

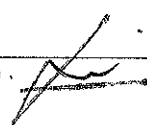
FIFTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

OFFICE:

13 OCT 12 06:22

SENATE

COMMITTEE REPORT NO. 5

RECEIVED BY: 

Submitted jointly by the Committees on Youth, Women and Family Relations; and Constitutional Amendments, Revision of Codes and Laws on
OCT 12 2010

Re: Senate Bill No. 1052

Recommending its approval with amendment

Sponsors: Senators Cayetano (P.) and Defensor Santiago

MR. PRESIDENT:

The Committees on Youth, Women and Family Relations; and Constitutional Amendments, Revision of Codes and Law to which were referred Senate Bill No. 1052, introduced by Senator Villar, Jr., entitled:

**“AN ACT
AMENDING ARTICLE 26 OF EXECUTIVE ORDER NO. 209,
OTHERWISE KNOWN AS THE FAMILY CODE OF THE
PHILIPPINES, AS AMENDED”**

have considered the same and have the honor to report it back to the Senate with the recommendation that it be approved with the following amendment:

1. On the title of the bill, delete the comma (,) and the phrase AS AMENDED after the word Philippines.

Respectfully submitted,


PIA S. CAYETANO
Chairperson

Committee on Youth, Women and Family Relations

MIRIAM DEFENSOR SANTIAGO

Chairperson

Committee on Constitutional Amendments, Revision of Codes and Laws


LOREN B. LEGARDA

Vice-Chair

Committee on Youth, Women and
Family Relations


MANNY VILLAR

Vice-Chairman

Committee on Youth, Women and
Family Relations

Members:


EDGARDO J. ANGARA


MANUEL "LITO" M. LAPID


GREGORIO B. HONASAN II

FERDINAND R. MARCOS, JR.

ANTONIO "SONNY" F. TRILLANES IV


JUAN MIGUEL F. ZUBIRI


FRANKLIN M. DRILON

PANFILO M. LACSON


FRANCIS N. PANGILINAN

Respectfully submitted,



PIA S. CAYETANO

Chairperson

Committee on Youth, Women and Family Relations

MIRIAM DEFENSOR SANTIAGO

Chairperson

Committee on Constitutional Amendments, Revision of Codes and Laws



LOREN B. LEGARDA

Vice-Chair

Committee on Youth, Women and Family Relations

MANNY VILLAR

Vice-Chairman,

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FRANCIS N. PANGILINAN

Ex-Officio Members:


JINGGOY EJERCITO ESTRADA
President Pro-Tempore


VICENTE C. SOTTO III
Majority Leader


ALAN PETER "COMPANERO" S. CAYETANO
Minority Leader

HON. JUAN PONCE ENRILE
President
Senate of the Philippines

FIFTEENTH CONGRESS OF THE
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SENATE
OFFICE OF THE SECRETARY

10 JUL -8 P4:17

SENATE
S. B. 1052

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Introduced by Senator Villar

EXPLANATORY NOTE

Discriminatory to Filipino citizens. The Civil Code of the Philippines, as presently worded, provides that if a Filipino citizen, regardless of the gender, marries a foreign national, and is later on divorced, he or she may re-marry again, provided that the foreigner is capacitated to marry.

The need for the foreigner's capacity to re-marry is not essential as it imposes an unnecessary restriction on the Filipino citizen. Reasonable interpretation of the law should be that, a Filipino citizen who is divorced should be allowed to remarry. Although this interpretation is reasonable, it is one that should be put in proper wording in the Family Code.

Henceforth, the urgent passage of this measure is of the utmost importance.


MANNY VILLAR

FIFTEENTH CONGRESS OF THE
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SENATE
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AN ACT

AMENDING ARTICLE 26 OF EXECUTIVE ORDER NO. 209, OTHERWISE KNOWN AS THE FAMILY CODE OF THE PHILIPPINES, AS AMENDED.

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

SECTION 1. Article 26 of Executive Order No. 209 is hereby amended to read as follows:

"Art. 26. All marriages solemnized outside the Philippines, in accordance with the laws in force in the country where they were solemnized, and valid there as such, shall also be valid in this country, except those prohibited under Articles 35 (1), (4), (5) and (6), 36, 37 and 38. (17a)

Where a marriage between a Filipino citizen and a foreigner is validly celebrated and a divorce is thereafter validly obtained abroad by the alien spouse **[capacitating him or her to remarry]**, the Filipino spouse shall have capacity to remarry under Philippine law."

SEC. 2. Repealing Clause. - All laws, orders, decrees, rules and regulations, and other parts thereof inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SEC. 3. Effectivity. - This Act shall take effect fifteen (15) days after its publication in at least two (2) national newspapers of general circulation.

Approved,