



HOUSE OF REPRESENTATIVES

H. No. 9349

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AN ACT
REINSTITUTING ABSOLUTE DIVORCE AS AN ALTERNATIVE MODE FOR
THE DISSOLUTION OF MARRIAGE

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 “Absolute Divorce Act.”
- 2 SEC. 2. *Declaration of Policy.* – While the State continues to protect and preserve
- 3 marriage as a social institution and as the foundation of the family, it shall also give the
- 4 opportunity to spouses in irremediably failed marriages to secure an absolute divorce
- 5 decree as an alternative mode for the dissolution of an irreparably broken or dysfunctional
- 6 marriage under limited grounds and well-defined judicial procedures; save the children
- 7 from the pain, stress, and agony consequent to their parents’ constant marital clashes or
- 8 irreconcilable differences; and grant the divorced spouses the right to marry again.

1 To this end, the State shall adopt a divorce policy in keeping with the fundamental
2 freedoms guaranteed under the Constitution, the rights guaranteed under Republic Act
3 No. 9710, otherwise known as “The Magna Carta of Women”, the provisions of the
4 Universal Declaration of Human Rights, the International Covenant on Civil and Political
5 Rights, the Convention on the Elimination of All Forms of Discrimination Against Women,
6 the Convention on the Rights of the Child, and other international human rights
7 instruments of which the Philippines is a party.

8 SEC. 3. *Guiding Principles.* – The following shall be the guiding principles of this
9 Act:

10 (a) Absolute divorce shall be judicially decreed after the fact of an irremediably
11 broken marriage.

12 (b) The State shall assure that the court proceedings for the grant of absolute
13 divorce shall be affordable and expeditious.

14 (c) Concerned spouses shall have the option to file for absolute divorce under
15 this Act or seek legal separation, annulment of marriage or nullification of marriage under
16 the pertinent provisions of Executive Order No. 209, otherwise known as the Family Code
17 of the Philippines.

18 (d) The option of absolute divorce is a pro-woman legislation because in most
19 cases, it is the wife who is entitled to a divorce as a liberation from an abusive relationship
20 and to help her regain dignity and self-esteem.

21 (e) A sixty-day cooling-off period is instituted after the filing of a petition for
22 absolute divorce to ensure a final attempt at reconciliation of the concerned spouses.

1 (f) A divorce decree shall include provisions for the care, custody, and support
2 of children, protection of their legitime, termination and liquidation of the conjugal
3 partnership of gains or the absolute community, and alimony for the offended spouse.

4 (g) Even as absolute divorce is reinstated, the State has the mandate of
5 strengthening marriage and family life by undertaking, among others, relevant pre-nuptial
6 and post-matrimonial programs and activities adequately funded by the government.

7 SEC. 4. *Definition of Terms.* – As used in this Act:

8 (a) *Abandonment* refers to the act of a spouse leaving the conjugal home
9 without justifiable cause and with a deliberate intention of creating a perpetual
10 separation. The desertion amounts to an absolute cessation of marital relations, rights
11 and duties. The abandonment may also be physical estrangement, or financial desertion;

12 (b) *Absolute divorce* refers to the judicial dissolution of a marriage or the
13 termination of the bond of matrimony where the spouses return to their status of being
14 single with the right to contract marriage again;

15 (c) *Alcoholism* refers to excessive consumption of alcoholic beverages at a level
16 that interferes with physical or mental health, and social, family, or occupational
17 responsibilities;

18 (d) *Alimony* refers to spousal support adjudged in the divorce decree by the
19 proper Family Court in favor of the offended spouse against the offending spouse;

1 (e) *Bigamous marriage* refers to a second or subsequent marriage contracted
2 before the former marriage has been legally dissolved, or before the absent spouse has
3 been declared presumptively dead by means of a judgment rendered in the proper
4 proceedings;

