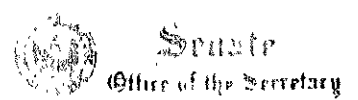


SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Second Regular Session)



'15 APR 23 P2:08

SENATE
S. No. 2736

RECEIVED BY: *[Signature]*

Introduced by Senator Miriam Defensor Santiago

AN ACT
AMENDING ARTICLE NOS. 14 AND 15 OF EXECUTIVE ORDER NO. 209 ALSO
KNOWN AS THE FAMILY CODE OF THE PHILIPPINES

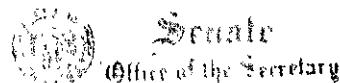
EXPLANATORY NOTE

The phraseology in the Family Code, Article 14 which requires parental consent when "either or both of the contracting parties, not having been emancipated by a previous marriage, are between the ages of eighteen and twenty-one" causes a certain degree of confusion when it is analyzed in conjunction with Article 15 which requires parental advice for "any contracting party between the age of twenty-one and twenty-five". The age 21 is mentioned in both provisions.

There is a need to amend these two provisions to require parental consent for the marriage where one contracting party is "18 to below 21 years old". If the parties are 21 to below 25 years of age, parental advise is all they need. This amendment is crucial because there is a difference in the effect when these requirements are not complied with. Absence of the requisite parental advice will only delay the issuance of the license for three months in contrast to the absence of parental consent which will render the marriage voidable.

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO
70

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



15 APR 23 P2:08

SENATE
S. B. No. 2736

SECRETARY - - - J

Introduced by Senator Miriam Defensor Santiago

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

1 AN ACT
2 AMENDING ARTICLE NOS. 14 AND 15 OF EXECUTIVE ORDER NO. 209 ALSO
3 KNOWN AS THE FAMILY CODE OF THE PHILIPPINES

4 SECTION 1. Article 14 of the Family Code of the Philippines is hereby amended
5 to read as follows:

6 "Article 14. In case either or both of the contracting parties not
7 having been emancipated by a previous marriage, are between the ages of
8 eighteen and BELOW twenty-one, they shall, in addition to the
9 requirements of the preceding articles, exhibit to the local civil registrar, the
10 consent to their marriage of their father, mother, surviving parent or
11 guardian, or person having legal charge of them, in the order mentioned
12 Such consent shall be manifested in writing by the interested party, who
13 personally appears before the proper local civil registrar, or in the form of
14 an affidavit made in the presence of two witnesses and attested before any
15 official authorized by law to administer oaths. The personal manifestation
16 shall be recorded in both applications for marriage license, and the
17 affidavit, if one is executed instead, shall be attached to said applications.

1 SECTION 2. Article 15 of the Family Code of the Philippines is hereby amended
2 to read as follows:

3 Art. 15. Any contracting party between the age of twenty-one and
4 BELOW twenty-five shall be obliged to ask their parents or guardian for
5 advice upon the intended marriage. If they do not obtain such advice, or if it
6 be unfavorable, the marriage license shall not be issued till after three
7 months following the completion of the publication of the application
8 therefor. A sworn statement by the contracting parties to the effect that such
9 advice has been sought, together with the written advice given, if any, shall
10 be attached to the application for marriage license. Should the parents or
11 guardian refuse to give any advice, this fact shall be stated in the sworn
12 statement.

13 SECTION 3. *Separability Clause.* – If any provision, or part hereof, is held invalid
14 or unconstitutional, the remainder of the law or the provision not otherwise affected shall
15 remain valid and subsisting.

16 SECTION 4. *Repealing Clause.* – Any law, presidential decree or issuance,
17 executive order, letter of instruction, administrative order, rule or regulation contrary to
18 or inconsistent with the provisions of this act is hereby repealed, modified or amended
19 accordingly.

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

22 Approved,

/dpmMarch2015