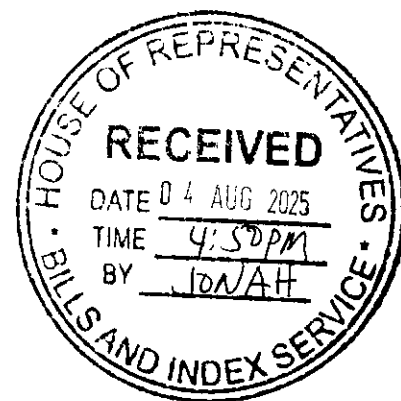


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

TWENTIETH CONGRESS
First Regular Session

House Bill No. 2954



INTRODUCED BY REPRESENTATIVES RALPH WENDEL P. TULFO
AND JOCELYN P. TULFO

**AN ACT REINSTITUTING ABSOLUTE DIVORCE AS AN ALTERNATIVE
MODE FOR THE DISSOLUTION OF MARRIAGE**

EXPLANATORY NOTE

The core targets of Sustainable Development Goal (SDG) 5 is to eliminate all forms of violence against women and girls, empower women, achieve equality between women and men as partners and beneficiaries of development, human rights, humanitarian action, and peace and security.¹

One of the most prevalent form of violence against women can be found too close to home and is called intimate partner violence (IPV)—a form of abuse that includes physical, sexual, or psychological harm inflicted by a current or former male partner within the bounds of marriage or cohabitation. According to global estimates from the World Health Organization, 30% of women worldwide have experienced at least one form of IPV.² Yet, to this day, the Philippines remains the only country in the world, besides Vatican City, where divorce is not legally accessible.

In the Philippines, national data reflects a continuing, though gradual, decline in the percentage of ever-married women aged 15 to 49 who have experienced IPV—from 29% in 2008 to 24% in 2017, and down to 18% in 2022.³⁴ Despite this trend, millions of Filipino women remain vulnerable to abuse inside their homes, often trapped in cycles of violence with little to no legal recourse to permanently exit such harmful unions.

¹ *Gender Equality and Women's Empowerment*, UNITED NATIONS DEPARTMENT OF ECONOMIC AND SOCIAL AFFAIRS: SUSTAINABLE DEVELOPMENT (July 11, 2025), <https://sdgs.un.org/topics/gender-equality-and-womens-empowerment>.

² Cristabel Rose F. Parcon and Antoinette Louise S. Makani, *Intimate Partner Violence Experiences of Filipino Women: Evidence from the Philippines*, DEMOGRAPHIC AND HEALTH SURVEYS (July 11, 2025), <https://dhsprogram.com/pubs/pdf/WP205/WP205.pdf>.

³ *Id.*

⁴ *Violence Against Women*, PHILIPPINE COMMISSION ON WOMEN (July 11, 2025), <https://pcw.gov.ph/violence-against-women/>.

Under current Philippine law, a woman married to an abusive husband cannot legally end their marriage, unless the husband dies or the marriage is declared void under limited and often difficult-to-prove grounds. This legal void perpetuates suffering and impedes women from regaining their dignity, freedom, and safety.

This proposed measure seeks to reinstitute absolute divorce as a legal remedy, while still upholding the State's commitment to protect marriage and family. By enacting this measure, we acknowledge the right of individuals – particularly women trapped in abusive and irreparable marriages – to be freed from harm and provide spouses with the option to avail of divorce under certain circumstances.

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



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

TWENTIETH CONGRESS
First Regular Session

House Bill No. **2954**

**INTRODUCED BY REPRESENTATIVES RALPH WENDEL P. TULFO
AND JOCELYN P. TULFO**

**AN ACT REINSTITUTING ABSOLUTE DIVORCE AS AN ALTERNATIVE
MODE FOR THE DISSOLUTION OF MARRIAGE**

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

1 **SECTION 1. *Short Title.*** – This Act shall be known as the “Absolute Divorce
2 Act.”

3
4 **SEC. 2. *Declaration of Policy.*** – While the State continues to protect and
5 preserve marriage as a social institution and as the foundation of the family, it shall
6 also give the opportunity to spouses in irremediably failed marriages to secure an
7 absolute divorce decree as an alternative mode for the dissolution of an irreparably
8 broken or dysfunctional marriage under limited grounds and well-defined judicial
9 procedures; save the children from the pain, stress, and agony consequent to their
10 parents’ constant marital clashes or irreconcilable differences; and grant the divorced
11 spouses the right to marry again.

