



HOUSE OF REPRESENTATIVES

H. No. 7185

BY REPRESENTATIVES CAYETANO, ACOSTA-ALBA, ARAGONES, AGGABAO, LAGMAN, DE JESUS, BERTIZ, ESCUDERO, KHO, AQUINO-MAGSAYSAY, BRAVO (M.V.), DATOL, CHAVEZ, SANGCOPAN, GARCIA (G.), BELARO, HOFER, NOEL, GONZALES (A.P.), PIMENTEL, MATUGAS, GARIN (R.), HERRERA-DY, ROA-PUNO, BRAVO (A.), ABAYON, SUANSING (E.), NIETO, VELASCO-CATERA AND CHIPECO, PER COMMITTEE REPORT NO. 610

AN ACT RECOGNIZING THE FOREIGN DECREE OF TERMINATION OF MARRIAGE AND ALLOWING ITS SUBSEQUENT REGISTRATION WITH THE PHILIPPINE CIVIL REGISTRY, 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
2 known as the "Family Code of the Philippines", is hereby amended
3 to read as follows:

4 "Art. 13. In case either of the contracting parties
5 has been previously married, the applicant shall be
6 required to furnish, instead of the birth or baptismal

1 certificate required in the last preceding article, the
2 death certificate of the deceased spouse [or the judicial
3 decree of the absolute divorce, or], the judicial decree of
4 annulment or declaration of nullity of [his or her] THE
5 previous marriage[.], OR A FOREIGN DECREE OF
6 TERMINATION OF MARRIAGE DULY AUTHENTICATED BY
7 THE PHILIPPINE EMBASSY OR CONSULAR OFFICE
8 WHERE THE FOREIGN DECREE WAS ISSUED.

9 "THE FILIPINO SPOUSE NEED NOT SEEK JUDICIAL
10 RECOGNITION OR ENFORCEMENT OF THE FOREIGN
11 DECREE OF TERMINATION OF MARRIAGE. THE
12 REGISTRATION OF THE DULY AUTHENTICATED FOREIGN
13 DECREE OF TERMINATION OF MARRIAGE IN THE
14 PHILIPPINE CIVIL REGISTRY SHALL BE SUFFICIENT
15 PROOF OF CAPACITY TO REMARRY.

16 "In case the death certificate cannot be secured, the
17 party shall make an affidavit setting forth this
18 circumstance and [his or her] actual civil status and the
19 name and date of death of the deceased spouse."

20 SEC. 2. Article 26 of Executive Order No. 209, as amended, is
21 hereby further amended to read as follows:

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

1 "Where a marriage between a Filipino citizen and a
2 foreigner is [validly] celebrated and a [divorce] DECREE
3 OF TERMINATION OF MARRIAGE is thereafter [validly]
4 obtained abroad by [the alien] EITHER spouse
5 [capacitating him or her to remarry,] AND
6 SUBSEQUENTLY REGISTERED IN THE PHILIPPINE CIVIL
7 REGISTRY AS PROVIDED IN ARTICLE 13 HEREOF, the
8 Filipino spouse shall LIKEWISE have capacity to
9 remarry under Philippine law."

10 "ARTICLE 412 OF THE CIVIL CODE SHALL NOT
11 APPLY IN RECOGNIZING THE TERMINATION OF
12 MARRIAGES REFERRED THEREIN.

13 "ANY AGREEMENT ON THE LIQUIDATION, PARTITION
14 AND DISTRIBUTION OF THE PROPERTIES OF THE
15 SPOUSES, THE CUSTODY AND SUPPORT OF COMMON
16 CHILDREN, THE DELIVERY OF THEIR PRESUMPTIVE
17 LEGITIMES INCLUDED IN THE DECREE OF TERMINATION
18 OF MARRIAGE SHALL BE RECOGNIZED. IN THE ABSENCE
19 THEREOF, THE PROVISIONS OF THE FAMILY CODE
20 SHALL BE IN FORCE.

21 "THE PROVISIONS OF THIS ACT CAN BE AVAILED BY
22 A FILIPINO:

23 "(A) WHO IS MARRIED TO A FOREIGNER WHOSE
24 MARRIAGE HAS BEEN TERMINATED ABROAD BY EITHER
25 SPOUSE, INCLUDING A FILIPINO WHOSE MARRIAGE HAS
26 BEEN TERMINATED ABROAD PRIOR TO THE EFFECTIVITY
27 OF THIS ACT;

1 “(B) WHO HAS BEEN DIVORCED FROM A SPOUSE
2 WHO HAD SUBSEQUENTLY ACQUIRED FOREIGN
3 CITIZENSHIP; AND

4 “(C) WHO HAS SUBSEQUENTLY ACQUIRED FOREIGN
5 CITIZENSHIP AND WHO HAS DIVORCED FROM THE
6 FILIPINO SPOUSE ABROAD.”

7 SEC. 3. If any part or provision of this Act shall be declared
8 unconstitutional and invalid, such declaration shall not invalidate
9 other parts hereof which shall remain in full force and effect.

10 SEC. 4. All laws, orders, decrees, rules and regulations, and
11 other parts thereof inconsistent with the provisions of this Act are
12 hereby repealed, amended or modified accordingly.

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

 Approved,

O