5 (f) *Child* refers to a common child of the spouses below eighteen (18) years
6 of age or older but is incapable of taking care of or protecting oneself from abuse, neglect,
7 cruelty, exploitation and/or discrimination because of physical infirmity or mental
8 disability, and shall include an offspring by legal adoption or one whose custody and care
9 is judicially decreed to be given to a guardian. In the proper cases, a child also refers to
10 an offspring of one of the spouses;

11 (g) *Child custody* refers to the parental authority and care of a child as decreed
12 by a competent court when the parents of the child are divorced;

13 (h) *Child support* refers to a method of compensating a parent needing
14 financial support for raising and sheltering a child or children by the other parent who
15 has the means to pay for the expenses associated with child support. The proper Family
16 Court shall determine the amount of support, based on the financial capacity of the parent
17 giving support and the needs of the child or children requiring support pursuant to the
18 provisions of the Family Code of the Philippines;

19 (i) *Chronic gambling* refers to an impulse control disorder in which a person
20 makes habitual wagering in games of chance which compromise, disrupt or damage family,
21 work and social relations, and vocational pursuits;

1 (j) *Competent court* refers to the proper Family Court established under
2 Republic Act No. 8369, or the “Family Courts Act of 1997”, which shall exercise jurisdiction
3 both over the absolute divorce proceeding and the persons of the petitioner and
4 respondent spouses;

5 (k) *Court-assisted petitioner* refers to a petitioner-spouse who has personal
6 and-real properties collectively not exceeding Two million five hundred thousand pesos
7 (PhP2,500,000.00);

8 (l) *Domestic or marital abuse* refers to violence or aggressive behavior within
9 the home, typically involving the violent abuse of a spouse by the other which may be
10 committed through:

11 (1) physical violence;

12 (2) psychological and emotional violence;

13 (3) sexual violence; or

14 (4) economic abuse;

15 (m) *Drug addiction* refers to habitual dependence on a prohibited drug or drugs;

16 (n) *Irreconcilable differences* refer to the substantial incompatibility of the
17 spouses due to their intransigence or fault by holding on to divergent and divisive
18 behavior resulting in the total breakdown of their marriage which could not be repaired
19 despite earnest efforts to reconcile;

20 (o) *Joint petition* refers to the legal action filed by both spouses based on the
21 grounds subject to summary judicial proceedings under Section 11 of this Act;

22 (p) *Legitime* refers to the portion of a parent’s estate from which they cannot
23 disinherit the children, without sufficient legal cause;

- 1 (q) *Marital infidelity* refers to the extramarital sexual relations of a spouse,
2 which shall include having or bearing a child with a third party;
- 3 (r) *Offended spouse* refers to the spouse who is aggrieved or innocent as
4 found by the proper Family Court;
- 5 (s) *Offending spouse* refers to the spouse found by the Family Court to have
6 given the cause or reason for the divorce;
- 7 (t) *Overseas Filipinos* refer to Filipino migrant workers, other Filipino nationals
8 and their dependents abroad or as defined under Section 3 of Republic Act No. 8042, as
9 amended, otherwise known as the “Migrant Workers and Overseas Filipinos Act of 1995”;
- 10 (u) *Psychological incapacity* refers to the condition provided for in Article 36 of
11 the Family Code of the Philippines which warrants the nullification of a marriage;
- 12 (v) *Separation* refers to the absolute cessation of marital relations, duties, and
13 rights, with the intention of perpetually living apart;
- 14 (w) *Sex reassignment surgery* refers to the procedure by which a person’s
15 physical appearance and function of primary sex characteristics are altered to resemble
16 that of the identified or preferred gender;
- 17 (x) *Summary judicial proceedings* refer to an expeditious manner of resolving
18 a petition for divorce without regard to technical rules and the petitioner is given the
19 option to be assisted or not by a lawyer. The proper Family Court may allow presentation
20 of evidence *ex parte* as warranted by circumstances. The decision shall be immediately
21 final and executory;

1 (y) *Support* refers to the amount indispensable for sustenance, shelter,
2 clothing, medical care, education, and other allied needs, consistent with the financial
3 capacity and social standing of the family;

4 (z) *Transgender* refers to a person whose gender identity or expression differs
5 from what is typically associated with the sex at birth;

6 (aa) *Transsexual* refers to a person who emotionally and psychologically feels
7 that one belongs to the opposite sex, and who opts for a transition from one sex to
8 another through the use of hormones or surgical procedure.