12
13 To this end, the State shall adopt a divorce policy in keeping with the
14 fundamental freedoms guaranteed under the Constitution, the rights guaranteed
15 under Republic Act No. 9710 (RA 9710), otherwise known as the “The Magna Carta of
16 Women”, the provisions of the Universal Declaration of Human Rights, the
17 International Covenant on Civil and Political Rights, the Convention on the
18 Elimination of All Forms of Discrimination Against Women, the Convention on the
19 Rights of the Child, and other international human rights instruments of which the
20 Philippines is a party.

21
22 **SEC. 3. *Guiding Principles.*** – The following shall be the guiding principles of
23 this Act:

- 24
25 (a) Absolute divorce shall be judicially decreed after the fact of an
26 irremediably broken marriage.

- 1 (b) The State shall assure that the court proceedings for the grant of absolute
2 divorce shall be affordable and expeditious.
- 3 (c) Concerned spouses shall have the option to file for absolute divorce under
4 this Act or seek legal separation, annulment of marriage, or nullification of
5 marriage under the pertinent provisions of Executive Order No. 209,
6 otherwise known as the "Family Code of the Philippines".
- 7 (d) The option of absolute divorce is a pro-woman legislation because, in most
8 cases, it is the wife who is entitled to a divorce as a liberation from an
9 abusive relationship and to help her regain dignity and self-esteem.
- 10 (e) A sixty-day cooling-off period is instituted after the filing of a petition for
11 absolute divorce to ensure a final attempt at reconciliation of the concerned
12 spouses.
- 13 (f) A divorce decree shall include provisions for the care, custody, and
14 support of children, protection of their legitime, termination and
15 liquidation of the conjugal partnership of gains or the absolute community,
16 and alimony for the offended spouse.
- 17 (g) Even as absolute divorce is reinstituted, the State has the mandate of
18 strengthening marriage and family life by undertaking, among others,
19 relevant pre-nuptial and post-matrimonial programs and activities
20 adequately funded by the government.

21
22 **SEC. 4. Definition of Terms.** – As used in this Act:
23

- 24 (a) *Abandonment* refers to the act of a spouse leaving the conjugal home
25 without justifiable cause and with a deliberate intention of creating a
26 perpetual separation. The desertion amounts to an absolute cessation of
27 marital relations, rights, and duties. The abandonment may also be
28 physical estrangement or financial desertion;
- 29 (b) *Absolute divorce* refers to the judicial dissolution of a marriage or the
30 termination of the bond of matrimony where the spouses return to their
31 status of being single with the right to contract marriage again;
- 32 (c) *Alcoholism* refers to excessive consumption of alcoholic beverages at a level
33 that interferes with physical or mental health, and social, family, or
34 occupational responsibilities;
- 35 (d) *Alimony* refers to spousal support adjudged in the divorce decree by the
36 proper Family Court in favor of the offended spouse against the offending
37 spouse;
- 38 (e) *Bigamous marriage* refers to a second or subsequent marriage contracted
39 before the former marriage has been legally dissolved, or before the absent
40 spouse has been declared presumptively dead by means of a judgment
41 rendered in the proper proceedings;
- 42 (f) *Child* refers to a common child of the spouses below eighteen (18) years of
43 age or older but is incapable of taking care of or protecting oneself from
44 abuse, neglect, cruelty, exploitation, and/or discrimination because of
45 physical infirmity or mental disability, and shall include an offspring by
46 legal adoption or one whose custody and care is judicially decreed to be

