

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

'19 JUL 16 A8:54

**SENATE**

**S. No. 504**



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Introduced by Senator **PIA S. CAYETANO**

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**AN ACT**  
**RECOGNIZING THE CIVIL EFFECTS OF CHURCH ANNULMENT DECREE**

EXPLANATORY NOTE

Executive Order No. 209, otherwise known as the Family Code of the Philippines recognizes marriages solemnized in accordance with the laws of the Church as valid, taking into consideration that the right to contract marriage in a religious right is an exercise of religious freedom. It, thus, follows that such marriage if invalidated or annulled under the laws of the church, should also be recognized as such by the State.

In fact, we are already recognizing the civil effects of an annulment or dissolution of marriage under religious laws albeit in a limited capacity. Under Presidential Decree 1083 or the Code of Muslim Personal Laws, which has integrated aspects of Shari'a Law into our laws, the State recognizes marriages and divorces or dissolution of marriages in accordance with the Muslim Law.

The enactment of this bill thus provides equality in the eyes of the law for marriages that are celebrated or annulled under other religious laws.

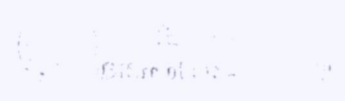
This bill, which was passed on third reading in the House of Representatives but failed to do so in the Senate in the 17th Congress, is based on the original bills filed by Representatives Gwendolyn Garcia and Yedda Marie Romualdez.

This proposed measure seeks to recognize the civil effects of church annulment decrees. It likewise provides for the determination of the legal status of

children of the spouse who have acquired church annulment decrees; mode of liquidation, partition, and distribution of their properties; and the mode of delivery of the presumptive legitime.

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

  
**PIA S. CAYETANO**



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

1           Section 1. *Effect of Church Decree.* – Whenever a marriage, duly and legally  
2 solemnized by a priest, minister, rabbi or presiding elder of any church or religious  
3 sect in the Philippines is subsequently annulled, dissolved or declared a nullity in a  
4 final judgment or decree in accordance with the canons or precepts of the church or  
5 religious sect, the said annulment, dissolution or declaration of nullity shall have the  
6 same effect as a decree of annulment, dissolution or declaration of nullity issued by  
7 a competent court.

8           Sec. 2. *Status of Children.* – The status of children of marriages subject of the  
9 church annulment decree shall be determined in accordance with the provisions of  
10 Executive Order No. 209, otherwise known as the "Family Code of the Philippines".  
11 In case the ground for the church annulment decree is not similar to any of the  
12 grounds provided in the Family Code of the Philippines, their common children born  
13 or conceived before the issuance of the church annulment decree shall be agreed  
14 upon by the spouses, and embodied in a public document. In case no agreement is  
15 met, the provisions of the Family Code of the Philippines shall be in force.

16           Sec. 3. *Property Relations, Custody and Support of Children, and Legitimes.* –  
17 The liquidation, partition and distribution of the properties of the spouses, the  
18 custody and support of the common children, and the delivery of their presumptive  
19 legitimes shall be agreed upon by the spouses, and embodied in a public document.

1 In case no agreement is met, the provisions of the Family Code of the Philippines  
2 shall be in force.

3       Sec. 4. *Recording in Civil Registry.* – The church annulment decree shall be  
4 recorded in the appropriate civil registries together with the agreement of the  
5 spouses required in the preceding section within thirty (30) days from the issuance  
6 of the church annulment decree, subject to the conditions that may be imposed by  
7 the church or religious sect.

8       Sec. 5. *Subsequent Marriage.* – Without prejudice to the conditions set forth  
9 by the church or religious sect, either of the former spouses may marry again after  
10 complying with the requirements of the preceding paragraph and Article 52 of the  
11 Family Code of the Philippines; otherwise, the subsequent marriage shall be null and  
12 void.

13       In securing a marriage license, the spouse involved must present a certified  
14 true copy of the church annulment decree registered with the appropriate civil  
15 registry.

16       Sec. 6. *Separability Clause.* – If any part or provision of this Act is held  
17 unconstitutional or invalid, other parts or provisions hereof which are not affected  
18 shall continue to remain in full force and effect.

19       Sec. 7. *Repealing Clause.* – All laws, decrees, executive orders, rules and  
20 regulation or parts thereof inconsistent with or contrary to the provisions of this Act  
21 are deemed amended, repealed or modified accordingly.

22       Sec. 8. *Effectivity.* – This Act shall take effect fifteen (15) days after its  
23 publication in the *Official Gazette* or in any newspaper of general circulation.

Approved,