

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



Senate
Office of the Secretary

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SENATE
S. B. No. 1230

RECEIVED BY:

Introduced by **SENATOR IMEE R. MARCOS**

**AN ACT
EXPANDING THE GROUNDS FOR LEGAL SEPARATION,
AMENDING FOR THIS PURPOSE CERTAIN PROVISIONS OF
EXECUTIVE ORDER NO. 209 OR THE "FAMILY CODE OF THE
PHILIPPINES", AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

Despite the lack of a divorce law in the Philippines and the difficulties of obtaining a civil or religious annulment, the modern reality is that growing number of Filipinos have effectively severed their marital ties and live outside of officially-sanctioned conjugal unions.

This bill seeks to encompass this truth by expanding the grounds for the filing of a petition for legal separation under E.O. NO 209, such as the deprivation of financial support and causing of mental or emotional anguish, ridicule or public humiliation to the petitioner or their common child, among others.

Further, the unrealistic obligation to observe mutual love and support between spouses shall also be severed once separation is finalized. However, the obligation to the common children is explicitly stated, to be charged against the offending spouse.

For the welfare of the common children, justice for the aggrieved spouse, and future prospects of all family members, this bill's passage is earnestly sought.


IMEE R. MARCOS



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

1 Section 1. **Declaration of Policy.** – It is the policy of the State to protect the
2 sanctity of marriage and also to promote the well-being of its citizens.

3 In cases where marriage becomes burdensome, abusive, or unhealthy, the State
4 shall endeavor to give viable options to individuals and the opportunity for them to
5 start over.

6 The State, acting as *parens patriae*, likewise puts primordial importance to the best
7 interest of the children, who shall be saved from having to witness countless
8 disagreements, and from possible abusive conduct from the same people who should
9 be taking care of their them.

10
11 SEC. 2. **Grounds for Legal Separation.** – Article 55 of the E.O. No. 209,
12 otherwise known as the "Family Code of the Philippines", is hereby amended to read
13 as follows :

1 "Art. 55. A petition for legal separation may be filed on any of the following
2 grounds:

3 (1) ~~[Repeated]~~ ~~[p]~~**ACTUAL OR THREATENED P**~~[p]~~hysical violence or
4 grossly abusive conduct directed against the petitioner, a common child, or
5 a child of the petitioner;

6 (2) Physical violence or moral pressure to compel the petitioner to change
7 religious or political affiliation;

8 (3) Attempt of respondent to corrupt or induce the petitioner, a common
9 child, or a child of the petitioner, to engage in prostitution, or connivance in
10 such corruption or inducement;

11 (4) Final judgment sentencing the respondent to imprisonment of more
12 than six years, even if pardoned;

13 (5) Drug addiction or ~~[habitual]~~ alcoholism of the respondent;

14 (6) Lesbianism or homosexuality of the respondent;

15 (7) Contracting by the respondent of a subsequent bigamous marriage,
16 whether in the Philippines or abroad;

17 (8) Sexual infidelity or perversion;

18 (9) Attempt by the respondent against the life of the petitioner; or

19 (10) Abandonment of petitioner by respondent without justifiable cause for
20 more than one year[.];

21 **(11) DEPRIVING OR THREATENING TO DEPRIVE THE PETITIONER**
22 **OR THEIR COMMON CHILDREN OF FINANCIAL SUPPORT LEGALLY**
23 **DUE HIM/HER FAMILY, OR DELIBERATELY PROVIDING THE**
24 **PETITIONER'S CHILDREN INSUFFICIENT FINANCIAL SUPPORT;**

25 **(12) DEPRIVING OR THREATENING TO DEPRIVE THE PETITIONER**
26 **OR HIS/HER CHILD OF A LEGAL RIGHT;**

1 (13) INFLICTING OR THREATENING TO INFLICT PHYSICAL HARM
2 ON ONESELF FOR THE PURPOSE OF CONTROLLING THE
3 PETITIONER'S ACTIONS OR DECISIONS;

