *Separability Clause.* - If any provision of this Act is held invalid or unconstitutional, the remaining provisions shall remain in full force and effect.

SEC. 11. *Repealing Clause.* - All laws, decrees, executive orders, and rules inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 12. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

APPROVED.