9 SEC. 5. *Grounds for Absolute Divorce.* – The following are the grounds for a judicial
10 decree of absolute divorce:

11 (a) The grounds for legal separation under Article 55 of the Family Code of the
12 Philippines, modified, as follows:

13 (1) Physical violence or grossly abusive conduct directed against the
14 petitioner, a common child, or a child of the petitioner;

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

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

20 (4) Final judgment sentencing the respondent to imprisonment of more
21 than six (6) years, even if pardoned;

1 (5) Drug addiction or habitual alcoholism or chronic gambling of the
2 respondent;

3 (6) Homosexuality of the respondent;

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

6 (8) Marital infidelity or perversion or having a child with another person
7 other than one's spouse during the marriage, except when upon the mutual
8 agreement of the spouses, a child is born to them through *in vitro* fertilization or
9 a similar procedure or when the wife bears a child after being a victim of rape;

10 (9) Attempt by the respondent against the life of the petitioner, a
11 common child or a child of the petitioner; or

12 (10) Abandonment of petitioner by respondent without justifiable cause
13 for more than one (1) year.

14 When the spouses are legally separated by judicial decree for more than
15 two (2) years, either spouse can petition the proper Family Court for an absolute
16 divorce based on said judicial decree of legal separation.

17 (b) Grounds for annulment of marriage under Article 45 of the Family Code of
18 the Philippines, modified, as follows:

19 (1) The party in whose behalf it is sought to have the marriage annulled
20 was eighteen (18) years of age or over but below twenty-one (21), and the
21 marriage was solemnized without the consent of the parents, guardian or person
22 having substitute parental authority over the party, in that order, unless after

1 attaining the age of twenty-one (21), such party freely cohabited with the other
2 and both lived together as husband and wife;

3 (2) Either party was of unsound mind, unless such party after coming to
4 reason, freely cohabited with the other as husband and wife;

5 (3) The consent of either party was obtained by fraud, unless such party
6 afterwards, with full knowledge of the facts constituting the fraud, freely cohabited
7 with the other as husband and wife;

8 (4) The consent of either party was obtained by force, intimidation or
9 undue influence, unless the same having disappeared or ceased, such party
10 thereafter freely cohabited with the other as husband and wife;

11 (5) Either party was physically incapable of consummating the marriage
12 with the other, and such incapacity continues or appears to be incurable; or

13 (6) Either party was afflicted with a sexually transmissible infection
14 found to be serious or appears to be incurable:

15 *Provided,* That the grounds mentioned in Subsection (b), paragraphs 2, 5 and 6
16 herein existed either at the time of the marriage or supervenes after the marriage;

17 (c) When the spouses have been separated in fact for at least five (5) years at
18 the time the petition for absolute divorce is filed, and reconciliation is highly improbable;

19 (d) Psychological incapacity of either spouse as provided for in Article 36 of the
20 Family Code of the Philippines, whether or not the incapacity existed at the time of the
21 marriage or supervenes after the marriage;

1 (e) When one of the spouses undergoes a sex reassignment surgery or
2 transitions from one sex to another, the other spouse is entitled to petition for absolute
3 divorce with the transgender or transsexual as respondent, or vice versa;

4 (f) Irreconcilable differences as defined in Section 4. *Definition of Terms*,
5 Subsection (n); and

6 (g) Other forms of domestic or marital abuse as defined under Section 4.
7 *Definition of Terms*, Subsection (l).

8 The grant of absolute divorce based on domestic or marital abuse or violation of
9 Republic Act No. 9262, otherwise known as the “Anti-Violence Against Women and Their
10 Children Act of 2004”, shall be without prejudice to the prosecution of the offending or
11 errant spouse under the said Act.

