



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



TWENTIETH CONGRESS
First Regular Session

House Bill No. 5945

INTRODUCED BY REP. ESMAEL "TOTO" G. MANGUDADATU

EXPLANATORY NOTE

The family plays a vital role in our society. As a matter of fact, the 1987 Constitution recognizes the Filipino family as the foundation of the nation and has explicitly stated that "the State shall protect and strengthen the family as the basic autonomous social institution..." (Section 12, Art. 2, 1987 Philippine Constitution).

In keeping with this State Policy, various laws and circulars have been promulgated aimed at strengthening marriage and family life, such as but not limited to P.D. No. 965 establishing a nation-wide Pre-Marriage Orientation Program; EO 209 or the Family Code of the Philippines; R.A. 7160 otherwise known as the Local Government Code of the Philippines, which devolved the functions of national agencies and workers to the local government units including the family planning program and counseling program of Department of Social Welfare and Development; and DILG-DOH-DSWD-POPCOMM Joint Memorandum Circular No. 01, series of 2018, providing for the Revised Pre-Marriage Counseling Implementing Guidelines to local governments, all of which are being strictly observed.

However, Joint Memorandum Circular No. 01, series of 2018 has found little or no traction at all among Filipino Muslims and Lumads/indigenous people due to beliefs, customs, and tradition, which are being upheld and respected by the State. As a result, in every nook and cranny, we find Muslim/Lumad couples, especially in the Bangsamoro Region, who have entered into marriage without a full grasp of what marriage and family life really mean and entail; what their rights and obligations are as a husband, a wife, and/or a parent; what the concepts responsible parenthood, reproductive health and

home management are and how to apply these concepts in practical life; and many other knowledge which are essential for informed decision-making between husband and wife.

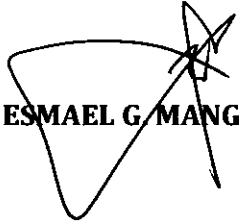
Article 33 of the Family Code states that, "Marriage among Muslims or among members of the ethnic cultural communities MAY be performed validly without the necessity of marriage license, provided they are solemnized in accordance with their customs, rites and practices." This representation calls on the Congress' attention on the word "MAY", an auxiliary verb which gives permission or used to indicate possibility or probability.

Moreover, Article 14, Section 1, Chapter 2 of PD 1083 or the Code of Muslim Personal Laws views marriage as not just a civil contract between a man and a woman, but as a social institution as well. Again, the word "social", meaning, that of or relating to human society, the interaction of the individual and the group, or the welfare of human beings as members of society.

The prevalence of broken families, the number of divorce cases filed in Shariah Circuit Courts, and the high rate of malnutrition, stunting, and wasting among Filipino Muslim and Lumad children are only some of the reasons as to why the Congress of the Philippines must step in to do its part in strengthening the marriage and family life of the constituents.

It is high time for the national and local governments to formally establish and institution to counsel or advice would-be or already married Filipino Muslim or Lumad/IP couples about marriage and family life in the government's bid to further support and strengthen the family as the most basic institution of the society.

Thus, this proposal.



ESMAEL G. MANGUDADATU



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Introduced by **REPRESENTATIVE ESMAEL "TOTO" G. MANGUDADATU**

AN ACT

ESTABLISHING A MANDATORY PRE-MARRIAGE ORIENTATION AND COUNSELING PROGRAM FOR FILIPINO MUSLIMS INCLUDING INDIGENOUS PEOPLES, PROVIDING FOR ITS POLICY, GUIDELINES, FUNDING AND PENALTY, AND AMENDING FOR THIS PURPOSE PRESIDENTIAL DECREE NO. 1083

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

SECTION 1. TITLE. This Act shall be known and hereinafter referred to as "*The Mandatory Pre-Marriage Orientation and Counseling (PMOC) Act for Filipino Muslims and Indigenous Peoples.*"

SECTION 2. DECLARATION OF POLICY. The government of the Republic of the Philippines acknowledges the family as the basic unit of society, which plays an important role in local development and societal foundations. It recognizes the sanctity of marriage and the roles of couples and future parents in shaping the future of the family and it undertakes to uphold that parenting, as a basic responsibility of parents, should be strengthened. To reaffirm its commitment to promote and protect the value of the family, the national government shall pursue and implement programs, projects and activities that are responsive to the needs of its citizens, especially of the couples.

SECTION 3. OBJECTIVE. The national government seeks to ensure an effective and efficient delivery of pre-marriage orientation and, when any or both of the applicants are below 25 years old, counseling services to prospective Filipino Muslim and indigenous people (IP) couples/parents through an institutionalized mandatory Pre-Marriage Orientation and Counseling (PMOC) Program that is geared towards achieving a happy family life and responsible parenthood.