4 (14) ENGAGING IN PURPOSEFUL, KNOWING, OR RECKLESS
5 CONDUCT, PERSONALLY OR THROUGH ANOTHER, THAT ALARMS
6 OR CAUSES SUBSTANTIAL EMOTIONAL OR PSYCHOLOGICAL
7 DISTRESS TO THE PETITIONER OR HIS/HER CHILD; AND

8 (15) CAUSING MENTAL OR EMOTIONAL ANGUISH, PUBLIC
9 RIDICULE OR HUMILIATION TO THE PETITIONER OR HIS/HER
10 CHILD, INCLUDING, BUT NOT LIMITED TO, REPEATED VERBAL
11 AND EMOTIONAL ABUSE, AND DENIAL OF FINANCIAL SUPPORT
12 OR CUSTODY OF MINOR CHILDREN OF ACCESS TO THE
13 PETITIONER'S CHILD/CHILDREN."

14 SEC. 3. A new Article shall be added in E.O. NO. 209 to be read as follows:

15 **"ART. 56. OVERSEAS FILIPINO WORKERS (OFWS). --**
16 **PETITIONERS WHO ARE OFWS SHALL BE GIVEN PREFERENCE BY**
17 **THE COMPETENT COURT WITH RESPECT TO THE HEARING OF**
18 **THEIR PETITIONS AND THE COURT SHALL SET THE RECEPTION OF**
19 **EVIDENCE, UPON THE AVAILABILITY OF THE PETITIONERS, FOR**
20 **NOT MORE THAN TWO (2) CONSECUTIVE DAYS."**

21 **[ALL FOLLOWING ARTICLES SHALL BE RENUMBERED**
22 **ACCORDINGLY]**

23 SEC. 4. **Effects of Legal Separation.** – Article 63 of the E.O. No. 209, otherwise
24 known as the "Family Code of the Philippines", is hereby amended to read as follows:

25 "Art. 63. The decree of legal separation shall have the following effects:

26 (1) The spouses shall be entitled to live separately from each other [~~but~~
27 ~~the marriage bonds shall not be severed~~];

28 (2) The absolute community or the conjugal partnership shall be dissolved
29 and liquidated but the offending spouse shall have no right to any share of

1 the net profits earned by the absolute community or the conjugal
2 partnership, which shall be forfeited in accordance with the provisions of
3 Article 43(2);

4 (3) The custody of the minor children shall be awarded to the innocent
5 spouse, **WITHOUT PREJUDICE TO THE VISITORIAL AND OTHER**
6 **RIGHTS OF THE ERRING SPOUSE, AND** subject to the provisions of
7 Article 213 of this Code; and

8 (4) The offending spouse shall be disqualified from inheriting from the
9 innocent spouse by intestate succession **BUT SHALL NOT AFFECT THE**
10 **RIGHT OF THE COMMON CHILDREN TO INHERIT FROM THE**
11 **OFFENDING SPOUSE.** Moreover, provisions in favor of the offending
12 spouse made in the will of the innocent spouse shall be revoked by
13 operation of law. (106a)"

14 **FURTHER, THE RIGHTS AND OBLIGATIONS BETWEEN HUSBAND**
15 **AND WIFE UNDER TITLE III OF E.O. NO. 209 OR THE "FAMILY**
16 **CODE OF THE PHILIPPINES" SHALL BE SEVERED UPON FINALITY**
17 **OF THE PETITION FOR LEGAL SEPARATION, WITHOUT PREJUDICE**
18 **TO THE OBLIGATION OF THE ERRING SPOUSE TO SUPPORT THE**
19 **INNOCENT SPOUSE AND THEIR COMMON CHILDREN, IN**
20 **ACCORDANCE WITH ARTICLES 194 AND 195, TITLE VIII OF THE**
21 **SAME CODE.**

22 SEC. 5. **Separability Clause.** - If, for any reason, any section or provisions of this
23 Act is declared unconstitutional or invalid, the other sections or provisions not
24 affected thereby shall remain in full force and effect.

25 SEC. 6. **Repealing Clause.** - All other laws, decrees, executive orders, issuances,
26 rules and regulations, or part thereof inconsistent with this Act are hereby likewise
27 repealed or amended accordingly.

28 SEC. 7. **Effectivity.** -

Approved,