12 **SEC. 6. *Civil Recognition of a Valid Foreign Divorce.*** – A valid foreign divorce
13 secured by either the alien or Filipino spouse has the effect of a divorce under this Act
14 without going through the judicial process. Said foreign divorce must be authenticated
15 by the Philippine Consul in or proximate to the foreign country where it was secured, and
16 subsequently registered with the proper Civil Registry Office in the Philippines or the
17 Office of the Philippine Consul abroad where the Filipino spouse is residing.

18 **SEC. 7. *Valid Canonical or Church Dissolution, or Declaration of Nullity of Marriage.***
19 – A marriage which is nullified or dissolved by the proper matrimonial tribunal of the
20 Roman Catholic Church or any other recognized religious sect or denomination shall be
21 granted civil recognition as if a divorce had been granted in accordance with the
22 provisions of this Act, without going through the judicial process when it is authenticated
23 by the proper authorities of the Roman Catholic Church or any other recognized religious

1 sect or denomination, and registered with the proper Civil Registry Office in the
2 Philippines.

3 SEC. 8. *Prescription of Action.* – A petition for absolute divorce shall be filed with
4 the proper Family Court by the petitioner or joint petitioners within ten (10) years from
5 the occurrence or discovery of the cause for divorce or from the effectivity of the Absolute
6 Divorce Act, whichever comes later.

7 SEC. 9. *Procedure for Obtaining Absolute Divorce.* – (a) The established and
8 recognized procedures for securing legal separation, annulment of marriage, and
9 nullification of marriage under the Family Code of the Philippines, as far as practicable
10 and not in conflict with this Act, shall govern the process of obtaining a judicial decree of
11 absolute divorce from the proper Family Court which shall be commenced by the filing of
12 a verified petition for absolute divorce by the petitioner-spouse or joint petitioner-
13 spouses.

14 (b) The factors and grounds which militate against the grant of legal separation,
15 the annulment of marriage, and nullification of marriage as provided for in the Family
16 Code of the Philippines shall likewise be assessed, based on competent and credible proof,
17 against the grant of absolute divorce.

18 (c) When the application as a court-assisted petitioner is approved, the proper
19 Family Court shall waive the payment of filing fees and other costs of litigation, and shall
20 appoint a *counsel de officio* for the court-assisted petitioner and assign such number of
21 social workers, psychologists, and psychiatrists, as may be necessary from a pool of
22 accredited social workers and practitioners recognized by the Department of Social

1 Welfare and Development (DSWD), to assist the said petitioner and the court free of
2 charge, and assist the children of the parties.

3 (d) All creditors of the conjugal partnership of gains or absolute community, as
4 well as the personal creditors of the spouses, shall be listed in the petition for absolute
5 divorce and notified of the filing thereof. The court shall take measures to protect the
6 creditors and other persons with pecuniary interest.

7 (e) No decree of absolute divorce shall be based upon a stipulation of facts or
8 a confession of judgment.

9 (f) Public prosecutors in provinces, cities and capital towns are mandated to
10 conduct investigations to find out whether or not there is collusion between the spouses
11 in a petition for absolute divorce or a spouse has coerced the other to file the petition
12 and shall report their findings to the proper Family Court within sixty (60) days from the
13 filing of the petition.

14 SEC. 10. *Overseas Filipinos.* – Petitioners who are overseas Filipinos shall be given
15 priority by the proper Family Court with respect to the hearing of their petitions and the
16 court shall set the reception of evidence, upon the availability of the petitioners, for not
17 more than two (2) consecutive days.

18 SEC. 11. *Summary Judicial Proceedings.* – The following grounds for absolute
19 divorce may be subject to summary judicial proceedings as defined in Section 4. *Definition*
20 *of Terms*, Subsection (x):

21 (a) When the spouses have been separated *de facto* for at least five (5) years;

22 (b) When one of the spouses has contracted a bigamous marriage;

1 (c) When the spouses have been legally separated by judicial decree for at
2 least two (2) years;

3 (d) When one of the spouses has been sentenced to imprisonment for at least
4 six (6) years, even if subsequently pardoned; or

5 (e) When one of the spouses has undergone a sex reassignment surgery or has
6 transitioned into another sex.

