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**SENATE**

**S. B. No. 1373**

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(In substitution of Senate Bill No. 162)

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Prepared jointly by the Committees on Women, Children, Family Relations and Gender Equality; and Social Justice, Welfare and Rural Development, with Senator Hontiveros, as author thereof

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**AN ACT**  
**PROTECTING CHILDREN BY PROHIBITING AND DECLARING CHILD**  
**MARRIAGE AS ILLEGAL AND PROVIDING PROGRAMS AND PENALTIES**  
**THEREOF**

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

1           Section 1. *Declaration of State Policy.* – The State recognizes the role of  
2 women and children in nation building and shall therefore protect and promote their  
3 empowerment which entails the abolition of the unequal structures and practices  
4 that perpetuate discrimination and inequality.

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

11           *Sec. 2. Affirmation of the Principles of Human Rights of Women and children.*  
12 – Human rights are universal, inalienable and indivisible. Human rights are inherent  
13 to the dignity of every human being regardless of age and gender whether they  
14 relate to civil, cultural, economic, political, or social issues.

15           Child Marriage is an act of child abuse as it debases, degrades and demeans  
16 the intrinsic worth and dignity of children under the Special Protection of Children

1 Against Child Abuse, Exploitation and Discrimination Act (R.A. No. 7610). It is  
2 likewise considered discrimination relating to marriage and family relations sought to  
3 be eliminated by the Convention on the Elimination of Discrimination Against Women  
4 (CEDAW).

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

8 *Sec. 3. Definition of Terms.*

- 9 a. *Children* - refers to persons below 18 years of age, or those unable to fully  
10 take care of themselves or protect themselves from abuse, exploitation or  
11 discrimination because of a physical or mental disability or condition.
- 12 b. *Child Marriage* - any marriage entered into where one or both parties are  
13 children as defined in the paragraph above, and solemnized in civil or  
14 church proceedings, or in any recognized traditional, cultural or customary  
15 manner.
- 16 c. *Solemnizing Officer* - any person authorized by law as defined in the  
17 Family Code or recognized by reason of religion, tradition, culture or  
18 customs, to solemnize marriage.
- 19 d. *Parents* - refer to biological parents or adoptive parents.
- 20 e. *Guardians* - refer to legal guardians, relatives taking custody of the child  
21 or minor in the absence of the parents, or anyone to whom a child or  
22 minor was given or left for care or custody.

23 *Sec. 4. Facilitation of Child Marriage.* – Any person, who causes, fixes,  
24 facilitates or arranges a child marriage shall suffer the penalty of *prision mayor* in its  
25 medium period and a fine of not less than Forty Thousand pesos (P40,000.00);  
26 Provided, however, that should the perpetrator be an ascendant, stepparent, or  
27 guardian of the minor, the penalty imposed shall be *prision mayor* in its maximum  
28 period, a fine of not less than Fifty thousand pesos (P50,000.00) and the loss of  
29 parental authority over the same.

30 *Sec. 5. Solemnization of Child Marriage.* – Any person who performs or  
31 officiates the formal rites of child shall suffer the penalty of *prision mayor* in its



1 medium period and a fine of not less than Forty Thousand pesos (P40,000.00), in  
2 addition to perpetual disqualification from office if he or she is a public officer.

3 *Sec. 6. Public Crimes.* – The prohibited act of child marriage, its facilitation  
4 and solemnization, are considered public crimes and can be initiated by any  
5 concerned individual.

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

10 *Sec. 8. Programs and Services.* – There shall be a culturally-appropriate  
11 comprehensive program and services to be formulated by the Department of Social  
12 Welfare and Development in coordination with other government agencies identified  
13 herein as duty-bearers and with the concerned CSOs and NGOs. This shall be made  
14 and initiated by the DSWD within six (6) months from the effectivity of this Code to  
15 ensure the over-all support, health and development of the children.

16 *Section 9. Duty-Bearers and Responsibilities.* – In order to prevent and  
17 eventually end child marriages and protect the children from this form of abuse and  
18 exploitation, the following government offices shall be responsible to take the  
19 necessary actions:

- 20 a. Department of Social Welfare and Development (DSWD) - shall take the lead  
21 in the implementation of this Act and create programs that will address the  
22 prevalence of child marriage and provide appropriate services to children who  
23 were forced to enter into child marriage. It shall include information and  
24 awareness campaigns on the negative effects of child marriage.
- 25 b. Council for the Welfare of Children (CWC) - shall work closely with the DSWD  
26 in strengthening policies to prohibit and end child marriage. It shall include  
27 the advocacy to prevent child marriage in the Philippine plan of action to end  
28 violence against children.
- 29 c. Department of Justice (DOJ) - shall assume responsibility in ensuring that the  
30 penal provisions of this Act are carried out and provide access to justice and  
31 legal services to victims.

- 1 d. Department of the Interior and Local Government (DILG) - shall ensure that  
2 LGUS are monitoring the implementation of the law by maintaining a  
3 Children's Desk in all Philippine National Police (PNP) headquarters and  
4 Barangay offices through the Local/Barangay Council for the Protection of  
5 Children.
- 6 e. Department of Education (DepEd) - shall include the discussion on the impact  
7 and effects of child marriage in the comprehensive sexuality education  
8 curriculum.
- 9 f. Department of Health (DOH) - shall ensure access to health services for the  
10 prevention of child marriage, as well as reproductive health and mental health  
11 services for children in child marriages.
- 12 g. Family And Executive Courts' Judges – shall undergo trainings on the impacts  
13 and effects of child marriage to the over-all health and development of  
14 children and shall ensure strict application and implementation of the law
- 15 h. Philippine Commission on Women (PCW) - shall integrate dissemination of the  
16 provisions of this Act in programs on public awareness and behavior-change  
17 communications.
- 18 i. Commission on Human Rights (CHR) - shall monitor the implementation of  
19 this Act as Gender Ombud and through its Child Rights Center/Desk.
- 20 j. National Commission on Muslim Filipinos (NCMF) - shall include in its program  
21 of action the awareness of Muslim communities on the impacts and effects of  
22 child marriage in the over-all health and development of children; the  
23 provisions of this law; ensure the implementation of this Act; monitor and  
24 report cases of child marriages in communities of jurisdiction.
- 25 k. National Commission for Indigenous People (NCIP) - shall include in its  
26 program of action the raising of awareness of indigenous people communities  
27 on the impacts and effects of child marriage in the over-all health and  
28 development of children, ensure the implementation of this Act, and monitor  
29 and report cases of child marriages in the communities of jurisdiction.

30 *Sec. 10. Participation of Women and Girls.* – Duty-bearers should ensure that  
31 women and girls are not only consulted, but are able to participate fully in every  
32 step and stage of decision-making.



1           Sec. 11. *Implementing Rules and Regulations.* – Within ninety (90) days from  
2 the effectivity of this Act, the Department of Social Welfare and Development as lead  
3 agency, The Department of Education, and the Department of Health in coordination  
4 with other concerned government agencies, and three women and children  
5 organizations, shall promulgate the necessary rules and regulations for the effective  
6 implementation of this Act. They shall likewise incorporate the resources for  
7 programs and services in their Annual Budget.

8           Sec. 12. *Repealing Clause.* – All other laws, decrees, executive orders,  
9 issuances, rules and regulations or parts thereof inconsistent with the provisions of  
10 this Act are hereby repealed or modified accordingly.

11           Sec. 13. *Effectivity.* – This Act shall take effect fifteen (15) days after is  
12 complete publication in the Official Gazette or in at least two (2) national papers of  
13 general circulation.

Approved,