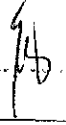


FOURTEENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
First Regular Session )

SEP 4

SENATE  
S. No. **2102**

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE


Marriage is an institution protected by both the laws of God and of man. Section 12, Article II of the Philippine Constitution states, "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 an all fronts, threatening the well being of the Filipino family. The lack of preparedness in entering into a supposedly lifetime partnership contribute 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.*

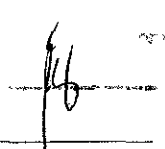
At present, the options available to married couples undergoing marital troubles are to file for legal separation, file for an annulment, or resort to Article 36 of the Family Code and claim one partner was psychologically incapable of entering marriage.

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."

This is a Senate counterpart bill to one filed in the House of Representative by Rep. Rozzano Rufino B. Biazon.

  
MIRIAM DEFENSOR SANTIAGO

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

OP' 1 10 20 30 40 50 60 70 80 90  
3 MAR 10  
RECEIVED BY: 

SENATE  
S. No. 2102

Introduced by Senator Miriam Defensor Santiago

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

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

8 SECTION 1. *Short Title.* – This Act shall be known as the "Mandatory Marriage  
9 Counseling Act of 2008."

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

13 SECTION 3. Article 16 of Executive Order No. 209 as amended by Executive Order No.  
14 227 is hereby amended to read as follows:

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

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

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

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

10 SECTION 5. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its  
11 publication in at least two (2) newspapers of general circulation.

12 Approved,