7 A petition under this section may be filed individually or jointly by the concerned
8 spouses.

9 SEC. 12. *Mandatory Sixty-Day Cooling-off Period.* – Except for grounds under
10 summary judicial proceedings, the proper Family Court shall exercise all efforts to reunite
11 and reconcile the concerned spouses during the sixty-day cooling-off period after the
12 filing of the petition. Upon expiration of the cooling-off period without the parties having
13 reconciled, the court shall immediately commence trial and is mandated to decide the
14 petition within one (1) year after the lapse of the sixty-day cooling-off period.

15 The requirement of a cooling-off period shall not apply in cases which involve acts
16 of violence against women and their children under Republic Act No. 9262 or attempt
17 against the life of the other spouse or a common child or a child of the petitioner. The
18 cooling-off period is not required for petitions under summary judicial proceedings.

19 SEC. 13. *Waiver of Expert Testimony.* – Expert testimony shall be dispensed with
20 unless the proper Family Court decides that such testimony is indispensable in deciding
21 the petition for divorce.

22 SEC. 14. *Effects of Absolute Divorce.* – The decree of absolute divorce shall have
23 the following effects:

1 (a) The marriage is dissolved and the divorced spouses shall have the right to
2 contract marriage again;

3 (b) The custody of the minor children, and the visitation rights of the spouse
4 not granted primary custody, shall be decided by the proper Family Court in accordance
5 with the best interests of the children, subject to the provisions of Article 213 of the
6 Family Code of the Philippines taking into primary consideration that no child under seven
7 (7) years of age shall be separated from the mother, unless the proper court finds
8 compelling reasons to order otherwise. When the child is over the age of seven (7), the
9 court may ask the child's preference with respect to parental custody and visitation unless
10 such preference will not be for the best interest of the child. In no case shall child custody
11 be given to the offending spouse when the grounds for divorce fall under Section 5(a)
12 (1), (2), (4), (5), (7), (8), (9), and (10) of this Act;

13 *Provided,* That in a subsequent divorce of a previously divorced spouse, the
14 custody of children may be granted to the spouse with lesser number of children, subject
15 to the discretion of the Family Court;

16 (c) Unless otherwise agreed upon in a marriage settlement executed before the
17 celebration of the marriage, the conjugal partnership of gains or the absolute community
18 shall be dissolved and liquidated and the assets shall be equally divided between the
19 spouses excluding the paraphernal or exclusive properties of either spouse, in accordance
20 with the Family Code of the Philippines. The recognition and delivery of the presumptive
21 legitime to the common children shall be ordered by the court, taking into consideration
22 the interests of the children and the protection of their legitime from dissipation. The
23 presumptive legitime shall be computed as of the date of the finality of the decree of

1 absolute divorce. The partition and distribution of the properties of the spouses and the
2 delivery of the children's presumptive legitime shall be recorded in the appropriate civil
3 registry and registry of deeds, otherwise the same shall not affect third persons;

4 (d) During the pendency of the divorce proceedings, the liabilities of the
5 spouses to creditors for family expenses shall remain solidary;

6 (e) In addition to the equal share in the assets of the absolute community or
7 conjugal partnership, the offended spouse who is not gainfully employed shall be entitled
8 to spousal support or alimony from the offending spouse: *Provided*, That the support
9 shall not exceed three (3) years from the finality of the decree of absolute divorce and
10 shall cease when the offended spouse secures gainful employment or remarries: *Provided*,
11 *further*, That the right to support shall be subject to the provisions of Article 201 of the
12 Family Code of the Philippines where the amount of support shall be in proportion to the
13 resources or means of the obligor and to the necessities of the obligee;

