

SENATE

'19 JUL -2 AM 11:53

S. No. 162

RECEIVED BY: 

INTRODUCED BY SENATOR RISA HONTIVEROS

**AN ACT
PROTECTING CHILDREN BY PROHIBITING AND DECLARING CHILD
MARRIAGE AS ILLEGAL, AND IMPOSING PENALTIES THEREOF**

EXPLANATORY NOTE

The issue of child marriage has been addressed in numerous international conventions and agreements. For instance, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), states that 'the betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age of marriage'. The Philippines' signing and subsequent ratification of CEDAW underlines its commitment to the country's women and girls.

A 2017 UNICEF report on the State of the World's Children disclosed that 15% of Filipino girls were married before their 18th birthday and 2% of girls before the age of 15 are married. More worrying is the fact that the country has the 12th highest absolute number of child brides around the world, which is estimated to be at 726,000.¹ Some of these brides were discovered to have entered marriage through commercial sex and sex trafficking as well as the infamous mail-order bride industry (ibid). The intergenerational nature of poverty exacerbates the problem of child marriage and renders it necessary for these problems to be addressed at its roots.

The problem of child marriage is complicated but not unsolvable. Clear legislation, pro-children policies and multi-sectoral programs could address the problem and render the practice of child marriage obsolete. As such, the passage of this bill is earnestly sought.

Thus, the passage of this bill is earnestly sought


RISA HONTIVEROS
Senator

¹ <https://www.girlsnotbrides.org/child-marriage/philippines/>

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



'19 JUL -2 AM 11:53

SENATE

S. No. 162

RECEIVED BY

INTRODUCED BY SENATOR RISA HONTIVEROS

**AN ACT
PROTECTING CHILDREN BY PROHIBITING AND DECLARING CHILD
MARRIAGE AS ILLEGAL, AND IMPOSING PENALTIES THEREOF**

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

1 Section 1. *Short Title.* – This Act shall be known as the "Girls Not Brides Act of
2 2019".

3 Sec. 2. *Declaration of State Policy.* – The State recognizes the role of women
4 and children in nation building and shall therefore protect and promote their
5 empowerment which entails the abolition of the unequal structures and practices that
6 perpetuate discrimination and inequality.

7 The State affirms children's rights as part of women's rights and human rights and
8 shall intensify its efforts to fulfill its duties under the UN Convention on the Rights of
9 Child and the Special Protection of Children Against Child Abuse, Exploitation and
10 Discrimination Act to recognize, respect, protect, fulfill, and promote all human rights
11 and fundamental freedoms of women and children, especially the girls, in the
12 economic, social, political, cultural, and other fields.

13 Sec. 3. *Affirmation of the Principles of Human Rights of Women and children.*

14 – Human rights are universal and inalienable. Human rights are indivisible. Human
15 rights are inherent to the dignity of every human being regardless of age and gender
16 whether they relate to civil, cultural, economic, political, or social issues.

17 Child Marriage is an act of child abuse as it debases, degrades and demeans the
18 intrinsic worth and dignity of children under the Special Protection of Children
19 Against Child Abuse, and Exploitation and Discrimination Act (RA 7610). It is likewise
20 considered discrimination relating to marriage and family relations sought to be
21 eliminated by the Convention on the Elimination of Discrimination Against Women

1 (CEDAW).

2 The state affirms that marriage shall be entered into only with the free and full
3 consent of the intending spouses and that betrothal and child marriages shall have
4 no legal effect.

5 The state, through this law now eliminates child marriage to strictly enforce Articles
6 2-5 of the Family Code providing that marriage is entered into only with the free and
7 full consent of intending spouses who should be at least 18 years of age at the time
8 of marriage.

9 *Sec. 3. Definition.* – As used in this Act, the following terms shall mean:

- 10 a) Children - refers to persons below 18 years of age, or those unable to
11 fully take care of themselves or protect themselves from abuse,
12 exploitation or discrimination because of a physical or mental
13 disability or condition as defined by the Special Protection of Children
14 Against Child Abuse, Exploitation and Discrimination Act.
- 15 b) Child Abuse — refers to any act by deeds or words which debases,
16 degrades or demeans the intrinsic worth and dignity of a child as a
17 human being; or any circumstance which gravely threatens or
18 endangers the life, survival, safety and normal development of
19 children as defined by the Special Protection of children Against Child
20 Abuse, Exploitation and Discrimination Act.
- 21 c) Child Marriage - any marriage entered into where one or both parties
22 are below 18 years of age or unable to fully take care or protect
23 themselves because of a physical or mental disability or condition,
24 solemnized in civil, church or in any recognized traditional, cultural or
25 customary manner.
- 26 d) Solemnizing officer - any person authorized by law as defined in
27 Article 7 of the Family Code or recognized by reason of religion,
28 tradition, culture or customs, to solemnize marriage.
- 29 e) Parents and guardians - refer to biological parents or those legally
30 adopting parents. Guardians refer to relatives taking custody of the
31 child or minor in the absence of the parents; or anyone to whom a
32 child or minor was given or left for care or custody.

33 *Sec. 4. Facilitation of child marriage.* – Any person, who causes, fixes,
34 facilitates or arranges a child marriage shall be considered as responsible for "Acts of
35 neglect, abuse, cruelty or exploitation, and other conditions prejudicial to the child's
36 development", as punishable under Section 10 of Republic Act No. 7610. This penalty

1 shall also attach to an adult party in a child marriage, who has knowledge of the
2 minor status of the child-spouse.

