

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



'16 JUL 18 P6:26

SENATE

S.B. NO. 410

RECEIVED BY: 

Introduced by SENATOR LOREN LEGARDA

**AN ACT AMENDING TITLE I, CHAPTER 3, OF EXECUTIVE ORDER NO. 209,
OTHERWISE KNOWN AS THE FAMILY CODE OF THE PHILIPPINES,
PRESCRIBING AN ADDITIONAL GROUND FOR ANNULMENT**

Explanatory Note

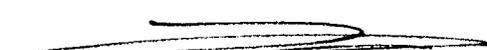
Executive Order No. 209 (E.O. No. 209), otherwise known as The Family Code of the Philippines, currently lists lack of parental consent, insanity, fraud, force, intimidation, or undue influence, impotence, and sexually transmissible diseases as valid causes for annulment, yet all allegations therefor are subject to court investigations. Parties seeking annulment thus require legal counsel for assistance in filing petitions and substantiating claims. Hence, annulment is widely considered a lengthy, tedious, and financially exhaustive procedure.

Despite its high cost in funds and time, many Filipinos still pursue annulment since it severs a union while allowing remarriage. The most recent records from the Office of the Solicitor General (OSG) attest to an increasing number of annulment cases in the Philippines. A total of 10,528 annulment cases were filed with the OSG last 2012, as opposed to the 9,133 filed in 2011. These figures present an opportunity to dispense with the backlog of cases and culture of delay besieging lower courts.

This bill addresses such concerns by providing an additional ground for annulment under Title I, Chapter 3 of E.O. No. 209. Given that both parties mutually seek the annulment and can furnish documents proving a separation period of at least 5 years, no judgment on the pleadings, summary judgment, or confession of judgment shall be necessary. The separation period is crucial as the ultimate expression of the couple's desire for an annulment.

This amendment likewise caters to those who cannot afford legal services by making litigation as simple and expedient as possible.

In view of the foregoing, the early passage of this bill is earnestly requested.


LOREN LEGARDA
Senator

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

1 **SECTION 1.** Title I, Chapter 3 of Executive Order No. 209, otherwise
2 known as The Family Code of the Philippines, is hereby amended to read
3 as follows:

4
5 **"TITLE I. MARRIAGE—**

6
7 **CHAPTER 3. VOID AND VOIDABLE MARRIAGES—**

8
9 **Art. 45 -A.** A marriage may also be annulled if the parties have been
10 separated in fact for at least five years.

11
12 On this ground, both parties may mutually seek for the annulment,
13 and while no judgment on the pleadings, summary judgment, or
14 confession of judgment shall be allowed, the parties shall both be
15 required as far as practicable to present affidavits or certifications
16 from parents, children of legal age, and other relatives attesting to
17 the fact of the separation period without prejudice to whatever
18 documents the court may further require.

19
20 If either or both parties are indigent or cannot afford the services of
21 lawyers, the court shall dispense with the need for lawyers and keep
22 the processes as simple and as expediently as possible to avoid
23 tedious and expensive litigation proceedings.

24
25 In cases where both parties mutually seek the annulment on this
26 ground, the court shall likewise find ways to expedite the
27 proceedings to avoid protracted and expensive trials."

28
29 **SEC. 2. Separability Clause.** - If any provision or part thereof is held
30 invalid or unconstitutional, the remainder of the law or the provisions not
31 otherwise affected shall remain valid and subsisting.

1 **SEC. 3. Repealing Clause.** – All laws, rules and regulations or parts
2 thereof, inconsistent with the provisions of this Act, are hereby repealed or
3 modified accordingly.

4
5 **SEC. 4. Effectivity Clause.** – This Act shall take effect fifteen (15) days
6 after its publication in at least two (2) newspapers of general circulation.
7

8 Approved,