14 *Provided, finally*, That the three (3)-year support period may be extended to a
15 reasonable period of time by the Family Court when the offended spouse entitled to
16 support is a senior citizen, a person with disability, or has limited educational attainment;

17 (f) The proper Family Court shall have the discretion to grant spousal support
18 or alimony, child support and child custody pursuant to the pertinent provisions of the
19 Family Code of the Philippines, and impose contempt of court against the defaulting
20 parties. The necessity of alimony and the amount shall be determined by the court taking
21 into consideration all relevant factors;

22 (g) The offended spouse may revoke the donations made in favor of the
23 offending spouse, as well as the designation of the latter as a beneficiary in any insurance
24 policy, even if such designation be stipulated as irrevocable;

1 Donations by reason of marriage shall remain valid, except if the donee is the
2 offending spouse under any of the grounds under Section 5(a) of this Act. The revocation
3 of the donations shall be recorded in the registries of properties in the places where the
4 properties are located. Alienations, liens and encumbrances registered in good faith
5 before the recording of the complaint for revocation in the registry of property shall be
6 respected. The revocation of or a change in the designation of the insurance beneficiary
7 shall take effect upon written notification thereof to the beneficiary. The action to revoke
8 the donation under this provision must be brought within five (5) years from the time the
9 decree of absolute divorce has become final;

10 (h) The effects on the divorced spouses with respect to intestate succession,
11 testamentary dispositions, donations and insurance provisions on beneficiaries in
12 accordance with the Family Code of the Philippines and jurisprudence shall be observed;

13 (i) The legitimate and adopted children of divorced parents shall retain their
14 legal status and legitimacy; a child conceived or born within three hundred (300) days
15 after the filing of a petition for absolute divorce shall be considered legitimate, unless the
16 ground for divorce is the marital infidelity of the wife; and

17 (j) After the filing of the petition for divorce, the spouses shall be entitled to
18 live separately. The court shall appoint a competent third party as administrator to
19 manage the absolute community or conjugal partnership property during the pendency
20 of the divorce proceedings in order to prevent dissipation of the common properties. Prior
21 to the discharge of the administrator's functions and duties, the administrator shall post
22 a surety bond approved by the proper Family Court. The administrator shall have the
23 same powers and duties as those of a guardian under the Rules of Court.

1 SEC. 15. *Support for Children.* – The proper Family Court shall provide for child
2 support pursuant to the pertinent provisions of the Family Code. The court shall give the
3 paramount consideration to the best interest of the children in accordance with Article
4 194 of the Family Code of the Philippines.

5 In considering the award of support, the proper Family Court shall consider
6 relevant circumstances of the case, and of the parties. On application of either party, the
7 proper Family Court may order an increase or decrease in the amount of support upon
8 showing of a substantial and material change of circumstances.

9 In case the offending spouse is an overseas Filipino, a copy of the order to grant
10 spousal and child support shall be furnished to the Department of Migrant Workers and
11 the overseas Filipino's employer for compliance.

12 SEC. 16. *Custody and Support Pendente Lite.* – During the pendency of the petition
13 and in the absence of adequate provisions in a written agreement between the spouses,
14 the court, upon application of the proper party, shall provide for spousal support, and the
15 custody and support of their common children. The court shall give the paramount
16 consideration to the best interest of the children, as well as their choice of the parent
17 with whom they wish to remain, in accordance with the Family Code of the Philippines.
18 It shall also provide the appropriate visitation rights of the other parent.

19 SEC. 17. *Award for Damages.* – The proper Family Court may, as warranted by
20 evidence, award actual, moral, and exemplary damages as provided for under the Civil
21 Code of the Philippines to the offended spouse against the offending spouse.

1 SEC. 18. *Conversion of Pending Petitions.* – Parties who have pending petitions
2 under Articles 36, 45, and 55 of the Family Code of the Philippines may convert their
3 petitions to an action for absolute divorce under this Act without paying filing fees.

