

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



Senate
Office of the Secretary

'13 JUL 30 P2:30

SENATE

Senate Bill No. 1158

RECEIVED

DATE: *July 30*

Introduced by Senator Cynthia A. Villar

EXPLANATORY NOTE

Article 26 of the Family Code of the Philippines, as presently worded, provides that if a Filipino citizen, regardless of the gender, marries a foreign national, and is later on divorced, he or she may re-marry again, provided that the foreigner is capacitated to marry. This is a provision appearing to be discriminatory to Filipinos.

The need for the foreigner's capacity to re-marry is not essential as it imposes an unnecessary restriction on the Filipino citizen. Reasonable interpretation of the law should be that, a Filipino citizen who is divorced should be allowed to remarry. Although this interpretation is reasonable, it is one that should be put in proper wording in the Family Code.

Henceforth, the urgent passage of this measure is recommended.


CYNTHIA A. VILLAR

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AN ACT
AMENDING ARTICLE 26 OF EXECUTIVE ORDER NO. 209, OTHERWISE
KNOWN AS THE FAMILY CODE OF THE PHILIPPINES, AS AMENDED.

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

SECTION 1. Article 26 of Executive Order No. 209 is hereby amended to read as follows:

"Art. 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 Articles 35 (1), (4), (5) and (6), 36, 37 and 38,. (17a)

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."

SEC. 2. Repealing Clause. - All laws, orders, decrees, rules and regulations, and other parts thereof inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SEC. 3. Effectivity. - This Act shall take effect fifteen (15) days after its publication in at least two (2) national newspapers of general circulation.

Approved,