

SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Third Regular Session)



'16 JAN 28 P3 4a

SENATE
S. No. 3171

RECEIVED BY: *J*

Introduced by Senator Miriam Defensor Santiago

AN ACT
AMENDING ARTICLE 16 OF EXECUTIVE ORDER NO. 209 AS AMENDED BY
EXECUTIVE ORDER NO. 227, OTHERWISE KNOWN AS THE FAMILY CODE OF
THE PHILIPPINES, MAKING IT MANDATORY FOR COUPLES TO UNDERGO
COUNSELING PRIOR TO THE ISSUANCE OF A MARRIAGE LICENSE

EXPLANATORY NOTE

Marriage is an institution protected by both the laws of God and of man. The Philippine Constitution, Article 2, Section 12 states:

Section 12. The State recognizes the sanctity of life and shall protect and strengthen the family as a basic autonomous institution.

Today's culture sees marriages attacked on all fronts, threatening the well being of the Filipino family. On the one hand, the lack of preparedness in entering into a supposedly lifetime partnership contributes to the decline of this sacred institution. On the other hand, manifestations of failed or failing marriages include adultery and concubinage, physical abuse of spouse and children, physical separation, frequent quarrels, among others.

At present, the options available to married couples undergoing marital troubles are to file for legal separation, file for an annulment, or resort to Article 36 of the Family Code and claim that one partner was psychologically incapable of entering marriage.

Instead of facing these options as a means of last resort, this bill aims to provide for mandatory marriage counseling for all couples intending to marry. It seeks to educate couples on the rigors of marriage and their future marital obligations. It shall do this by amending the Family Code. At present, the Family Code only prescribes marriage

counseling in cases where parental consent or parental advice is needed. But as it is said,
"an ounce of prevention is worth more than a pound of cure."¹

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO
at

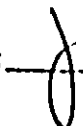
¹ This bill was originally filed in the Thirteenth Congress, Third Regular Session and refiled in the Fifteenth Congress, First Regular Session.

SIXTEENTH CONGRESS OF THE REPUBLIC)
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'16 JAN 28 P3:47

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

1 SECTION 1. *Short Title.* – This Act shall be known as the “Mandatory Marriage
2 Counseling Act.”

3 SECTION 2. *Declaration of Policy.* – The Constitution, Article 2, Section 12
4 provides, “The State recognizes the sanctity of life and shall protect and strengthen the
5 family as a basic autonomous institution.”

6 SECTION 3. Article 16 of Executive Order No. 209 as amended by Executive
7 Order No. 227 is hereby amended to read as follows:

8 Article 16. [~~In the case where parental consent or parental advice is~~
9 ~~needed, the party or parties concerned~~] **PARTIES SEEKING THE**
10 **ISSUANCE OF A MARRIAGE LICENSE** shall, in addition to the
11 requirements of the preceding articles, attach a certificate issued by a priest,
12 imam or minister authorized to solemnize marriage under Article 7 of this
13 Code or a marriage counselor duly accredited by the proper government
14 agency to the effect that the contracting parties have undergone marriage
15 counseling. Failure to attach said certificate of marriage counseling shall

1 suspend the issuance of the marriage license for a period of three months.
2 **IN CASES UNDER ARTICLE 15 OF THIS CODE, SUSPENSION**
3 **SHALL BE THREE MONTHS** from the completion of the publication of
4 the application. Issuance of the marriage license within the prohibited
5 period shall subject the issuing officer to administrative sanctions but shall
6 not affect the validity of the marriage.

7 ~~[Should only one of the contracting parties need parental consent or~~
8 ~~advice, the other party must be present at the counseling referred to in the~~
9 ~~preceeding paragraph.]~~

10 SECTION 4. *Repealing Clause.* – Any law, presidential decree or issuance,
11 executive order, letter of instruction, administrative order, rule or regulation contrary to
12 or inconsistent with, the provisions of this Act is hereby repealed, modified or amended
13 accordingly.

14 SECTION 5. *Effectivity Clause.* – This Act shall take effect after fifteen (15) days
15 following its publication in the *Official Gazette* or in two (2) newspapers of general
16 circulation.

Approved,

/ctrsdec2015