4 SEC. 19. *Reconciliation During the Pendency of the Divorce Proceedings.* – If the
5 spouses agree to reconcile during the pendency of the divorce proceedings or before the
6 finality of judgment of divorce, a corresponding joint manifestation under oath duly
7 signed by them shall be filed with the same court where the petition for absolute divorce
8 was filed.

9 Upon hearing of the joint manifestation and the court finds it in order, the petition
10 for divorce shall be dismissed.

11 SEC. 20. *Reconciliation After the Finality of the Divorce Decree.* – Even after the
12 divorce decree is final, the former spouses may agree to reconcile by filing a joint
13 manifestation before the proper Family Court which issued the divorce decree. Upon
14 hearing of the joint manifestation and the court finds it in order, the court shall nullify
15 the final decree of divorce and the parties shall live together without the need of
16 contracting a new marriage.

17 SEC. 21. *Guidelines and Parameters for Reconciliation.* – The following shall be the
18 guidelines or parameters for reconciliation:

19 (a) Any reconciliation during the pendency of the divorce proceedings or after
20 the finality of the divorce decree shall protect the interests of the concerned children;

21 (b) The proper Family Court shall exercise due discretion as warranted by
22 evidence which must protect the offended spouse or the children from future or

1 recurrence of violence from the offending spouse whether or not to grant the joint
2 manifestation of reconciliation in the following:

3 (1) Cases which involve acts of violence against women and their
4 children under R.A. No. 9262; and

5 (2) Cases on attempt against the life of the offended spouse, a common
6 child, or a child of the offended spouse;

7 (c) When the decree of absolute divorce is nullified upon reconciliation of the
8 parties, the separation of property or any forfeiture of the share of the offending spouse
9 already effected shall subsist, unless the spouses agree to revive their former property
10 regime;

11 (d) The reconciling spouses shall also submit a plan of reconciliation under oath
12 which shall include the following:

13 (1) The properties to be contributed anew to the restored regime;

14 (2) The properties to be retained as separate properties of each spouse;

15 (3) The names of all their known creditors, their addresses, and the
16 amounts owing to each;

17 (4) The joint manifestation and verified plan of reconciliation shall be
18 furnished to the creditors named therein;

19 (5) After due hearing, the court shall issue an order approving the joint
20 manifestation and plan of reconciliation which order shall include the protection of
21 the interest of creditors;

22 (6) The order shall be registered in the proper registry of deeds; and

23 (7) The recording of the order in the proper registry of deeds shall not
24 prejudice any creditor not listed or notified.

1 SEC. 22. *Penalty.* – A spouse who is a party to a petition for absolute divorce and
2 who is found by the court to have used threats or coercion to compel the other spouse
3 in filing the petition, and spouses who are guilty of collusion, shall be punished with
4 imprisonment of five (5) years and a fine of Three hundred thousand pesos
5 (PhP300,000.00).

6 Any offending spouse in default of providing the required spousal support or
7 alimony and child support under this Act shall be charged with contempt of court and be
8 imposed a fine of:

- 9 (a) Fifty thousand pesos (P50,000.00) for the first default;
10 (b) One hundred thousand pesos (P100,000.00) for the second default; and
11 (c) Two hundred thousand pesos (P200,000.00) each for the third and the
12 succeeding defaults.

13 The offending spouse found guilty of indirect contempt of court shall be punished
14 with imprisonment thereupon until the obligation for spousal and/or child support has
15 been paid.

16 SEC. 23. *Options.* – The concerned spouse shall have the option to file a petition
17 for dissolution of marriage, annulment of marriage, or legal separation under Articles 36,
18 45, and 55, respectively, of the Family Code of the Philippines or a petition or joint petition
19 for absolute divorce under this Act.

20 SEC. 24. *Appeals.* – Within fifteen (15) calendar days from receipt of the decree
21 of absolute divorce, any of the spouses may file an appeal with the Court of Appeals
22 under the pertinent provisions of the Rules of Court.

1 A motion for execution pending appeal may be issued by the Court of Appeals
2 upon application of the appellee. Moreover, the Court of Appeals may dismiss an appeal
3 forthwith once it finds the same frivolous.

