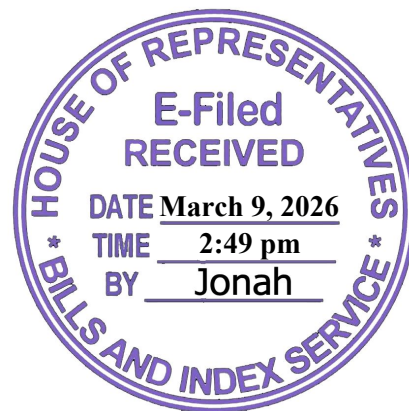


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

House Bill No. 8365



Introduced by **ANG PROBINSIYANO**
Party-List Representative Alfred Delos Santos

AN ACT
AMENDING THE GROUNDS FOR LEGAL SEPARATION UNDER ARTICLE 55
OF THE FAMILY CODE OF THE PHILIPPINES

EXPLANATORY NOTE

The Philippines is a State Party to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which obligates signatory States to adopt appropriate legislative and policy measures to eliminate discrimination against women in all matters relating to marriage and family relations. In particular, CEDAW General Recommendation No. 19 and General Recommendation No. 35 recognize gender-based violence as a form of discrimination and urge States to review and strengthen domestic laws to ensure that victims of violence within intimate and family relationships have access to effective legal remedies and protection.

The Family Code of the Philippines (Executive Order No. 209, s. 1987) was enacted more than three decades ago. Since its enactment, the Philippine legal framework addressing violence within the family has evolved considerably. Congress enacted Republic Act No. 9262, or the Anti-Violence Against Women and Their Children Act of 2004, which recognizes multiple forms of violence in intimate relationships, including physical, sexual, psychological, and economic abuse. In recent years, reports from the Philippine Commission on Women (PCW) and the Philippine National Police (PNP) have continued to show a significant number of reported cases of violence against women and intimate partner abuse. These developments highlight the continuing need for legal mechanisms that allow victim-survivors to protect themselves and seek relief from abusive marital relationships.

Despite these legislative and policy advances, Article 55 of the Family Code, which enumerates the grounds for legal separation, continues to require “repeated physical violence or grossly abusive conduct” before abuse may justify legal separation. This standard is restrictive and fails to reflect the broader understanding of domestic violence now recognized under existing laws. By requiring repeated acts of physical violence or conduct already considered grossly abusive, the current provision effectively forces victim-survivors to endure prolonged harm before they may avail themselves of legal relief. Moreover, the existing language inadequately captures other forms of abuse, such as psychological, emotional, and sexual violence, which frequently occur within the private sphere of the household.

The proposed measure therefore, seeks to update and harmonize the grounds for legal separation under Article 55 of the Family Code with the principles embodied in more recent legislation, particularly Republic Act No. 9262, by recognizing abusive conduct and violence, including psychological and sexual abuse, as sufficient grounds for legal separation without requiring repeated physical harm. This amendment does not conflict with existing laws but instead aligns the Family Code with the State’s broader framework for protecting victims of domestic violence and abuse.

While the proposed amendment applies equally to both spouses regardless of gender, it is widely acknowledged that women remain disproportionately affected by domestic and intimate partner violence. Updating the grounds for legal separation will therefore strengthen legal protection for victim-survivors while remaining consistent with the State's constitutional mandate under Article II, Section 14 of the 1987 Constitution, which recognizes the role of women in nation-building and ensures the fundamental equality of women and men before the law.

By removing outdated limitations and recognizing the realities of abuse within marriage, this measure reinforces the State's commitment to safeguarding the dignity, safety, and well-being of individuals within the family.

In view of the foregoing, the immediate passage of this bill is earnestly sought.


ALFRED C. DELOS SANTOS
Representative, Ang Probinsyano Party-List

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

Section 1. Grounds for Legal Separation — Article 55 of E.O. No. 209, otherwise known as “Family Code of the Philippines” is hereby amended to read as follows:

"Article 55. A petition for legal separation may be filed on any of the following grounds;

(1) ~~[Repeated physical]~~ **ANY FORM OF GENDER BASED DOMESTIC** violence, or ~~[grossly]~~ **ABUSIVE CONDUCT** directed against the petitioner, a common child, or a child of the petitioner;
X X X."

Section 2. Repealing Clause. - All laws, decrees, orders, and issuances, or portions thereof, which are inconsistent with the provisions of this Act, are hereby repealed, amended, or modified accordingly.

Section 3. Effectivity Clause. - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,