



SENATE

S. No. 711

INTRODUCED BY HON. MANUEL B. VILLAR JR.

EXPLANATORY NOTE

Article 34 of the Family Code is intended to make it easy for couples who have actually cohabited as husband and wife for at least five (5) years to get married without the necessity of a marriage license. However, this article is open to abuse by some unscrupulous solemnizing officers because even 18-year olds may be legally married without securing a marriage license as long as they execute an affidavit of cohabitation. Here, we are made to believe that such couple have already lived as husband and wife even at the early age of 13 considering that the present law requires at least five years of cohabitation before such marriage. In most cases these young couples are guilty of perjury while the solemnizing officer is either ignorant, incompetent or simply negligent.

The intent of this article is really to help couples who are old and responsible enough, usually with children born out of wedlock, to get married without going through the rigors of complying with the requisites for securing a marriage license.

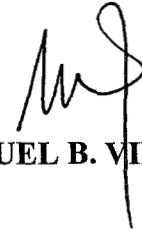
The provisions on parental consent under Article 14 and on parental advice under Article 15 would be easily circumvented by young marriage applicants by simply availing of Article 34. Hence, there are several cases wherein 18 or 19 year olds have gotten married even without such consent or advice, as the case may be, while the parents are left helpless. Another provision of the Family Code on marriage counseling under Article 16 is rendered useless by the same Article 34 even if the intent of the law is for the good of the young and immature couples between the ages of 18 and 25.

Oftentimes, the Office of the Municipal Civil Registrar is being placed in a ridiculous if not useless position every time young couples avail of the provisions of said law. What is worse is when a 17-year old applicant for marriage comes to the Office to apply for a marriage license where he/she is denied for lack of legal capacity to marry. And yet, several minutes later, the couple would report back with a marriage certificate already accomplished under Article 34 and the impediment is already manipulated. All these could happen only under the present provisions of the said law because there are no safeguards against unscrupulous solemnizing officers.

Hence, 23 is the recommended minimum age before would-be couples can avail of the provisions of Article 34 in the proposed amendment. This is because it shall be understood that such couples should have started cohabiting at the age of 18 which is the age of majority and not an impediment to contract marriage. Consequently, any offspring born out of wedlock could be legitimated by subsequent marriage under Article 177 of the Family Code. Moreover, it is believed that at 23 a person is already mature and responsible enough to go through married life even without the benefit of marriage counseling and it would be realistic enough to claim to have lived together as husband and wife for the last five years. Hence, the absence of parental consent or advice would be justified.

With the passage of this bill, it is hoped that all marriage applicants aged 18 up to 22 should necessarily secure their marriage license regardless of whether they have already cohabited prior to such application.

Approval of this bill is highly recommended.

A handwritten signature in black ink, appearing to be 'M. Villar, Jr.', written in a cursive style.

MANUEL B. VILLAR, JR.

THIRTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

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S. No. 711

INTRODUCED BY HON. MANUEL B. VILLAR JR.

**AN ACT AMENDING ARTICLE 34 OF THE FAMILY CODE OF THE PHILIPPINES
OR EXECUTIVE ORDER NO. 209**

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

SECTION 1. Article 34 of the Family Code of the Philippines or Executive Order No. 209, is
hereby amended to read as follows:

“Article 34. No license shall be necessary for the marriage of a man and woman who have lived
together as husband and wife for at least 5 years and without any legal impediment to marry each
other. The contracting parties shall state the foregoing facts in an affidavit before any person
authorized by law to administer oaths: **PROVIDED, THAT IN CASE EITHER OR BOTH
OF THE CONTRACTING PARTIES ARE BETWEEN THE AGES OF EIGHTEEN AND
TWENTY-ONE, OR BETWEEN THE AGES OF TWENTY-ONE AND TWENTY-FIVE,
THEY SHALL FURTHER STATE IN THE AFFIDAVIT THAT THEY COMPLIED
WITH THE REQUIREMENTS ON PARENTAL CONSENT OR PARENTAL ADVICE
PROVIDED FOR UNDER ARTICLE 14 OR 15, AS THE CASE MAY BE.** The
solemnizing officer shall also state under oath that he ascertained the qualifications of the
contracting parties and found no legal impediment to the marriage.

x x x”

SEC. 2. This Act shall take effect upon its approval.

Approved,