4 SEC. 25. *Community-Based Pre-Nuptial and Post-Matrimonial Programs and*
5 *Activities.* – The National Government shall, through the DSWD, implement community-
6 based pre-nuptial, reconciliatory phase or cooling-off counseling, and post-matrimonial
7 programs and activities aimed at strengthening the marital and family life of Filipinos.

8 These social welfare interventions, which will protect the stability of Filipino
9 families, shall be instituted by DSWD in provinces, cities and clusters of municipalities in
10 the entire country, while observing the local cultures and customs that are prevalent in
11 each locality.

12 SEC. 26. *Community-Based Women's Desk.* – The frontline desk in every barangay
13 established under Republic Act No. 9710 shall be readily available and easily accessible
14 to provide support and assistance to victims, especially women, of all forms of abuse and
15 acts of violence identified under the said Act and those provided for under Republic Act
16 No. 9262.

17 SEC. 27. *Attorney's Fees.* – Subject to the plenary authority of the Supreme Court
18 to regulate the practice of law, in petitions with no court-assisted petitioner, the attorney's
19 fees, inclusive of acceptance fee, appearance fees, and success fee, shall not exceed
20 Fifty thousand pesos (P50,000) for the entire proceedings. However, the petitioner and
21 counsel can mutually agree on a higher rate of attorney's fees.

1 SEC. 28. *Creation of More Positions of Public Attorneys and Family Courts.* – The
2 Department of Justice is authorized to create the necessary additional positions for public
3 attorneys under the Public Attorney’s Office to advocate for court-assisted petitioners.

4 In the discretion of the Supreme Court, more Family Courts may be created to
5 adjudicate petitions for absolute divorce.

6 SEC. 29. *Congressional Oversight Committee on the Absolute Divorce Act.* – There
7 is hereby created a Congressional Oversight Committee (COC) composed of five (5)
8 members each from the Senate and the House of Representatives. The members from
9 the Senate and the House of Representatives shall be appointed by the Senate President
10 and the Speaker, respectively, with at least one (1) member representing the Minority.

11 The COC shall be headed by the respective Chairs of the Committee on Health and
12 Demography of the Senate and the Committee on Population and Family Relations of the
13 House of Representatives. The Secretariat of the COC shall come from the existing
14 Secretariat personnel of the Senate and the House of Representatives committees
15 concerned.

16 The COC shall monitor and ensure the effective implementation of this Act,
17 recommend the necessary remedial legislation or administrative measures, and shall
18 conduct a review of this Act every five (5) years from its effectivity. The COC shall perform
19 such other duties and functions as may be necessary to attain the objectives of this Act.

20 SEC. 30. *Appropriations.* – The amount necessary for the initial implementation of
21 this Act shall be sourced from the savings of the DSWD for the current fiscal year, and

1 the subsequent amounts necessary for the full implementation of this Act shall be
2 included in the subsequent annual General Appropriations Acts.

3 SEC. 31. *Implementing Rules and Regulations.* – The DSWD shall, as lead agency,
4 together with the Department of Justice, the Philippine Commission on Women (PCW),
5 and the National Youth Commission (NYC), in consultation with at least two (2)
6 representatives from women’s organizations with proven track record in women and
7 gender rights advocacy to be identified by the PCW, and two (2) representatives from
8 children’s organizations with proven track record in child rights advocacy to be identified
9 by the NYC, promulgate the implementing rules and regulations within sixty (60) days
10 after the effectivity of this Act.

11 SEC. 32. *Separability Clause.* – If any part or provision of this Act is held invalid or
12 unconstitutional, the other provisions not affected thereby shall remain in force and
13 effect.

14 SEC. 33. *Repealing Clause.* – All laws, executive orders, issuances, decrees, rules
15 and regulations inconsistent with or contrary to the provisions of this Act are deemed
16 amended, modified or repealed accordingly.

17 SEC. 34. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication
18 in the *Official Gazette* or in a newspaper of general circulation.

Approved,