SECTION 4. POLICY DIRECTIONS. To carry out the foregoing policy and objective, the national government undertakes to formulate programs, projects and strategies to especially cater among all Filipino Muslim and IP marriage applicants, regardless of economic status, religious convictions, culture and ethnicity by:

- a. Providing the marriage applicants with complete and accurate information on marriage and relationship, maternal and child health, responsible parenthood, home management, applicable laws, policies and socio-religious principles on family relations; and
- b. Establishing protocols for the effective and efficient implementation of a mandatory nation-wide pre-marriage orientation and counseling program for Filipino Muslims and IPs, including marriage counseling, which are especially tailored to fit the religious and cultural values, beliefs, and convictions of the target clientele vis-à-vis the pool of newer knowledge and recommendations for all aspects regarding marriage, relationship, family, and responsible parenthood.

SECTION 5. DEFINITION OF TERMS. For purposes of this Act, the following terms shall mean:

- a. *Certificate of Compliance* – a certificate signed by the PMOC Team Members who conducted the pre-marriage orientation session and issued by the Municipal Gender and Development Officer or Focal Person to contracting parties who have completed the pre-marriage orientation session;
- b. *Certificate of Pre-Marriage Counseling* – a certificate issued by an accredited pre-marriage counselor to contracting parties who have completed the pre-marriage counseling session;
- c. *Contracting Parties* – refers to the engaged or would-be-spouses who, in order to obtain a marriage license, are required to undergo pre-marriage orientation and/or counseling;
- d. *Marriage* – a special contract of permanent union between a man and a woman entered into in accordance with law for the establishment of conjugal and family life. It is the foundation of the family and an inviolable social institution whose nature, consequences, and incidents are governed by law and not subject to stipulation, except that marriage settlements may fix the property relations during the marriage within the limits provided by law;
- e. *Pre-Marriage Counseling (PMC)* – in compliance with the Family Code, it refers to the mandatory counseling session required to all contracting parties where one or both parties are twenty-five (25) years old and below in addition to their attendance to the mandatory pre-marriage orientation. Contracting parties above twenty-five (25) years old *may* also avail of this service. This session provides assistance and guidance to the contracting parties toward an informed decision about their forthcoming married life, such as but not limited to marriage and

- relationships, human sexuality, maternal and child health, sexually transmitted diseases (STDs) and AIDS, and home management to prospective parents; and
- f. ***Pre-Marriage Orientation (PMO)*** – refers to the session that *all* contracting parties must attend to before the issuance of a marriage license regardless of the age of the parties. This session provides to the contracting parties adequate instructions and information on responsible parenthood, family planning, breastfeeding and infant nutrition and marriage and relationship.

SECTION 6. PROMULGATION. Pursuant to Presidential Decree 965, Executive Order No. 209 or the 1987 Family Code, the general welfare clause of Republic Act No. 7160 or the Local Government Code, and Republic Act No. 10354 or the Responsible Parenthood and Reproductive Health Act, and other laws with the objective of preparing the contracting parties to effectively assume their roles as spouses and parents within the bounds of marriage, it is hereby decreed that, where one or both of the parties is/are Filipino Muslim/s or belong to the indigenous communities, all contracting parties or would-be-couples applying for a marriage license, marriage registration or marriage certificate, whichever is applicable, regardless of tribal or ethnic affiliation, are required to attend and participate in a pre-marriage orientation and, if necessary, a pre-marriage counseling session before they are issued a marriage license or a marriage certificate.

A. LUMAD/IP MARRIAGE. As such, in the case of Christian and Lumad wedding rites, all officials, whether civilian or uniformed, *timuays* or tribal heads, and religious ministers/personalities, duly authorized by law or by virtue of religion, tradition or customary laws to solemnize a marriage, are hereby directed to include the presentation by the contracting parties or would-be-spouses of a Certificate of Compliance and a Certificate of Marriage Counseling (if necessary) as among the requirements to be presented prior to the conduct or celebration of marriage rites and the formal signing of marriage contracts or the issuance of the necessary certification by the solemnizing tribal head or official as required prior to the release of a marriage certificate or registration by the local Civil Registrar's Office or the local Shariah Court, whichever is applicable.

