

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



Senate
Office of the Secretary

SENATE

S. No. 67

'19 JUL -1 P 1 :43

RECEIVED IN

Introduced by Senator **PIA S. CAYETANO**

AN ACT

**RECOGNIZING THE FOREIGN DECREE OF TERMINATION OF MARRIAGE
AND ALLOWING ITS SUBSEQUENT REGISTRATION WITH THE PHILIPPINE
CIVIL REGISTRY, AMENDING FOR THE PURPOSE OF EXECUTIVE ORDER
NO. 209, OTHERWISE KNOWN AS THE FAMILY CODE OF THE PHILIPPINES**

EXPLANATORY NOTE

Articles 13 and 26 of Executive Order No. 209, otherwise known as the Family Code of the Philippines, provide that if a Filipino citizen who marries a foreign spouse is divorced by his/her spouse, he/she may only re-marry if the foreign spouse is capacitated to re-marry.

This bill, which was passed on third reading in the House of Representatives but failed to pass in the Senate during the 17th Congress, seeks to eliminate this undue prejudice against our own citizens by capacitating them to re-marry upon acquisition of a foreign judicial decree of foreign divorce duly authenticated by the Philippine consul in the country where the decree was obtained. It further allows the registration of the decree by the civil registrar without the need for judicial recognition or enforcement.

The Philippine Commission on Women supports this bill believing that this measure is a tool for women empowerment as it will primarily benefit Filipinas. Citing statistics from the Commission on Filipino Overseas, they reported that 91 per cent of spouses of foreign nationals are women. The Philippine Statistics Authority

likewise manifested its support for the passage of this bill noting that this will solve the problem of many Filipinas who, under our law are still considered married to their alien husbands even after the latter have already filed a divorce under their own law and perhaps, have already re-married.

It is for these reasons that the urgent passage of the bill is recommended.


PIA S. CAYETANO



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**RECOGNIZING THE FOREIGN DECREE OF TERMINATION OF
MARRIAGE AND ALLOWING ITS SUBSEQUENT REGISTRATION WITH
THE PHILIPPINE CIVIL REGISTRY, AMENDING FOR THE PURPOSE
OF EXECUTIVE ORDER NO. 209, OTHERWISE KNOWN AS THE
FAMILY CODE OF THE PHILIPPINES**

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

1 Section 1. Article 13 of Executive Order No. 209, otherwise known as
2 the Family Code of the Philippines, is hereby amended to read as follows:

3 "Art. 13. In case either of the contracting parties has been
4 previously married, the applicant shall be required to furnish,
5 instead of the birth or baptismal certificate required in the last
6 preceding article, the death certificate of the deceased spouse [or
7 the judicial decree of the absolute divorce, or], the judicial decree
8 of annulment or declaration of nullity of [his or her] THE previous
9 marriage[.], OR A FOREIGN DECREE OF TERMINATION OF
10 MARRIAGE DULY AUTHENTICATED BY THE PHILIPPINE
11 EMBASSY OR CONSULAR OFFICE WHERE THE FOREIGN DECREE
12 WAS ISSUED.

13 THE FILIPINO SPOUSE NEED NOT SEEK JUDICIAL
14 RECOGNITION OR ENFORCEMENT OF THE FOREIGN DECREE OF
15 TERMINATION OF MARRIAGE. THE REGISTRATION OF THE
16 DULY-AUTHENTICATED FOREIGN DECREE OF TERMINATION OF

1 MARRIAGE IN THE PHILIPPINE CIVIL REGISTRY SHALL BE
2 SUFFICIENT PROOF OF CAPACITY TO REMARRY."

3 In case the death certificate cannot be secured, the party
4 shall make an affidavit setting forth this circumstance and [his or
5 her] actual civil status and the name and date of death of the
6 deceased spouse.

7 Sec. 2. Article 26 of Executive Order No. 209 is hereby amended to read
8 as follows:

9 "Art. 26. All marriages solemnized outside the Philippines,
10 in accordance with the laws in force in the country where they were
11 solemnized, and valid there as such, shall also be valid in this
12 country, except those prohibited under Articles 35 (1), (4), (5) and
13 (6), 36, 37 and 38.

14 Where a marriage between a Filipino citizen and a foreigner
15 is [validly] celebrated and a [divorce] DECREE OF TERMINATION
16 OF MARRIAGE is thereafter [validly] obtained abroad by [the alien]
17 EITHER spouse [capacitating him or her to remarry,] AND
18 SUBSEQUENTLY REGISTERED IN THE PHILIPPINE CIVIL
19 REGISTRY AS PROVIDED IN ARTICLE 13 HEREOF, the Filipino
20 spouse shall likewise have capacity to remarry under Philippine
21 law."

22 ARTICLE 412 OF THE CIVIL CODE SHALL NOT APPLY IN
23 RECOGNIZING THE TERMINATION OF MARRIAGES REFERRED
24 HEREIN.

25 ANY AGREEMENT ON THE LIQUIDATION, PARTITION AND
26 DISTRIBUTION OF THE PROPERTIES OF THE SPOUSES, THE
27 CUSTODY AND SUPPORT OF COMMON CHILDREN, THE DELIVERY
28 OF THEIR PRESUMPTIVE LEGITIMES INCLUDED IN THE DECREE
29 OF TERMINATION OF MARRIAGE SHALL BE RECOGNIZED. IN THE
30 ABSENCE THEREOF, THE PROVISIONS OF THE FAMILY CODE
31 SHALL BE IN FORCE.

1 THE PROVISIONS OF THIS ACT CAN BE AVAILED BY A
2 FILIPINO:

3 (A) WHO IS MARRIED TO A FOREIGNER WHOSE
4 MARRIAGE HAS BEEN TERMINATED ABROAD BY EITHER SPOUSE,
5 INCLUDING A FILIPINO WHOSE MARRIAGE HAS BEEN
6 TERMINATED ABROAD PRIOR TO THE EFFECTIVITY OF THIS ACT;

7 (B) WHO HAS BEEN DIVORCED FROM A SPOUSE WHO
8 HAD SUBSEQUENTLY ACQUIRED FOREIGN CITIZENSHIP; AND

9 (C) WHO HAS SUBSEQUENTLY ACQUIRED FOREIGN
10 CITIZENSHIP AND WHO HAS DIVORCED FROM THE FILIPINO
11 SPOUSE ABROAD."

12 Sec. 3. If any part or provision of this Act shall be declared
13 unconstitutional and invalid, such declaration shall not invalidate other parts
14 thereof which shall remain in full force and effect.

15 Sec. 4. All laws, orders, decrees, rules and regulations, and other parts
16 thereof inconsistent with the provisions of this Act are hereby repealed,
17 amended or modified accordingly.

18 Sec. 5. This Act shall take effect fifteen (15) days after its publication in
19 the Official Gazette or in a newspaper of general circulation.

Approved,