- given to a guardian. In the proper cases, a child also refers to an offspring of one of the spouses;
- (g) *Child custody* refers to the parental authority and care of a child as decreed by a competent court when the parents of the child are divorced;
 - (h) *Child support* refers to a method of compensating a parent needing financial support for raising and sheltering a child or children by the other parent who has the means to pay for the expenses associated with child support. The proper Family Court shall determine the amount of support, based on the financial capacity of the parent giving support and the needs of the child or children requiring support pursuant to the provisions of the Family Code of the Philippines;
 - (i) *Chronic gambling* refers to an impulse control disorder in which a person makes a habitual wagering in games of chance which compromise, disrupt or damage family, work and social relations, and vocational pursuits;
 - (j) *Competent court* refers to the proper Family Court established under Republic Act No. 8369, otherwise known as the "Family Courts Act of 1997", which shall exercise jurisdiction both over the absolute divorce proceeding and the persons of the petitioner and respondent spouses;
 - (k) *Court-assisted petitioner* refers to a petitioner-spouse who has personal and real properties collectively not exceeding Two Million Five Hundred Thousand Pesos (PhP2,500,000.00);
 - (l) *Domestic or marital abuse* refers to violence or aggressive behavior within the home, typically involving the violent abuse of a spouse by the other which may be committed through:
 - 1. Physical violence;
 - 2. Psychological and emotional violence;
 - 3. Sexual violence; or
 - 4. Economic abuse;
 - (m) *Drug addiction* refers to habitual dependence on a prohibited drug or drugs;
 - (n) *Irreconcilable differences* refers to the substantial incompatibility of the spouses due to their intransigence or fault by holding on to divergent and divisive behavior resulting in the total breakdown of their marriage which could not be repaired despite earnest efforts to reconcile;
 - (o) *Joint petition* refers to the legal action filed by both spouses based on the grounds subject to summary judicial proceedings under Section 11 of this Act;
 - (p) *Legitimate* refers to the portion of a parent's estate from which they cannot disinherit their children, without sufficient legal cause;
 - (q) *Marital infidelity* refers to the extramarital sexual relations of a spouse, which shall include having or bearing a child with a third party;
 - (r) *Offended spouse* refers to the spouse who is aggrieved or innocent as found by the proper Family Court;
 - (s) *Offending spouse* refers to the spouse found by the Family Court to have given the cause or reason for the divorce;
 - (t) *Overseas Filipinos* refers to Filipino migrant workers, other Filipino nationals, and their dependents abroad or as defined under Section 3 of

1 Republic Act No. 8042, as amended, otherwise known as the "Migrant
2 Workers and Overseas Filipinos Act of 1995";

- 3 (u) *Psychological incapacity* refers to the condition provided for in Article 36 of
4 the Family Code of the Philippines which warrants the nullification of a
5 marriage;
- 6 (v) *Separation* refers to the absolute cessation of marital relations, duties, and
7 rights, with the intention of perpetually living apart;
- 8 (w) *Sex reassignment surgery* refers to the procedure by which a person's
9 physical appearance and function of primary sex characteristics are altered
10 to resemble that of the identified or preferred gender;
- 11 (x) *Summary judicial proceedings* refer to an expeditious manner of resolving a
12 petition for divorce without regard to technical rules and the petitioner is
13 given the option to be assisted by a lawyer. The proper Family Court may
14 allow presentation of evidence *ex parte* as warranted by circumstances. The
15 decision shall be immediately final and executory;
- 16 (y) *Support* refers to the amount indispensable for sustenance, shelter,
17 clothing, medical care, education, and other allied needs, consistent with
18 the financial capacity and social standing of the family;
- 19 (z) *Transgender* refers to a person whose gender identity or expression differs
20 from what is typically associated with the sex at birth; and
- 21 (aa) *Transsexual* refers to a person who emotionally and psychologically feels
22 that one belongs to the opposite sex, and who opts for a transition from
23 one sex to another through the use of hormones or surgical procedure.

24
25 **SEC. 5. Grounds for Absolute Divorce.** – The following are the grounds for a
26 judicial decree of absolute divorce:

- 27
28 (a) The grounds for legal separation under Article 55 of the Family Code of
29 the Philippines, modified, as follows:
- 30
- 31 1. Physical violence or grossly abusive conduct directed against the
32 petitioner, a common child, or a child of the petitioner;
 - 33 2. Physical violence or moral pressure to compel the petitioner to
34 change religious or political affiliation;
 - 35 3. Attempt of respondent to corrupt or induce the petitioner, a
36 common child, or a child of the petitioner, to engage in prostitution
37 or connivance in such corruption or inducement;
 - 38 4. Final judgment sentencing the respondent to imprisonment of more
39 than six (6) years, even if pardoned;
 - 40 5. Drug addiction or habitual alcoholism or chronic gambling of the
41 respondent;
 - 42 6. Homosexuality of the respondent;
 - 43 7. Contracting by the respondent of a subsequent bigamous marriage,
44 whether in the Philippines or abroad;
 - 45 8. Marital infidelity or perversion or having a child with another
46 person other than one's spouse during the marriage, except when

1 upon the mutual agreement of the spouses, a child is born to them
2 through in vitro fertilization or a similar procedure or when the wife
3 bears a child after being a victim of rape;

4 9. Attempt by the respondent against the life of the petitioner, a
5 common child, or a child of the petitioner; or

6 10. Abandonment of petitioner by a respondent without justifiable
7 cause for more than one (1) year.

