


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

23 MAR 29 P 4 :44

SENATE
S. No. 2047

RECEIVED BY: 

Introduced by Senator Robinhood Padilla

AN ACT
RECOGNIZING THE CIVIL EFFECTS OF CHURCH DECREED ANNULMENT

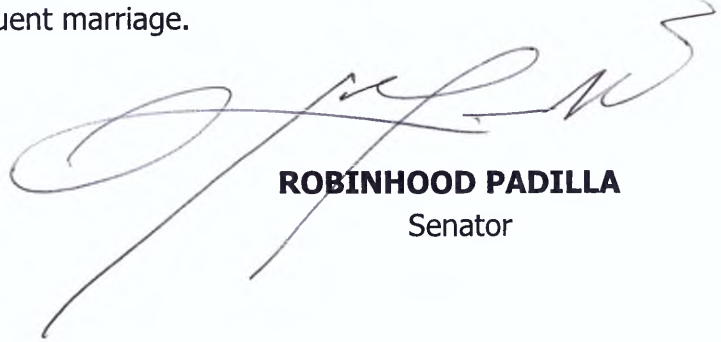
EXPLANATORY NOTE

The Family Code of the Philippines provides that marriage may be solemnized, among others, by any priest, rabbi, imam, or minister of any church or religious sect duly authorized by his church or religious sect and registered with the civil registrar general. Following this rule, it is only rational for the same church or religious sect to have the power to rule on its nullity, which ideally must take the same effect in the eyes of the State.

In the case of the Philippines, the only legal way to dissolve a marriage is through civil or court annulment, which is processed with designated family courts. Church annulment, on the other hand, is processed by the sect through a matrimonial tribunal based on the Canon Law. Its grounds, which are similar to civil or court annulments, include psychological incapacity, fraud, force or intimidation, insanity, mental illness, lack of consent, among others. Despite such similarities, church or religious annulment is still not recognized by law, which renders problematic and discriminatory especially for those who are trapped in unhealthy, abusive, and miserable relationships.

It is therefore the intention of this bill to legalize the civil effects of annulments filed before the church or religious sect in which the marriage was solemnized or in which either married partner is a member at the time of the request for the annulment or dissolution.

This bill likewise provides for the determination of the legal status of children whose parents have acquired Church annulment decrees, liquidation, partition and distribution of the properties of the spouses, recording in the appropriate civil registries, and the right to subsequent marriage.

A handwritten signature in black ink, appearing to read 'R. Padilla', is written over the printed name and title.


ROBINHOOD PADILLA

Senator

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

1 Section 1. *Short Title.* — This Act shall be known as the "Church Decreed
2 Annulment Act".

3 Sec. 2. *Effect of Church Decree.* — Whenever a marriage, duly and legally
4 solemnized by a priest, minister, rabbi or presiding elder of any church or religious
5 sect or any person authorized to solemnize marriages in the Philippines, is
6 subsequently annulled or dissolved in a final judgment or decree in accordance with
7 the canons or precepts of the church or religious sect in which the marriage was
8 solemnized or in which either married partner is a member at the time of the request
9 for the annulment or dissolution, the said annulment or dissolution shall have the same
10 effect as a decree of annulment or dissolution issued by a competent court.

11 Sec. 3. *Status of Children.* — The status of children of marriages subject to the
12 church annulment or dissolution decree shall be determined in accordance with the
13 provisions of Executive Order No. 209, otherwise known as the "Family Code of the
14 Philippines". In case the ground for the church annulment or dissolution decree is not
15 similar to any of the grounds provided in the Family Code of the Philippines, their
16 common children born or conceived before the issuance of the church annulment
17 decree shall be considered legitimate.

1 Sec. 4. *Property Relations, Custody and Support of Children, and Legitimes.* —
2 The liquidation, partition and distribution of the properties of the spouses, the custody
3 and support of the common children, and the delivery of their presumptive legitimes
4 shall be agreed upon by the spouses, and embodied in a public document. In case no
5 agreement is met, the provisions of the Family Code of the Philippines shall be in force.

6 Sec. 5. *Recording in Civil Registry.* — The church annulment decree shall be
7 recorded in the appropriate civil registries together with the agreement of the spouses
8 required in the preceding section within thirty (30) days from the issuance of the
9 church annulment decree, subject to the conditions that may be imposed by the
10 church or religious sect.

11 Sec. 6. *Subsequent Marriage.* — Without prejudice to the conditions set forth
12 by the church or religious sect, either of the former spouses may marry again after
13 complying with the requirements of the preceding paragraph and Article 52 of the
14 Family Code of the Philippines; otherwise, the subsequent marriage shall be null and
15 void.

16 Sec. 7. *Separability Clause.* — If any portion or provision of this Act is declared
17 unconstitutional, the remainder of this Act or any provisions not affected thereby shall
18 remain in force and effect.

19 Sec. 8. *Repealing Clause.* — Any law, presidential decree or issuance, executive
20 order, letter of instruction, rule or regulation inconsistent with the provisions of this
21 Act is hereby repealed or modified accordingly.

22 Sec. 9. *Effectivity Clause.* — This Act shall take effect after fifteen (15) days
23 following its complete publication in the Official Gazette or a newspaper of general
24 circulation.

Approved,