

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

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S E N A T E
 1669
 Senate Bill No. _____

Introduced by Senator Rodolfo G. Biazon

EXPLANATORY NOTE

Marriage is an institution protected by the laws of God and the Constitution. Section 12, Article II of the Philippine Constitution says, *"The State recognizes the sanctity of life and shall protect and strengthen the family as a basic autonomous institution The State recognizes the sanctity of life and shall protect and strengthen the family as a basic autonomous institution The State recognizes the sanctity of life and shall protect and strengthen the family as a basic autonomous institution."*

In today's culture and social setting, marriages are being attacked on all fronts, threatening the Filipino family with deterioration. Factors such as the increase in teenage pregnancies, western cultural influence where "living in" is tolerated, a decline in the practice of traditional Filipino values and the lack of preparedness in entering into a supposedly lifetime partnership contribute to the number of husbands and wives ending up with a failed marriage.

Manifestations of failed or failing marriages include adultery and concubinage, physical abuse of spouse and children, physical separation or frequent quarrels, among other things. At present, married couples have the option of petitioning for legal separation or an annulment, depending on the reasons for what they see as the cause of their failed marriage. These are options that provide a way out for couples who feel that they can no longer sustain their marriage. In fact, some are even calling for the passage of a law that will legalize absolute divorce in this country.

However, the passage of a law legalizing absolute divorce will not improve the situation regarding marriage. In fact, it could even make marriages fragile and prone to further deterioration because of the availability of an "escape clause". Instead of couples putting in more effort in preserving the family, it provides an open back door that can be used anytime one of the partners feels like doing so.

Divorce is intended as a cure for marriages in trouble. But while it may cure one ailing marriage, it will endanger new ones. Married life is not a bed of roses. It requires understanding between husband and wife, maturity in dealing with problems that they will surely encounter and it takes willful effort on the part of both spouses to make it successful.

The present law 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*". This bill aims to provide for mandatory marriage counseling for all couples intending to marry, regardless whether they need parental consent or parental advice to marry. It seeks to educate couples in the rigors of marriage and how to cope with the challenges that will face them everyday for the rest of their lives.

This bill seeks to strengthen the family, as mandated by the Constitution.

For the interest of the future generation, passage of this bill is earnestly sought



RODOLFO G. BIAZON
Senator

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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

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

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

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

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

“Article 16. [In the case where parental consent or parental advice is needed, the party or parties concerned] PARTIES SEEKING THE ISSUANCE OF A MARRIAGE LICENSE shall, in addition to the requirements of the preceding articles, attach a certificate issued by a priest, imam or minister authorized to solemnize marriage under Article 7 of this Code or a marriage counselor duly accredited by the proper government agency to the effect that the contracting parties have undergone marriage counseling. Failure to attach said certificate of marriage counseling shall suspend the issuance of the marriage license for a period of three months. IN CASES UNDER ARTICLE 15 OF THIS CODE, SUSPENSION SHALL BE THREE MONTHS from the completion of the publication of the application. Issuance of the marriage

license within the prohibited period shall subject the issuing officer to administrative sanctions but shall not affect the validity of the marriage.

[Should only one of the contracting parties need parental consent or advice, the other party must be present at the counseling referred to in the preceding paragraph.]”

SECTION 4. *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 5. *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 6. *Effectivity* – This Act shall take effect immediately upon its approval.

Approved,