8
9 When the spouses are legally separated by judicial decree for more than
10 two (2) years, either spouse can petition the proper Family Court for an
11 absolute divorce based on said judicial decree of legal separation;

12
13 (b) The grounds for annulment of marriage under Article 45 of the Family
14 Code of the Philippines, modified as follows:

15
16 1. The party in whose behalf it is sought to have the marriage
17 annulled was eighteen (18) years of age or over, but below twenty-
18 one (21), and the marriage was solemnized without the consent of
19 the parents, guardian, or person having substitute parental
20 authority over the party, in that order, unless after attaining the age
21 of twenty-one (21), such party freely cohabited with the other and
22 both lived together as husband and wife;

23 2. Either party was of unsound mind, unless such party after coming
24 to reason, freely cohabited with the other as husband and wife;

25 3. The consent of either party was obtained by fraud, unless such
26 party afterwards, with full knowledge of the facts constituting the
27 fraud, freely cohabited with the other as husband and wife;

28 4. The consent of either party was obtained by force, intimidation, or
29 undue influence, unless the same having disappeared or ceased,
30 such party thereafter freely cohabited with the other as husband
31 and wife;

32 5. Either party was physically incapable of consummating the
33 marriage with the other, and such incapacity continues or appears
34 to be incurable; or

35 6. Either party was afflicted with a sexually transmissible infection
36 found to be serious or appears to be incurable;

37
38 *Provided, That the grounds mentioned in Subsection (b), paragraphs 2, 5,*
39 *and 6 herein existed either at the time of the marriage or supervenes after*
40 *the marriage;*

41
42 (c) When the spouses have been separated in fact for at least five (5) years at
43 the time the petition for absolute divorce is filed, and reconciliation is
44 highly improbable;

- 1 (d) Psychological incapacity of either spouse as provided for in Article 36 of
2 the Family Code of the Philippines, whether or not the incapacity existed
3 at the time of the marriage or supervenes after the marriage;
4 (e) When one of the spouses undergoes a sex reassignment surgery or
5 transitions from one sex to another, the other spouse is entitled to petition
6 for absolute divorce with the transgender or transsexual as respondent, or
7 vice versa;
8 (f) Irreconcilable differences as defined in Section 4(n); and
9 (g) Other forms of domestic or marital abuse as defined in Section 4(l).

10
11 The grant of absolute divorce based on domestic or marital abuse or violation
12 of Republic Act No. 9262 (RA 9262), otherwise known as the "Anti-Violence against
13 Women and their Children Act of 2004", shall be without prejudice to the prosecution
14 of the offending or errant spouse under the said Act.

15
16 **SEC. 6. *Civil Recognition of a Valid Foreign Divorce.*** – A valid foreign divorce
17 secured by either the alien or Filipino spouse has the effect of a divorce under this Act
18 without going through the judicial process. Said foreign divorce must be
19 authenticated by the Philippine Consul in or proximate to the foreign country where
20 it was secured, and subsequently registered with the proper Civil Registry Office in
21 the Philippines or the Office of the Philippine Consul abroad where the Filipino
22 spouse is residing.

23
24 **SEC. 7. *Valid Canonical or Church Dissolution, or Declaration of Nullity of***
25 ***Marriage.*** – A marriage which is nullified or dissolved by the proper matrimonial
26 tribunal of the Roman Catholic Church or any other recognized religious sect or
27 denomination shall be granted civil recognition as if a divorce had been granted in
28 accordance with the provisions of this Act, without going through the judicial process
29 when it is authenticated by the proper authorities of the Roman Catholic Church or
30 any other recognized religious sect or denomination, and registered with the proper
31 Civil Registry Office in the Philippines.

32
33 **SEC. 8. *Prescription of Action.*** – A petition for absolute divorce shall be filed
34 with the proper Family Court by the petitioner or joint petitioners within ten (10) years
35 from the occurrence or discovery of the cause for divorce or from the effectivity of the
36 Absolute Divorce Act, whichever comes later.

37
38 **SEC. 9. *Procedure for Obtaining Absolute Divorce.*** – (a) The established and
39 recognized procedures for securing legal separation, annulment of marriage, and
40 nullification of marriage under the Family Code of the Philippines, as far as
41 practicable and not in conflict with this Act, shall govern the process of obtaining a
42 judicial decree of absolute divorce from the proper Family Court which shall be
43 commenced by the filing of a verified petition for absolute divorce by the petitioner-
44 spouse or joint petitioner-spouses.