3 Sec. 5. *Solemnization of child marriage.* - Any person who officiated and
4 performed the formal rites of child marriage shall be considered as responsible for
5 "Acts of neglect, abuse, cruelty or exploitation, and other conditions prejudicial to the
6 child's development", as punishable under Section 10 of Republic Act No. 7610.

7 Sec. 6. *Child marriage as public crime.* - The prohibited act of child marriage,
8 its facilitation and solemnization, are considered public crimes. These acts gravely
9 threaten and endanger the survival and normal development of children and can be
10 initiated by any concerned individual.

11 Sec. 7. *Legal Effect of Child Marriage.* - Child Marriage is considered as void
12 ab initio, hence, the action for annulment of child marriage does not prescribe. The
13 legal effect of Child Marriage insofar as Support, Property Relations and Custody shall
14 be governed by Articles 50-55 of the Family Code.

15 Sec. 8. *Protective Custody.* - A child-party to a child marriage shall be given
16 protective custody in accordance with the provisions of Republic Act No. 7610. The
17 court may likewise issue a protection order to protect her from the facilitators of child
18 marriage, which may include her parents or legal guardians

19 Sec. 9. *Culture-sensitive programs and Services.* - There shall be a
20 comprehensive care and welfare program to be formulated by the Department of
21 Social Welfare and Development in coordination with other government agencies
22 identified herein as duty-bearers and with the concerned CSOs and NGOs. This shall
23 be made and initiated by the DSWD within six (6) months from the effectivity of this
24 Code to ensure the over-all support, health and development of the children. The
25 said program shall be culturally-sensitive and shall take into account the specific
26 needs of children of indigenous cultural communities and children in Muslim
27 communities.

28 Sec. 10. *Duty-Bearers and Responsibilities.* - In order to prevent and
29 eventually end child marriages and protect the children from this form of abuse and
30 exploitation, the following government offices shall be responsible to take the
31 necessary actions:

- 32 a) Department of Social Welfare and Development (DSWD) - Shall take
33 the lead in the implementation of this Act and create programs that will
34 address the prevalence of child marriage and provide appropriate
35 services to children who were forced to enter into child marriage. It
36 shall ensure the information drive in the marriage as a form of abuse

1 and violence, its impacts and effects, there and guardians; and include
2 the same in its existing programs such as pre-marriage counseling
3 sessions, family development sessions, and parenting effectiveness
4 seminar.

- 5 b) Council for the Welfare of Children (CWC) - Shall work closely with the
6 DSWD in strengthening policies to prohibit and end child marriage. It
7 shall include the advocacy to prevent child marriage in the Philippine
8 plan of action to end violence against children.
- 9 c) Department of Justice (DOJ) - Shall assume responsibility in ensuring
10 that the penal provisions of this Act are carried out and provide access
11 to justice and legal services to those who suffered the consequence of
12 child marriage.
- 13 d) Department of the Interior and Local Government (DILG) – Shall ensure
14 that LGUS are monitoring the implementation of the law by maintaining
15 a Children's Desk in all PNP headquarters and Barangay offices through
16 the Local/Barangay Council for the Protection of Children.
- 17 e) Department of Education (DepEd) - Shall include the discussion on the
18 impact and effects of child marriage in the comprehensive sexuality
19 education curriculum.
- 20 f) Department of Health (DOH) - shall ensure access to health services for
21 the prevention of child marriage and services for boys and girls who
22 experienced child marriage.
- 23 g) Family And Executive Courts' Judges - must undergo trainings on the
24 impacts and effects of child marriage to the over-all health and
25 development of children and shall ensure strict application and
26 implementation of the law.
- 27 h) Philippine Commission on Women (PCW) - Shall integrate dissemination
28 of the provisions of this Act in programs on public awareness and
29 behavior change communications.
- 30 i) Commission on Human Rights (CHR) - Shall monitor the
31 implementation of this Act as Gender Ombud and through its Child
32 Rights Center/ Desk.
- 33 j) National Commission on Muslim Filipinos (NCMF) - Shall include in its
34 program of action the awareness of Muslim communities on the impacts
35 and effects of child marriage in the over-all health and development of

1 children, ensure the implementation of this Act, and monitor and report
2 cases of child marriages in communities of jurisdiction.

3 k) National Commission for Indigenous People (NCIP) - Shall include in its
4 program of action, national conferences and gatherings the awareness
5 of the indigenous people communities on the impacts and effects of
6 child marriage in the over-all health and development of children, the
7 provisions of this law; ensure the implementation of this Act; monitor
8 and report cases of child marriages in the communities of jurisdiction.

9 Sec. 11. *Implementing Rules and Regulations.* – Within ninety (90) days from
10 the effectivity of this Act, the Department of Social Welfare, The Department of
11 Education and the Department of Health in coordination with other concerned
12 government agencies and women and children organizations, shall promulgate the
13 necessary rules and regulations for the effective implementation of this Act. They
14 shall likewise incorporate the resources for programs and services in their Annual
15 Budget.

16 Sec. 12. *Repealing Clause.* — All laws, executive orders, presidential decrees,
17 presidential proclamations, letter of instruction, rules and regulations or parts thereof
18 inconsistent with the provisions of this Act are hereby repealed or modified
19 accordingly.

20 Sec. 13. *Effectivity.* – This Act shall take effect fifteen (15) days after its
21 publication in the Official Gazette or in a newspaper of general circulation.

Approved,