



Republic of the Philippines  
**House of Representatives**  
Quezon City, Metro Manila

Twentieth Congress  
First Regular Session



HOUSE BILL NO. 2018

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**Introduced by MA. RENE ANN LOURDES G. MATIBAG**

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**Explanatory Note**

The Family Code of the Philippines, enacted in 1987, lacks provisions for post-nullity spousal support in cases of marriage declared void under Article 36 due to psychological incapacity, despite its use as a de facto substitute for divorce (Family Code of the Philippines, 1987; Tan-Andal v. Andal, 2021). This gap is particularly pronounced under the Absolute Community of Property regime, where equal partition of property may not address the ongoing financial needs of a dependent spouse, leading to inequitable economic outcomes (Family Code of the Philippines, 1987, Arts. 102, 147). This bill introduces Article 36-A to provide courts with the authority to award spousal support based on need, capacity, and equitable considerations, such as non-monetary contributions to the marriage. By aligning with the principles of justice and equity, this Act ensures that the dissolution of a void marriage does not disproportionately disadvantage one spouse, particularly those who sacrificed career opportunities for family responsibilities.

The immediate approval of this bill is earnestly sought.

  
**MA. RENE ANN LOURDES G. MATIBAG**



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**AN ACT AMENDING THE FAMILY CODE OF THE PHILIPPINES TO PROVIDE FOR POST-NULLITY SPOUSAL SUPPORT IN CASES OF MARRIAGE DECLARED VOID UNDER ARTICLE 36, AND FOR OTHER PURPOSES**

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

**SECTION 1. Short Title.**

This Act shall be known as the “**Post-Nullity Spousal Support Act of 2025.**”

**SECTION 2. Declaration of Policy.**

It is the policy of the State to promote equitable economic outcomes for spouses in the dissolution of marital ties, recognizing the contributions of both parties to the marriage, whether monetary or non-monetary, and ensuring that no spouse is left in undue financial hardship following a declaration of nullity of marriage due to psychological incapacity under Article 36 of the Family Code of the Philippines (Family Code of the Philippines, 1987). This Act addresses the gap in the absence of alimony provisions to mitigate inequitable circumstances, particularly for dependent spouses under the Absolute Community of Property regime.

**SECTION 3. Amendment to the Family Code.**

The Family Code of the Philippines is hereby amended by adding a new article, Article 36-A, under Title I, Chapter 3, to read as follows:

*Article 36-A. Post-Nullity Spousal Support*

1. Grant of Support. In cases where a marriage is declared void under Article 36 due to psychological incapacity, the court may order spousal support to be paid by one spouse to the other, upon a showing of need and capacity to pay, to prevent undue economic hardship.

2. Criteria for Awarding Support. The court shall consider the following factors in determining the amount and duration of spousal support:

- a. The financial needs and resources of both spouses, including income, earning capacity, and share of the community property or separate property;
- b. The standard of living established during the marriage;
- c. The duration of the marriage;
- d. The age, health, and employability of the spouse seeking support;
- e. The contributions of the spouse seeking support to the marriage, including non-monetary contributions such as homemaking, child-rearing, or support for the other spouse's education or career;
- f. The capacity of the paying spouse to provide support without undue financial burden;
- g. Any other equitable considerations deemed relevant by the court.

3. Form and Duration of Support. Spousal support may be awarded as periodic payments, a lump sum, or a combination thereof, for a duration deemed just and reasonable by the court. The court may modify or terminate the support order upon a material change in circumstances, such as remarriage, cohabitation, or significant improvement in the financial condition of the supported spouse.

4. Source of Support. Spousal support shall be paid from the separate property of the paying spouse or, in the absence of sufficient separate property, from their share of the community property partitioned under Articles 102 or 147 of this Code (Family Code of the Philippines, 1987, Arts. 102, 147).

5. Interim Support. During the pendency of nullity proceedings under Article 36, the court may order interim spousal support consistent with Article 49, to be charged against the Absolute Community of Property or Conjugal Partnership of Gains, as applicable (Family Code of the Philippines, 1987, Art. 49).

6. Non-Waiver of Rights. The right to seek post-nullity spousal support under this article may not be waived by agreement, except as part of a court-approved settlement that ensures equitable economic outcomes for both parties.

#### **SECTION 4. Consequential Amendments.**

1. Article 49. The existing Article 49 of the Family Code of the Philippines is amended to include a reference to Article 36-A, to read as follows:

Article 49. Support During Pendency of Proceedings.\*\* During the proceedings for annulment or for declaration of nullity of marriage, the court shall provide for the support of the spouses and their common children, consistent with the provisions of this Code. In cases of nullity under Article 36, the court may also consider the provisions of Article 36-A for interim spousal support (Family Code of the Philippines, 1987, Art. 49).

2. Article 198. The existing Article 198 of the Family Code of the Philippines is amended to clarify its non-applicability to nullity cases under Article 36, to read as follows:

Article 198. Support in Legal Separation. In cases of legal separation, the court may order the guilty spouse to provide support to the innocent spouse. This provision shall not apply to cases of nullity under Article 36, where spousal support shall be governed by Article 36-A (Family Code of the Philippines, 1987, Art. 198).

#### **SECTION 5. Rationale and Legal Basis.**

This Act addresses the gap identified in the Family Code, where the absence of alimony provisions in nullity cases under Article 36, particularly under the Absolute Community of Property regime, may result in inequitable economic outcomes for financially dependent spouses (Family Code of the Philippines, 1987; Tan-Andal v. Andal, G.R. No. 196359, 2021).

#### **SECTION 6. Implementing Rules and Regulations.**

Within ninety (90) days from the effectivity of this Act, the Supreme Court, in coordination with the Department of Justice and relevant stakeholders, shall promulgate the necessary implementing rules and regulations to ensure the effective application of Article 36-A, including guidelines for determining need, capacity, and equitable support awards.

#### **SECTION 7. Separability Clause.**

If any provision of this Act is declared unconstitutional or invalid, the remaining provisions shall remain in full force and effect.

**SECTION 8. Repealing Clause.**

All laws, decrees, executive orders, or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

**SECTION 9. Effectivity.**

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