1 (b) The factors and grounds which militate against the grant of legal separation,
2 the annulment of marriage, and nullification of marriage as provided for in the Family
3 Code of the Philippines shall likewise be assessed, based on competent and credible
4 proof, against the grant of absolute divorce.
5

6 (c) When the application as a court-assisted petitioner is approved, the proper
7 Family Court shall waive the payment of filing fees and other costs of litigation, and
8 shall appoint a *counsel de officio* for the court-assisted petitioner, and assign such
9 number of social workers, psychologists, and psychiatrists, as may be necessary from
10 a pool of accredited social workers and practitioners recognized by the Department of
11 Social Welfare and Development (DSWD), to assist the said petitioner and the court
12 free of charge, and assist the children of the parties.
13

14 (d) All creditors of the conjugal partnership of gains or absolute community, as
15 well as the personal creditors of the spouses, shall be listed in the petition for absolute
16 divorce and notified of the filing thereof. The court shall take measures to protect the
17 creditors and other persons with pecuniary interest.
18

19 (e) No decree of absolute divorce shall be based upon a stipulation of facts or a
20 confession of guilt.
21

22 (f) Public prosecutors in provinces, cities, and capital towns are mandated to
23 conduct investigations to find out whether there is collusion between the spouses in a
24 petition for absolute divorce or a spouse has coerced the other to file the petition and
25 shall report their finding to the proper Family Court within sixty (60) days from the
26 filing of the petition.
27

28 **SEC. 10. Overseas Filipinos.** – Petitioners who are overseas Filipinos shall be
29 given priority by the proper Family Court with respect to the hearing of their petitions,
30 and the court shall set the reception of evidence, upon the availability of the
31 petitioners, for not more than two (2) consecutive days.
32

33 **SEC. 11. Summary Judicial Proceedings.** – The following grounds for absolute
34 divorce may be subject to summary judicial proceedings as defined in Section 4(x):
35

- 36 (a) When the spouses have been separated *de facto* for at least five (5) years;
- 37 (b) When one of the spouses has contracted a bigamous marriage;
- 38 (c) When the spouses have been legally separated by judicial decree for at least
39 two (2) years;
- 40 (d) When one of the spouses has been sentenced to imprisonment for at least
41 six (6) years, even if subsequently pardoned; or
- 42 (e) When one of the spouses has undergone a sex reassignment surgery or has
43 transitioned into another sex.
44

45 A petition under this section may be filed individually or jointly by the
46 concerned spouses.

1
2 **SEC. 12. *Mandatory Sixty-Day Cooling-Off Period.*** – Except for grounds
3 under summary judicial proceedings, the proper Family Court shall exercise all efforts
4 to reunite and reconcile the concerned spouses during the sixty-day cooling-off period
5 after the filing of the petition. Upon expiration of the cooling-off period without the
6 parties having reconciled, the court shall immediately commence the trial and is
7 mandated to decide the petition within one (1) year after the lapse of the sixty-day
8 cooling-off period.
9

10 The requirement of a cooling-off period shall not apply in cases which involve
11 acts of violence against women and their children under RA 9262 or attempt against
12 the life of the other spouse or a common child or a child of the petitioner. The cooling-
13 off period is not required for petitions under summary judicial proceedings.
14

15 **SEC. 13. *Waiver of Expert Testimony.*** – Expert testimony shall be dispensed
16 with, unless the proper Family Court decides that such testimony is indispensable in
17 deciding the petition for divorce.
18

19 **SEC. 14. *Effects of Absolute Divorce.*** – The decree of absolute divorce shall
20 have the following effects:
21

- 22 (a) The marriage is dissolved and the divorced spouses shall have the right to
23 contract marriage again;
24 (b) The custody of the minor children and the visitation rights of the spouse
25 not granted primary custody shall be decided by the proper Family Court
26 in accordance with the best interests of the children, subject to the
27 provisions of Article 213 of the Family Code of the Philippines taking into
28 primary consideration that no child under seven (7) years of age shall be
29 separated from the mother, unless the proper court finds compelling
30 reasons to order otherwise. When the child is over the age of seven (7), the
31 court may ask the child's preference with respect to parental custody and
32 visitation, unless such preference will not be for the best interests of the
33 child. In no case shall child custody be given to the offending spouse when
34 the grounds for divorce fall under Section 5(a) (1), (2), (4), (5), (7), (8), (9),
35 and (10) of this Act; *Provided*, That in a subsequent divorce of a previously
36 divorced spouse, the custody of the children may be granted to the spouse
37 with lesser number of children, subject to the discretion of the Family
38 Court;
39 (c) Unless otherwise agreed upon in a marriage settlement executed before the
40 celebration of the marriage, the conjugal partnership of gains or the
41 absolute community shall be dissolved and liquidated, and the assets shall
42 be equally divided between the spouses excluding the paraphernal or
43 exclusive properties of the spouse, in accordance with the Family Code of
44 the Philippines. The recognition and delivery of the presumptive legitime
45 to the common children shall be ordered by the court, taking into
46 consideration the best interests of the children and the protection of their

