

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session
House Bill No. 3062



Introduced by: Congressman **BIENVENIDO M. ABANTE, JR.**

AN ACT
EXEMPTING CHURCH MINISTERS, PRIESTS, RABBIS, AND IMAMS FROM
SECURING A GOVERNMENT LICENSE TO SOLEMNIZE MARRIAGE,
FURTHER AMENDING EXECUTIVE ORDER NO. 209 OTHERWISE KNOWN
AS THE FAMILY CODE OF THE PHILIPPINES, ACT NO. 3815 OTHERWISE
KNOWN AS THE REVISED PENAL CODE OF THE PHILIPPINES, ACT NO.
3753, AN ACT TO ESTABLISH A CIVIL REGISTRAR, AND NATIONAL
STATISTICS OFFICE ADMINISTRATIVE ORDER NO. 1, AND FOR OTHER
PURPOSES

EXPLANATORY NOTE

When God said: It is not good that the man should be alone; I will make him an help meet for him (*Genesis 2:18, KJV*), the man shall leave his father and mother and shall cleave unto his wife and they two shall be one flesh (*Genesis 2: 24, Matthew 19:5, Mark 10:7; Ephesians 5:31 KJV*), He was ordaining marriage and declaring it as a solemn and inviolable social institution. When He said: what therefore God hath joined together, let no man put asunder (*Matthew 19.6, KJV*), God was declaring to mankind that marriage is His own personal act and authority. In effect, God is the one who joins and binds a man and a woman to marriage, for He did not say: "what math hath joined together xxx", thus marriage is a divine, spiritual act and institution.

Of all human institutions, God has put up the church and not the State to carry out His commandments, commissions, instructions, and statutes. Thus, we have the separation of church and State, which is declared and guaranteed by our Constitution, under which what is divine and spiritual is within the exclusive jurisdiction and supreme authority of the church, as secular matters belong to the State.

Accordingly, church ministers, priest, rabbis, and imams derive their authority as such from divine law and not from secular law. They should not, therefore, secure authority or license to solemnize marriage from the government, and the government's responsibility and authority should be limited to the issuance of marriage licenses and the registration of marriages, and the names of church ministers, priests, rabbis, and imams authorized by the church to solemnize marriage.

It is, therefore, the aim of this Bill to free church ministers, priests, rabbis, and imams from the requirement of a government license to enable them to solemnize marriage; hence, its immediate passage is earnestly requested.



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

SECTION 1. *Declaration of Policy.* — It is the policy of the State to give full meaning to the separation of the church and State and to the solemnity and divine nature of marriage, and to recognize the supreme and ultimate authority of the church over divine and spiritual matters. Towards this end, the State shall see to it that the authority of a church minister, priest, rabbi, or imam to solemnize marriage shall come from the church or religious sect to which he belongs without the need of a government license.

SEC. 2. Art. 7 of Executive Order No. 209 is hereby amended to read as follows:

“Art. 7. Marriage may be solemnized by any:

- (a) Minister, priest, rabbi or imam of any church or religious sect duly authorized by his church or religious sect acting within the limits of the written authority granted him by his church or religious sect and provided that at least one of the contracting parties belongs to the solemnizing officer’s church or religious sect or to the church or religious sect that gave the solemnizing officer such authority.
- (b) Ship captain or airplane chief only in cases mentioned in Article 31 of Executive Order No. 209; or

(c) military commander of a unit to which a chaplain is assigned, in the absence of the latter, likewise only in cases mentioned in Article 32 of Executive Order No. 209.”

SEC. 3. *Authority to solemnize marriage.* — A church minister, priest, rabbi, or imam who desires to solemnize marriage shall secure a written authority specifically for the purpose from the church or religious sect to which he belongs. Such written authority shall be valid and effective for a period of three (3) years counted from the date thereof, after which date the same shall be deemed automatically cancelled, unless sooner withdrawn, cancelled, or suspended by such church or religious sect. It shall be the duty of the church or religious sect giving such authority to register the name of the minister, priest, rabbi, or imam given authority to solemnize marriage with the Philippines Statistics Office within ten (10) days from the issuance of the authority.

SEC. 4. *Duty to register.* — The church or religious sect shall forward to the Philippines Statistics Office the list of church ministers, priests, rabbis, or imams issued written authority to solemnize marriage, together with a copy of such authority, within ten (10) days from issuance thereof. Upon receipt thereof, the Philippines Statistics Office shall immediately register the names of such church ministers, priests, rabbis, or imams in a Book specially intended for the purpose, and thereafter shall immediately issue a Certificate to that effect. No other document, paper, or instrument shall be required to be submitted other than such list and written authority: Provided, That the Philippines Statistics Office shall not register any church minister, priest, rabbi, or imam who has been convicted by final judgment of any crime or violation of this Act.

SEC. 5. *Penal Provision.* — No church minister, priest, rabbi or imam shall be allowed to solemnize any marriage in the Philippines unless he has been issued a valid and effective written authority to solemnize marriage by the church or religious sect to which he belongs and that his name is registered by such church or religious sect with the Philippines Statistics Office: Provided, That failure to so register with the Philippines Statistics Office shall not affect the validity of the marriage solemnized, without prejudice to the criminal liability of such minister, priest, rabbi or imam, and the person who failed to register such minister, priest, rabbi or imam with the said office.

SEC. 6. — Any church minister, priest, rabbi or imam who shall solemnize any marriage without valid and effective written authority for the purpose issued by the church or religious sect to which he belongs, or with expired, withdrawn, cancelled, or suspended written authority, or without being registered with the Philippines Statistics Office as required under Sections 3 and 4 hereof, shall, upon conviction, be penalized with imprisonment of not less than two (2) years nor more than six (6) years and to pay a fine of not less than Fifty Thousand Pesos (Php50,000.00) nor more than One Hundred Thousand Pesos (Php100,000.00), without prejudice to such sanction or

sanctions as the church or religious sect to which such minister, priest, rabbi or imam belongs may impose.

SEC. 7. *Separability Clause.* — If for any reason any section or provision of this Act, or any portion thereof, or the application of such section or provision or portion thereof to any person, group of circumstances, is declared invalid or unconstitutional, the remaining provisions of this Act shall not be affected by such declaration and shall remain in force and effect.

SEC. 8. *Amendatory Clause.* — The pertinent provisions of Executive Order No. 209, Act No. 3815, and National Statistics Office Administrative Order No. I in so insofar as they are inconsistent herewith, are hereby expressly amended or modified accordingly.

SEC. 9. *Repealing Clause.* - The provisions of other laws, decrees, executive orders, and other issuances, rules, and regulations inconsistent with this Act are hereby repealed, amended, or modified accordingly.

SEC. 10. *Effectivity Clause.* — This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,