However, under extraordinary circumstances wherein the marriage rites have been conducted without the presentation of a Certificate of Compliance and/or Certificate of Marriage Counseling (if necessary), it is hereby declared as a requisite for the contracting parties or spouses to immediately undergo marriage orientation and/or counseling and to submit to the Local Civil Registrar's Office or the local Shariah Court a copy of their Certificate of Compliance and/or Certificate of Marriage Counseling (if necessary) together with their duly signed and accomplished marriage license or application for marriage registration or certification before any of the said Offices may issue unto the contracting parties or spouses their marriage registration or any primary document certifying that the couple are indeed married to each other.

All *Timuays* or tribal heads and tribal religious ministers/personalities duly authorized by law or by virtue of religion, tradition or customary laws to conduct [pre-] marriage counseling and to solemnize marriage in the Lumad or tribal rites must be duly accredited by the National Commission on Indigenous People. His accreditation number must be indicated in the Certificate of Marriage Counseling that he shall issue to the contracting parties.

B. MUSLIM MARRIAGE. In the case of marriage in Muslim rites, all officials, whether civilian or uniformed, traditional figureheads and religious ministers/ulama/asatidz/wali and other personalities duly authorized by law or by virtue of religion, tradition or customary laws to solemnize a marriage in Muslim rites and duly accredited by the National Commission on Muslim Filipinos (NCMF), are also hereby mandated to include the presentation by the contracting parties or would-be-spouses of a Certificate of Compliance and a Certificate of Marriage Counseling (if necessary) as among the requirements to be presented prior to the formal signing of the offer (*ijab*) and acceptance (*qabul*).

However, should the wedding been solemnized without the presentation to the solemnizing person of a Certificate of Compliance and a Certificate of Marriage Counseling (if necessary), the couple are mandated to immediately attend to a [Pre-] Marriage Orientation and, if one or both of the couple are twenty-five (25) years old and below, a [Pre-] Marriage Counseling. The Certificates to be issued unto them shall become integral attachments to the couple's application for marriage registration and/or marriage certificate at the local Shariah Court or at the local Civil Registrar's Office, whichever is applicable.

Should the would-be or already married couple attach a duly signed certification of counseling from an imam or ustadz duly accredited by the National Commission on Muslim Filipinos (NCMF), the would-be couple or already married couple are still required to attend to a [pre-] marriage orientation in order to obtain a Certificate of Compliance, which, together with the certification of counseling signed by an imam, ustadz or any other duly authorized person, shall become integral attachments to the application for marriage registration and/or marriage certification.

An ustadz, imam, or any religious leader personality who conducts [pre-] marriage counseling and marriage in the Muslim rites must be duly accredited by the National Commission on Muslim Filipinos. His accreditation number must be indicated in the Certificate of Marriage Counseling that he shall issue to the contracting parties.

C. MARRIAGE WHERE ONE PARTY IS A MUSLIM OR A LUMAD/IP. For marriage to be entered into by a Muslim or a Lumad/IP, given that marriage is not only a civil contract but also a social institution, all local Civil Registrars and local Shariah Circuit Court Registrars are hereby mandated to still enforce and promote the submission of a Certificate of Compliance and, if applicable, Certificate of Marriage Counseling as

necessary attachments to applications for marriage registration and certificates of marriage.

SECTION 7. AMENDMENT. Presidential Decree No. 1083, otherwise known as the "Code of Muslim Personal Laws of the Philippines", is hereby amended to read, as follows:

Article 15. Essential requisites. No marriage contract shall be perfected unless the following essential requisites are complied with:

- (a) Legal capacity of the contracting parties;*
- (b) Mutual consent of the parties freely given;*
- (c) Offer (ijab) and acceptance (qabul) duly witnessed by at least two competent persons after the proper guardian in marriage (wali) has given his consent;*
- (d) Stipulation of customary dower (mahr) duly witnessed by two competent persons; and*
- (e) Certificate of Compliance and, if obligatory as stipulated in the succeeding provisions, a Certificate of Pre-Marriage Counseling issued by a competent Ustadz or Imam who is duly accredited by the National Commission on Muslim Filipinos (NCMF) in the area where one or both the contracting parties reside, or by the city or municipal Civil Registry Office.*

Article 17 of the Presidential Decree No. 1083 is also amended to read as follows:

Article 17. Marriage ceremony. No particular form of marriage ceremony is required but the ijab and the qabul in marriage shall be declared publicly in the presence of the person solemnizing the marriage and two competent witnesses, with the Certificate of Compliance and, if obligatory, the Certificate of Pre-Marriage Counseling as mandatory attachment/s to further signify that the groom and bride both understand the implications of the marriage contract that they are entering into, together with each other's rights, responsibilities, and obligations as spouses and as future parents. This declaration shall be set forth in an instrument in triplicate, signed or marked by the contracting parties and said witnesses, and attested by the person solemnizing the marriage. One copy shall be given to the

contracting parties and another sent to the Circuit Registrar by the solemnizing officer who shall keep the third.