1 legitimate from dissipation. The presumptive legitimate shall be computed as
2 of the date of the finality of the decree of absolute divorce. The partition
3 and distribution of the properties of the spouses and the delivery of the
4 children's presumptive legitimate shall be recorded in the appropriate civil
5 registry and registry of deeds, otherwise the same shall not affect third
6 persons;

7 (d) During the pendency of the divorce proceedings, the liabilities of the
8 spouses to creditors for family expenses shall remain solidary;

9 (e) In addition to the equal share in the assets of the absolute community or
10 conjugal partnership, the offended spouse who is not gainfully employed
11 shall be entitled to spousal support or alimony from the offending spouse:
12 *Provided*, That the support shall not exceed three (3) years from the finality
13 of the decree of absolute divorce and shall cease when the offended spouse
14 secures gainful employment or remarries: *Provided, further*, That the right
15 to support shall be subject to the provisions of Article 201 of the Family
16 Code of the Philippines where the amount of support shall be in proportion
17 to the resources or means of the obligor and to the necessities of the obligee;
18 *Provided, finally*, That the three-year support period may be extended to a
19 reasonable period of time by the Family Court when the offended spouse
20 entitled to support is a senior citizen, a person with disability, or has
21 limited educational attainment;

22 (f) The proper Family Court shall have the discretion to grant spousal support
23 or alimony, child support, and child custody, pursuant to the pertinent
24 provisions of the Family Code of the Philippines, and impose contempt of
25 court against the defaulting parties. The necessity of alimony and the
26 amount shall be determined by the court taking into consideration all
27 relevant factors;

28 (g) The offended spouse may revoke the donations made in favor of the
29 offending spouse, as well as the designation of the latter as a beneficiary in
30 any insurance policy, even if such designation be stipulated as irrevocable;
31 Donations by reason of marriage shall remain valid, except if the done is
32 the offending spouse under any of the grounds under Section 5(a) of this
33 Act. The revocation of the donations shall be recorded in the registries of
34 properties in the places where the properties are located. Alienations, liens,
35 and encumbrances registered in good faith before the recording of the
36 complaint for revocation in the registry of property shall be respected. The
37 revocation of or a change in the designation of the insurance beneficiary
38 shall take effect upon written notification thereto to the beneficiary. The
39 action to revoke the donation under this provision must be brought within
40 five (5) years from the time the decree of the absolute divorce has become
41 final;

42 (h) The effect on the divorced spouses with respect to intestate succession,
43 testamentary disposition, donations, and insurance provisions on
44 beneficiaries in accordance with the Family Code of the Philippines and
45 jurisprudence shall be observed;

- 1 (i) The legitimate and adopted children of divorced parents shall retain their
2 legal status and legitimacy. A child conceived or born within three
3 hundred (300) days after the filing of a petition for absolute divorce shall
4 be considered legitimate, unless the ground for divorce is the marital
5 infidelity of the wife; and
6 (j) After the filing of the petition for divorce, the spouses shall be entitled to
7 live separately. The court shall appoint a competent third party as
8 administrator to manage the absolute community or conjugal partnership
9 property during the pendency of the divorce proceedings in order to
10 prevent dissipation of the common properties. Prior to the discharge of the
11 administrator's functions and duties, the administrator shall post a surety
12 bond approved by the proper Family Court. The administrator shall have
13 the same powers and duties as those of a guardian under the Rules of
14 Court.
15

16 **SEC. 15. *Support for Children.*** - The proper Family Court shall provide for
17 child support pursuant to the pertinent provisions of the Family Code. The court shall
18 give the paramount consideration of the best interests of the children in accordance
19 with Article 194 of the Family Code of the Philippines.
20

21 In considering the award of support, the proper Family Court shall consider
22 relevant circumstances of the case and of the parties. On application of either party,
23 the proper Family Court may order an increase or decrease in the amount of support
24 upon showing of a substantial and material change of circumstances.
25

26 In case the offending spouse is an overseas Filipino, a copy of the order to grant
27 spousal and child support shall be furnished to the Department of Migrant Workers
28 and the overseas Filipino's employer for compliance.
29

30 **SEC. 16. *Custody and Support Pendente Lite.*** - During the pendency of the
31 petition and in the absence of adequate provisions in a written agreement between the
32 spouses, the court, upon application of the proper party, shall provide for spousal
33 support, and the custody and support of their common children. The court shall give
34 the paramount consideration to the best interests of the children, as well as their choice
35 of the parent with whom they wish to remain, in accordance with the Family Code of
36 the Philippines. It shall also provide the appropriate visitation rights of the other
37 parent.
38

39 **SEC. 17. *Award for Damages.*** - The proper Family Court may, as warranted
40 by evidence, award actual, moral, and exemplary damages as provided for under the
41 Civil Code of the Philippines to the offended spouse against the offending spouse.
42

43 **SEC. 18. *Conversion of Pending Petitions.*** - Parties who have pending
44 petitions under Articles 36, 45, and 55 of the Family Code of the Philippines may
45 convert their petitions to an action for absolute divorce under this Act without paying
46 filing fees.

