

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

SENATE
OFFICE OF THE SECRETARY

10 AUG -3 AM 21

SENATE
S. No. 2314

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

Executive Order No. 209 or the Family Code of the Philippines, Article 18, provides:

ARTICLE 18. In case of any impediment known to the local civil registrar or brought to his attention, he shall note down the particulars thereof and his findings thereon in the application for marriage license, but shall nonetheless issue said license after the completion of the period of publication, unless ordered otherwise by a competent court at his own instance or that of any interested party. No filing fee shall be charged for the petition nor a corresponding bond required for the issuance of the order.

The provision mandates the local civil registrar to note down his findings that an impediment to the marriage exists in the application for the marriage license. However, the law does not provide for the attachment of the application when the license is issued. As a result, marriages to which there is an impediment may be solemnized.

This bill seeks to prevent a situation wherein the solemnizing officer celebrates the marriage even with the existence of an impediment that renders the marriage void.*


MIRIAM DEFENSOR SANTIAGO

* This bill was originally filed during the Thirteenth Congress, First Regular Session.

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1 AN ACT
2 TO AMEND EXECUTIVE ORDER NO. 209, ALSO KNOWN AS
3 THE FAMILY CODE OF THE PHILIPPINES, ARTICLE 18

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

4 SECTION 1. Article 18 of the Family Code of the Philippines is hereby amended to read
5 as follows:

6
7 "ARTICLE 18. In case of any impediment known to the local civil
8 registrar or brought to his attention, he shall note down the particulars thereof and
9 his findings thereon in the application for marriage license, but shall nonetheless
10 issue said license WITH THE CORRESPONDING APPLICATION FOR SUCH
11 after the completion of the period of publication, unless ordered otherwise by a
12 competent court at his own instance or that of any interested party. No filing fee
13 shall be charged for the petition nor a corresponding bond required for the
14 issuance of the order."

15
16 SECTION 2. *Separability Clause.* - If any provision, or part hereof, is held invalid or
17 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain
18 valid and subsisting.

19
20 SECTION 3. *Repealing Clause.* - Any law, presidential decree or issuance, executive
21 order, letter of instruction, administrative order, rule or regulation contrary to, or inconsistent
22 with, the provisions of this Act is hereby repealed, modified, or amended accordingly.

1 SECTION 4. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its
2 publication in at least two (2) newspapers of general circulation.

Approved,