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SENATE
S. B. No. 1745

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Introduced by Senator JUAN MIGUEL F. ZUBIRI

AN ACT
RECOGNIZING THE CIVIL EFFECTS OF CHURCH DECREED ANNULMENT

EXPLANATORY NOTE

As enshrined in the 1987 Constitution, the State recognizes marriage as an inviolable social institution¹. As marriage is the foundation of the family, the State shall defend the right of spouses to found a family in accordance with their religious convictions.

In the Philippines, more than eighty-six percent (86%) of the population is Roman Catholic while four percent (4%) are from Muslim minority.² In a predominantly Catholic or Christian Philippines, marriage is also a religious act. Although it is a religious act, marriage solemnized in the church is recognized by the State. Corollarily, the State should also recognize the annulment of marriage granted by the church.

Similar to this principle is the recognition the State gives to divorce under Islamic Laws through Presidential Decree No. 1083. Thus, there should also be State recognition of annulments granted by the Church or by any duly recognized religious denomination, consistent with the principle of equality before the law.

Although divorce remains a contentious issue in the Catholic Church, annulment of marriage is allowed. However, the process is both inefficient and arduous depending on the nature of the case and the available evidence. As a result, the annulment process can take years to conclude. In September 8, 2015, Pope Francis released two *motu proprio* documents that were meant to make the annulment process more efficient.³ The date of effectivity for the documents was December 8, 2015.

Given the strides taken by the Church to improve the efficiency of the annulment process and the State's principle of equality before the law, this bill proposes to recognize church annulments to have the same effect as an annulment declared by a competent court.

In view of the foregoing, the immediate passage of this bill is earnestly sought.


JUAN MIGUEL F. ZUBIRI

¹ Article XV Section 1 of the 1987 Philippine Constitution

² *Asia Society*, Religion in the Philippines (<https://asiasociety.org/education/religion-philippines>)

³ *Akin.J.*, Pope Francis Reforms Annulment Process (<https://www.catholic.com/magazine/online-edition/pope-francis-reforms-annulment-process-9-things-to-know-and-share>)

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1 **AN ACT**
2 **RECOGNIZING THE CIVIL EFFECTS OF CHURCH DECREED ANNULMENT**
3

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

7 **SECTION 1.** This Act shall be known as the "*Church Decreed Annulment Act*".
8

9 **SEC. 2.** Whenever a marriage, duly and legally solemnized by a priest, minister,
10 imam, rabbi or presiding elder of any church or religious sect in the Philippines is
11 subsequently annulled or dissolved in a final judgment or decree in accordance with the
12 canons or precepts of the church or religious sect, the said annulment or dissolution shall
13 have the same effect as a decree of annulment or dissolution issued by a competent
14 court.
15

16 **SEC. 3.** The final judgment or decree of annulment or dissolution issued by the
17 proper church or religious sect shall be recorded in the appropriate civil registry within
18 thirty (30) days from issuance of said final judgment or decree of annulment or
19 dissolution.
20

21 **SEC. 4.** Either of the former spouses may marry again after complying with the
22 requirements of the preceding paragraph and Article 52 of Executive Order No. 209 or the
23 Family Code of the Philippines, otherwise, the subsequent marriage shall be null and void.

24 In securing a marriage license, the spouse involved must present a certified true
25 copy of the said final judgment or decree of declaration of nullity, annulment or
26 dissolution of marriage registered with the appropriate civil registry.
27

28 **SEC. 5.** All laws, decrees, executive orders, rules and regulations or parts thereof
29 inconsistent with or contrary to the provisions of this Act are deemed amended, repealed

1 or modified accordingly.

2

3 **SEC. 6.** If any part or provision of this Act is held unconstitutional or invalid, other
4 parts or provisions hereof which are not affected shall continue to remain in full force and
5 effect.

6

7 **SEC. 7.** This Act shall take effect fifteen (15) days after its publication in any
8 newspaper of general circulation.

9 Approved,