

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

TWENTIETH CONGRESS
FIRST REGULAR SESSION

House Bill No. 4945



INTRODUCED BY Rep. Francisco A. Barzaga

EXPLANATORY NOTE

Under Article I of the Family Code of the Philippines, marriage is defined as a “*special contract of permanent union between a man and a woman*” entered in accordance with the law for establishing a conjugal and family life. It is the foundation of the family and an inviolable social institution.

Marriage is the foundation of the family and society, recognized by law as a solemn contract entered by two individuals who pledge mutual fidelity, respect, and support. However, when the sanctity of marriage is undermined by acts of abuse, violence, infidelity, or other grave misconduct, the law must not compel victims to remain bound to a union that compromises their dignity, security, and well-being.

Current remedies such as annulment and legal separation are often inaccessible, costly, and limited in scope. These do not provide a sufficient recourse for spouses especially victims of abuse who deserve the right to pursue a safe, stable, and fulfilling family life.

This proposed legislation seeks to institutionalize **absolute divorce** as a remedy in cases where marriage has irretrievably broken down due to abuse, serious criminal conduct, or grave violations of marital obligations. The bill upholds the constitutional principle of protecting the family, while recognizing that marriage should not compel individuals to remain in situations of suffering, danger, or injustice.

As such, the approval of this Bill is earnestly sought.


REP. FRANCISCO A. BARZAGA
Lone District of the City of Dasmariñas

**TWENTIETH CONGRESS
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HOUSE BILL NO. **4945**

INTRODUCED BY **Rep. Francisco A. Barzaga**

**AN ACT INSTITUTIONALIZING ABSOLUTE DIVORCE IN THE PHILIPPINES
ON THE GROUNDS OF ABUSE, INFIDELITY, AND SERIOUS CRIMINAL ACTS,
AND FOR OTHER PURPOSES**

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

SECTION 1. Title – This Act shall be known as the “Absolute Divorce Act of 2025.”

SECTION 2. Declaration of Policy – It is the policy of the State to protect the dignity of every person, the sanctity of marriage, and the stability of families. However, when a marriage has been violated through abuse, infidelity, or serious criminal acts, and when reconciliation is no longer viable, the State recognizes the right of the abused/offended spouse to obtain an absolute divorce.

SECTION 3. Definition of Terms. – The definitions of the terms used in this Act are as follows:

1. **Absolute Divorce** – The legal dissolution of a valid marriage that restores both spouses to the status of unmarried persons, with the right to remarry, and terminates all marital obligations and rights, subject to the provisions of this Act.
2. **Abuse** – Any act of physical, sexual, psychological, or economic violence committed against a spouse or child, as defined under Republic Act No. 9262 (Anti-Violence Against Women and Their Children Act), including threats, intimidation, coercion, or deprivation of liberty.
3. **Adultery** – A marital offense committed by a married woman who engages in sexual relations with a man not her husband, as defined under Article 333 of the Revised Penal Code.

4. **Concubinage** – A marital offense committed by a married man who cohabits with a woman not his wife under scandalous circumstances, as defined under Article 334 of the Revised Penal Code.
5. **Exclusive and Personal Property** – Property owned solely by one spouse prior to the marriage or acquired during the marriage through inheritance, donation, or other means recognized under the Family Code as exclusive.
6. **Support or Alimony** – Financial assistance granted by the court to the abused/offended spouse, which may include living expenses, medical care, education, and other necessary costs, based on the financial capacity of the parties and the needs of the children.
7. **Protection Orders** – Legal orders issued by the court to prevent further abuse or harassment, which may include restraining orders, removal of the abusive spouse from the residence, and other measures to ensure the safety of the innocent spouse and children.
8. **Substantial Evidence** – Such relevant evidence as a reasonable mind might accept as adequate to support a conclusion, required to establish abuse or other grounds for divorce under this Act.
9. **Due Notice and Hearing** – A legal process wherein both parties are given proper notification of the proceedings and an opportunity to be heard before the court renders a decision.

SECTION 4. Grounds for Absolute Divorce. — A petition for absolute divorce may be filed on any of the following grounds:

- a. Repeated acts of physical, sexual, psychological, or economic abuse against the spouse or children, as defined under Republic Act No. 9262 (Anti-Violence Against Women and Their Children Act);
- b. Drug addiction, habitual alcoholism, or chronic gambling resulting in family neglect or harm;
- c. Commission of adultery or concubinage, duly proven in court;
- d. Attempt against the life of the spouse or children;

SECTION 5. *Effects of Absolute Divorce.* — The granting of absolute divorce shall dissolve the marital bond and restore the spouses to the status of unmarried persons with the right to remarry. Custody of minor children shall be awarded by the court in accordance with the best interests of the child, with due consideration of any history of abuse. Parental authority shall remain with the parent deemed fit by the court. Property relations shall be liquidated and partitioned, in accordance with the Family Code and existing laws, provided that the spouse who committed the act of abuse shall not be entitled to any share in the exclusive and personal property of the innocent spouse. The abused/offended spouse may be granted support or alimony, as the court may determine, taking into account the circumstances of the abuse, the financial capacity of the parties, and the needs of the children. Protective measures, including restraining orders and continued support for minor children, may likewise be issued to ensure the safety and welfare of the innocent spouse and their children.

SECTION 6. *Safeguards.* — Divorce shall not be granted unless the court, after due notice and hearing, determines that abuse has been sufficiently established by substantial evidence and that reconciliation is no longer viable. The court shall adopt protective measures to ensure the safety, privacy, and welfare of the abused/offended spouse and children, including the issuance of protection orders, closed-door hearings, and confidentiality of records. In all stages of the proceedings, the best interests of the children and the security of the abused/offended spouse shall be given paramount consideration.

SECTION 7. *Penal Provisions.* — Any spouse who willfully and maliciously files a false claim of abuse for the purpose of obtaining divorce under this Act shall, upon conviction, be penalized with imprisonment of not less than two (2) years but not more than five (5) years, or a fine of not less than One hundred thousand pesos (₱100,000.00) but not more than Five hundred thousand pesos (₱500,000.00), or both, at the discretion of the court, without prejudice to any civil action for damages that may be filed by the innocent spouse.

SECTION 8. *Implementing Rules and Regulations.* — Within ninety (90) days from the effectivity of this Act, the Supreme Court, in consultation with concerned agencies, shall promulgate the necessary rules and regulations to effectively implement its provisions.

SECTION 9. *Separability Clause.* — If any part of this Act is declared unconstitutional, the remaining provisions shall remain valid and enforceable.

SECTION 10. *Repealing Clause.* — All laws, decrees, executive orders, and rules inconsistent with this Act are hereby repealed or modified accordingly.

SECTION 11. Effectivity. — This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in a newspaper of general circulation.