SECTION 8. IMPLEMENTING THE NATIONWIDE PMOC PROGRAM. The nationwide PMOC program shall be implemented through a team approach where all concerned agencies/offices/sectors shall collectively and systematically plan, implement, and monitor the program to ensure its quality, effectiveness, and responsiveness in the local setting.

SECTION 9. POST-MARRIAGE COUNSELING PROGRAM. Aside from the nationwide pre-marriage orientation and counseling, all local government units are also hereby mandated to include a post-marriage counseling for any couple or married person who wishes to avail of the said services. *Provided*, that in settling cases of violence against spouses and children, marital settlements, and other marriage- and family-related cases or concerns being heard, adjudicated, or facilitated by the barangay or tribal council, the local Family Court, Municipal Social Welfare and Development Office, the Philippine National Police, or any other concerned agency, office or council, a post-marriage seminar and orientation for both spouses, either jointly or separately as to be determined by the office/council concerned, is hereby declared as a requirement prior to the official settlement of any complaint as contemplated above.

SECTION 10. ESTABLISHED PROTOCOLS. The Department of the Interior and Local Government – Department of Health – Department of Social Welfare and Development – Commission on Population – Philippine Statistics Authority Joint Memorandum Circular No. 1, Series of 2018 is hereby adapted as an integral part of this Act, subject to minor changes as may be deemed necessary by the concerned agencies or offices including the National Commission on Muslim Filipinos and the National Commission on Indigenous People to suit the respective realities, customs and traditions of the Filipino Muslims and *Lumads*/IPs.

SECTION 11. CONFIDENTIALITY CLAUSE. Personal details of the contracting parties shall be stored and maintained confidentially by the local PMOC teams. The local PMOC teams must observe and respect the data privacy rights of the contracting parties. The use of any personal information collected, stored, and processed under the PMOC Program shall be subject to the rules and regulations as provided for by the Data Privacy Act of 2012 or RA 10173.

SECTION 12. LOCAL CHIEF EXECUTIVE INITIATIVE AND PREROGATIVE. In relation to the parameters set forth by Joint Memorandum Circular No. 1, Series of 2018, the local chief executive, upon recommendation by the LGU's PMOC Team and in coordination with the local DSWD office, may issue supplemental guidelines through an executive order for the expansion of the PMOC Team personnel, the services it offers, local funding, and other and approaches and initiatives that may translate to the furtherance of the effective and efficient implementation of this Act.

SECTION 13. FUNDING. All concerned lead agencies including all local government units are hereby mandated to include in their annual budget an appropriate funding for the efficient and client-responsive implementation of this Act.

SECTION 14. PENALTIES. All concerned government officials or civil servants who violate any provision of this Act shall be charged administratively according to existing laws.

All religious personalities, tribal leaders or figureheads, and other personalities duly authorized by law or by virtue of religion, tradition or customary laws to solemnize a marriage who violate any provision of this Act shall, for every violation, pay a fine of P10,000.00 to P30,000.00 or shall be imprisoned for ten (10) to thirty (30) days, or both, depending upon the discretion of the court.

Moreover, as the case may be, the National Commission on Muslim Filipinos or the National Commission on Indigenous People shall revoke through a formal notice of cancellation the accreditation it has granted to any tribal or religious personality who is found guilty of violating any provision of this Act. A copy of the said notice shall be furnished to the national association of local civil registrars and the association of Shariah circuit registrars for their information and appropriate action.

SECTION 15. IMPLEMENTING RULES AND REGULATIONS. The Department of the Interior and Local Government, the Department of Social Welfare and Development, the National Commission on Muslim Filipinos (NCMF) and the National Commission on Indigenous People (NCIP) shall, within ninety (90) days upon approval of this Act, jointly formulate and release the Implementing Rules and Regulations for the effective and efficient implementation of this Act.

SECTION 16. SEPARABILITY CLAUSE. Should any provision of this ordinance be declared unconstitutional or illegal by any court of competent jurisdiction, those parts which are not declared shall remain in full force and effect.

SECTION 17. REPEALING OR MODIFYING CLAUSE. All laws, orders, rules and regulations or parts thereof, which are inconsistent with any provision of this Act are hereby repealed or modified accordingly.

SECTION 18. EFFECTIVITY CLAUSE. This Act shall take effect fifteen (15) days upon its publication in at least two newspapers of general circulation in the country.

APPROVED.