1
2 **SEC. 19. *Reconciliation During the Pendency of the Divorce Proceedings.*** - If
3 the spouses agree to reconcile during the pendency of the divorce proceedings or
4 before the finality of judgment of divorce, a corresponding joint manifestation under
5 oath duly signed by them shall be filed with the same court where the petition for
6 absolute divorce was filed.

7
8 Upon hearing of the joint manifestation and the court finds it in order, the
9 petition for divorce shall be dismissed.

10
11 **SEC. 20. *Reconciliation After the Finality of the Divorce Decree.*** - Even after
12 the divorce decree is final, the former spouses may agree to reconcile by filing a joint
13 manifestation before the proper Family Court which issued the divorce decree. Upon
14 hearing of the joint manifestation and the court finds it in order, the court shall nullify
15 the final decree of divorce and the parties shall live together without the need of
16 contracting a new marriage.

17
18 **SEC. 21. *Guidelines and Parameters for Reconciliation.*** - The following shall
19 be the guidelines or parameters for reconciliation:

- 20
21 (a) Any reconciliation during the pendency of the divorce proceedings or after
22 the finality of the divorce decree shall protect the interests of the concerned
23 children;
- 24 (b) The proper Family Court shall exercise due discretion as warranted by
25 evidence which must protect the offended spouse or the children from
26 future or recurrence of violence from the offending spouse whether or not
27 to grant the joint manifestation of reconciliation in the following:
- 28 1. Cases which involve acts of violence against women and their
29 children under RA No. 9262; and
- 30 2. Cases involving an attempt against the life of the offended spouse,
31 a common child, or a child of the offended spouse;
- 32 (c) When the decree of absolute divorce is nullified upon reconciliation of the
33 parties, the separation of property or any forfeiture of the share of the
34 offending spouse already effected shall subsist, unless the spouses agree to
35 revive their former property regime;
- 36 (d) The reconciling spouses shall also submit a plan of reconciliation under
37 oath which shall include the following:
- 38 1. The properties to be contributed anew to the restored regime;
- 39 2. The properties to be retained as separate properties of each spouse;
- 40 3. The names of all their known creditors, their addresses, and the
41 amounts owing to each;
- 42 4. The joint manifestation and verified plan of reconciliation shall be
43 furnished to the creditors named therein;
- 44 5. After due hearing, the court shall issue an order approving the joint
45 manifestation and plan of reconciliation which order shall include
46 the protection of the interest of creditors;

- 1 6. The order shall be registered in the proper registry of deeds; and
2 7. The recording of the order in the proper registry of deeds shall not
3 prejudice any creditor not listed or notified.
4

5 **SEC. 22. Penalties.** – A spouse who is a party to a petition for absolute divorce
6 and who is found by the court to have used threats or coercion to compel the other
7 spouse in filing the petition, and spouses who are guilty of collusion, shall be
8 punished with imprisonment of five (5) years and a fine of Three Hundred Thousand
9 Pesos (PhP300,000.00).
10

11 Any offending spouse in default of providing the required spousal support or
12 alimony and child support under this Act shall be charged with contempt of court and
13 be imposed a fine of:
14

- 15 (a) Fifty Thousand Pesos (PhP50,000.00) for the first default;
16 (b) One Hundred Thousand Pesos (PhP100,000.00) for the second default; and
17 (c) Two Hundred Thousand Pesos (PhP200,000.00) each for the third and the
18 succeeding defaults.
19

20 The offending spouse found guilty of indirect contempt of court shall be
21 punished with imprisonment thereupon until the obligation for spousal and/or child
22 support has been paid.
23

24 **SEC. 23. Options.** – The concerned spouse shall have the option to file a petition
25 for dissolution of marriage, annulment of marriage, or legal separation under Articles
26 36, 45, and 55, respectively, of the Family Code of the Philippines or a petition or joint
27 petition for absolute divorce under this Act.
28

