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SENATE

Senate Bill No. **1575**

RECEIVED BY:

Introduced by Senator Rodolfo G. Biazon

EXPLANATORY NOTE

Marriage is one of the most sacred traditions in society. It is said that when one commits to marriage, one has decided to take the big leap.

In every society, marriage is widely recognized as an institution with a specific purpose for existing and a reason for preserving. The many laws defining, protecting, and dissolving marriages further underscore its importance.

Both laws created by men and handed down by God recognize marriage as a vital instrument in the preservation of society. In the Philippines, the Family Code extensively provides for circumstances surrounding marriages – it lays down the parameters for entering marriage and for maintaining its existence, defines the obligations of spouses and parents, and lays down rules for separation and dissolution of marriages.

One also cannot argue that marriage is one of the most important sacraments carried out by the Church. There is, in fact, no religion on earth that does not have marriage rites, proving the sanctity of the marriage vows.


The laws of God, laws of nature and laws of man unambiguously prescribe the primary and inherent purpose for the unification of a male and a female – procreation. In the Animal Kingdom, the male and female of any specie do so, no matter how briefly and sometimes only after interesting courtship and rituals, to produce offspring and continue the existence of its lineage. Humankind does not largely vary in this regard – the Bible clearly states what has long been popularly quoted, and sometimes overused, text: for man and woman to “go forth and multiply”. Man’s law, being naturally subordinate to the laws of God and of nature, conforms to their rule.

Recent developments in the field of medicine, science and technology, however, have made it possible to alter or altogether change a person’s sexual organ to approximate the appearance of that of the opposite sex. A surgeon can now transform a penis into a vagina, and vice versa. Man has directly challenged, with this scientific and technological advancement and its practice, the laws – of Man, of nature and, most ominously, of God.

Not too long ago, a celebrated case involving a marriage between two men, one of whom had a sex change operation, broke ground in Philippine law. The judge ruled that a male, after undergoing a sex change operation, can, legally, become a female through a court decision. A precedent has thus been established that may, not quite unlikely, usher in confusion and other related problems in the not too distant future.

This bill seeks to amend the Family Code to prohibit such marriages. Aside from being against the laws of God and the laws of nature, marriages under these circumstances are against the interest of society in general. Not only does it stretch the limits of custom, tradition and social norms, it endangers the interests of those entering into marriages who might not realize that the person they intend to marry, have children and spend the rest of their lives with, is originally of the same biological make up as they.

For these reasons, the passage of this bill is earnestly sought.


RODOLFO G. BIAZON
Senator

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

SENATE
OFFICE OF THE SECRETARY

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S E N A T E

RECEIVED BY: _____

Senate Bill No. 1575

Introduced by Senator Rodolfo G. Biazon

AN ACT
AMENDING EXECUTIVE ORDER NO. 209 AS AMENDED BY EXECUTIVE ORDER NO. 227,
OTHERWISE KNOWN AS THE FAMILY CODE OF THE PHILIPPINES, THEREBY
LIMITING MARRIAGE TO NATURAL BORN MALES AND NATURAL BORN FEMALES

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

SECTION 1. *Definition of Terms.* – The following definition of terms shall be applicable in the interpretation of the provisions of this Act:

- a) Natural Born Male – refers to a person who was born with the necessary biological and physical components such as sexual organs, hormones or other characteristics present in human males.
- b) Natural Born Female – refers to a person who was born with the necessary biological and physical components such as sexual organs, hormones or other characteristics present in human females.
- c) Sex Change Operation – refers to a medical surgical procedure wherein the sexual organ of a natural born male or natural born female is removed, altered or replaced with that of the opposite sex.

SECTION 2. Article 1 of the Family Code is hereby amended to read as follows:

“Article 1. Marriage is a special contract of permanent union between a **NATURAL BORN MALE** [man] and a **NATURAL BORN FEMALE** [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 this Code. (52a)”

SECTION 3. Article 2 of the Family Code is hereby amended to read as follows:

“Article 2. No marriage shall be valid, unless these essential requisites are present:

- (1) Legal capacity of the contracting parties who must be a **NATURAL BORN** male and a **NATURAL BORN** female; and

(2) Consent freely given in the presence of the solemnizing officer.(52a)”

SECTION 4. Article 5 of the Family Code is hereby amended to read as follows:

“Article 5. Any **NATURAL BORN** male and **NATURAL BORN** female of the age of eighteen years of upwards not under any of the impediments mentioned in Articles 37 and 38, may contract marriage.(54a)”

SECTION 5. Article 26 of the Family Code is hereby amended to read as follows:

“Article 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 Article 35 (1), (4), (5), (6), (7) and Articles 36, 37, 38.

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. (as amended by E.O. 227)”

SECTION 6. Article 35 is hereby amended to read as follows:

“Article 35. The following marriages shall be void from the beginning:

- (1) Those contracted by any party below eighteen years of age even with the consent of parents or guardians;
- (2) Those solemnized by any person not legally authorized to perform marriages unless such marriages were contracted with either or both parties believing in good faith that the solemnizing officer had the legal authority to do so;
- (3) Those solemnized without license, except those covered by the preceding Chapter;
- (4) Those bigamous or polygamous marriages not falling under Article 41;
- (5) Those contracted through mistake of one contracting party as to the identity of the other;
- (6) Those subsequent marriages that are void under Article 53; and
- (7) **THOSE CONTRACTED BETWEEN PERSONS EITHER OF WHICH HAS UNDERGONE A SEX CHANGE OPERATION, WITH OR WITHOUT THE KNOWLEDGE OF EITHER PARTNER.”**

SECTION 7. *Repealing Clause* – Any law, presidential decree or issuance, executive order, letter of instruction, rule or regulation inconsistent with the provisions of this Act is hereby repealed or modified accordingly.

SECTION 8. *Separability Clause* – If any portion or provision of this Act is declared unconstitutional, the remainder of this Act or any provisions not affected thereby shall remain in force and effect.

SECTION 9. *Effectivity* – This Act shall take effect immediately upon its approval.

Approved,