



HOUSE OF REPRESENTATIVES

H. No. 5907

BY REPRESENTATIVES RODRIGUEZ (R.), RODRIGUEZ (M.), GUNIGUNDO,
GERONA-ROBREDO, PRIMICIAS-AGABAS, ZAMORA (M.), CO AND
BATOCABE, PER COMMITTEE REPORT NO. 795

AN ACT RECOGNIZING THE CAPACITY OF THE FILIPINO SPOUSE
TO REMARRY WHEN THE ALIEN SPOUSE HAS OBTAINED A
FOREIGN JUDICIAL DECREE OF ABSOLUTE DIVORCE,
AMENDING FOR THE PURPOSE EXECUTIVE ORDER NO. 209,
OTHERWISE KNOWN AS THE FAMILY CODE OF THE
PHILIPPINES

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

1 SECTION 1. Article 13 of Executive Order No. 209, otherwise known
2 as the Family Code of the Philippines, is hereby amended to read as follows:
3 “Art. 13. In case either of the contracting parties has been
4 previously married, the applicant shall be required to furnish,
5 instead of the birth or baptismal certificate required in the last
6 preceding article, the death certificate of the deceased spouse or
7 the judicial decree of the absolute divorce **OBTAINED BY THE**
8 **ALIEN SPOUSE DULY AUTHENTICATED BY THE PHILIPPINE**
9 **CONSUL IN THE COUNTRY WHERE THE DECREE WAS**

1 OBTAINED, or the judicial decree of annulment or declaration of
2 nullity of his or her previous marriage.

3 "THE FILIPINO SPOUSE NEED NOT SEEK JUDICIAL
4 RECOGNITION OR ENFORCEMENT OF THE FOREIGN JUDICIAL
5 DECREE OF ABSOLUTE DIVORCE AND ITS REGISTRATION BY
6 THE CIVIL REGISTRAR SHALL BE SUFFICIENT FOR THE
7 ISSUANCE OF A MARRIAGE LICENSE.

8 "In case the death certificate cannot be secured, the party
9 shall make an affidavit setting forth this circumstance and his or
10 her actual civil status and the name and date of death of the
11 deceased spouse."

12 SEC. 2. Article 26 of Executive Order No. 209, otherwise known as the
13 Family Code of the Philippines, is likewise amended to read as follows:

14 "Art. 26. All marriages solemnized outside the
15 Philippines in accordance with the laws in force in the country
16 where they were solemnized, and valid there as such, shall also
17 be valid in this country, except those prohibited under Articles
18 35(1), (4), (5) and (6), 36, 37 and 38.

19 "Where a marriage between a Filipino citizen and a
20 foreigner is validly celebrated and a JUDICIAL DECREE OF
21 ABSOLUTE divorce is thereafter validly obtained abroad by the
22 alien spouse [capacitating him or her to remarry], the Filipino
23 spouse shall THEREUPON ACQUIRE THE [likewise have]
24 capacity to remarry under Philippine law."

25 SEC. 3. If any provision of this Act is declared unconstitutional or
26 invalid, the other provisions not affected by such declaration shall remain in
27 full force and effect.

1 SEC. 4. All laws, decrees, executive orders, issuances, letters of
2 instruction, rules and regulations inconsistent with the provisions of this Act
3 are hereby repealed or modified accordingly.

4 SEC. 5. This Act shall take effect fifteen (15) days after its publication
5 in the *Official Gazette* or in a newspaper of general circulation.

Approved,

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