29 **SEC. 24. Appeals.** – Within fifteen (15) calendar days from receipt of the decree
30 of absolute divorce, any of the spouses may file an appeal with the Court of Appeals
31 under the pertinent provisions of the Rules of Court.
32

33 A motion for execution pending appeal may be issued by the Court of Appeals
34 upon application of the appellee. Moreover, the Court of Appeals may dismiss an
35 appeal forthwith once it finds the same frivolous.
36

37 **SEC. 25. Community-Based Pre-Nuptial and Post-Matrimonial Programs and**
38 **Activities.** – The National Government shall, through the DSWD, implement
39 community-based pre-nuptial, reconciliatory phase or cooling-off counseling, and
40 post-matrimonial programs and activities aimed at strengthening the marital and
41 family life of Filipinos.
42

43 These social welfare interventions, which will protect the stability of Filipino
44 families, shall be instituted by the DSWD in provinces, cities, and clusters of
45 municipalities in the entire country, while observing the local cultures and customs
46 that are prevalent in each locality.

1
2 **SEC. 26. *Community-Based Women's Desk.*** - The frontline desk in every
3 barangay established under RA 9710 shall be readily available and easily accessible to
4 provide support and assistance to victims, especially women, of all forms of abuse
5 and acts of violence identified under the said Act and those provided for under RA
6 9262.

7
8 **SEC. 27. *Attorney's Fees.*** - Subject to the plenary authority of the Supreme
9 Court to regulate the practice of law, in petitions with no court-assisted petitioner, the
10 attorney's fees, inclusive of acceptance fee, appearance fees, and success fee, shall not
11 exceed Fifty Thousand Pesos (PhP50,000.00) for the entire proceedings. However, the
12 petitioner and counsel can mutually agree on a higher rate of attorney's fees.

13
14 **SEC. 28. *Creation of More Positions of Public Attorneys and Family Courts.*** -
15 The Department of Justice (DOJ) is authorized to create the necessary additional
16 positions for public attorneys under the Public Attorney's Office to advocate for court-
17 assisted petitioners.

18
19 In the discretion of the Supreme Court, more Family Courts may be created to
20 adjudicate petitions for absolute divorce.

21
22 **SEC. 29. *Congressional Oversight Committee on the Absolute Divorce Act.*** -
23 There is hereby created a Congressional Oversight Committee (COC) composed of
24 five (5) members each from the Senate and the House of Representatives. The
25 members of the Senate and the House of Representatives shall be appointed by the
26 Senate President and the Speaker, respectively, with at least one (1) member
27 representing the Minority.

28
29 The COC shall be headed by the respective Chairpersons of the Committee on
30 Health and Demography of the Senate and the Committee on Population and Family
31 Relations of the House of Representatives. The Secretariat of the COC shall come from
32 the existing Secretariat personnel of the Senate and the House of Representatives
33 committees concerned.

34
35 The COC shall monitor and ensure the effective implementation of this Act,
36 recommend the necessary remedial legislation or administrative measures, and
37 conduct a review of this Act every five (5) years from its effectivity. The COC shall
38 perform such other duties and functions as may be necessary to attain the objectives
39 of this Act.

40
41 **SEC. 30. *Appropriations.*** - The amount necessary for the initial
42 implementation of this Act shall be sourced from the savings of the DSWD for the
43 current fiscal year, and the subsequent amounts necessary for the full implementation
44 of this Act shall be included in the subsequent annual General Appropriation Acts.
45

1 **SEC. 31. *Implementing Rules and Regulations.*** - The DSWD shall, as lead
2 agency, together with the DOJ, the Philippine Commission on Women (PCW), and the
3 National Youth Commission (NYC), in consultation with at least two (2)
4 representatives from women's organizations with proven track record in women and
5 gender rights advocacy to be identified by the PCW, and two (2) representatives from
6 children's organizations with proven track record in child rights advocacy to be
7 identified by the NYC, promulgate the implementing rules and regulations within
8 sixty (60) days after the effectivity of this Act.
9

10 **SEC. 32. *Separability Clause.*** - If any part or provision of this Act is held
11 invalid or unconstitutional, the other provisions not affected thereby shall remain in
12 force and effect.
13

14 **SEC. 33. *Repealing Clause.*** - All laws, executive orders, issuances, decrees,
15 rules, and regulations inconsistent with or contrary to the provisions of this Act are
16 deemed amended, modified, or repealed accordingly.
17

18 **SEC. 34. *Effectivity.*** - This Act shall take effect fifteen (15) days after its
19 publication in the Official Gazette or in a newspaper of general circulation.
20

21 *Approved,*