

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

'22 JUL -7 P5 :44

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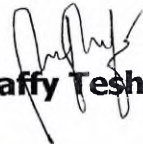
SENATE
Senate Bill No. 213

Introduced by: **Senator Raffy T. Tulfo**

"AN ACT AMENDING CERTAIN PROVISIONS OF EXECUTIVE ORDER 209 AS AMENDED, IN ORDER TO DEFINE AND INTRODUCE DIVORCE AND FOR OTHER PURPOSES"

EXPLANATORY NOTE

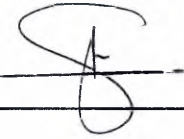
The State recognizes the sanctity of family life and has the policy to protect and strengthen the family as a basic autonomous social institution. It is for this reason that it is about time that the Philippines enact a divorce law. The quality of family life for spouses who are already in an unhealthy marital relationship is not what was envisioned by the State as something that needs protecting. While Executive Order No. 209 or the Family Code of the Philippines provides for various remedies for the termination of a marital union, those processes have proven to be excessively adversarial, tedious, and unjustly expensive, especially for the poor. It is the less advantaged who are forced to endure a miserable family life just because of their economic circumstance. This divorce law is an act of social justice giving everyone a chance at a fresh start.


Raffy Teshiba Tulfo
Senator

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

1 *SECTION 1.* Title II of Executive Order 209 or the Family Code is hereby amended as
2 follows –

3 Title II

4 " Divorce "

5 *SECTION 2.* Article 55 of Executive Order 209 or the Family Code is hereby amended
6 as follows –

7 "Article 55. – Divorce is a judicial termination of marriage returning the parties thereto
8 to the civil status of 'single' allowing both to contract marriage which may be instituted
9 by an aggrieved party to the marriage on the following grounds:

- 10 (1) Repeated physical violence or grossly abusive conducted directed against the
11 aggrieved spouse, a common child, or a child of the aggrieved spouse;
12
13 (2) Physical violence or moral pressure to compel the petitioner to change
14 religious or political affiliation;
15
16 (3) Attempt of respondent to corrupt or induce the aggrieved spouse, a common
17 child, or a child of the aggrieved spouse, to engage in prostitution, or
18 connivance in such corruption or inducement;
19
20 (4) Final Judgment sentencing the offending spouse to imprisonment of more
21 than six years, even if pardoned;
22
23 (5) Drug addiction or habitual alcoholism of the offending spouse;

- 1 (6) Homosexuality of the offending spouse;
2
3 (7) Contracting by the offending spouse of a subsequent bigamous marriage or a
4 second marriage with another person abroad;
5
6 (8) Sexual perversion of the offending spouse subjecting the aggrieved spouse, a
7 common child, or a child of the aggrieved spouse;
8
9 (9) Attempt by the offending spouse against the life of the aggrieved spouse;
10
11 (10) Marital Infidelity of the offending spouse;
12
13 (11) Abandonment of the offending spouse without justifiable cause for
14 more than one year;
15
16 (12) Commission of any of the punishable acts of Republic Act No. 9262 as
17 amended or the Anti-Violence Against Women and their Children Act of 2004;
18
19 (13) Commission of any of the punishable acts of Republic Act No. 7610 as
20 amended or the Special Protection of Children Against Abuse, Exploitation,
21 and Discrimination Act"; "
22

23 *SECTION 3.* Article 56 of Executive Order 209 or the Family Code is hereby amended
24 as follows –

25 "Article 56. Divorce shall be denied on any of the following grounds:

- 26 (1) Where the offended spouse has condoned the offense or act complained of in
27 a written public document.
28 (2) Where the offended spouse has consented to the commission of the offense or
29 act complained of.
30 (3) Where there is connivance between the parties in the commission of the offense
31 or act constituting the grounds for divorce;
32 (4) Where there is collusion between the spouses to falsify any ground to acquire
33 a decree of divorce;
34 (5) Where the action is barred by prescription. "

35 *SECTION 4.* Article 57 of Executive Order 209 or the Family Code is hereby amended
36 as follows –

37 "Article 57. An action for divorce shall be filed within five years from the time of the
38 occurrence of the cause or within five years from the discovery of the cause whichever
39 is later."

1 *SECTION 5.* Article 58 of Executive Order 209 or the Family Code is hereby amended
2 as follows –

3 “Article 58. An action for divorce shall in no case be tried before sixty (60) days have
4 elapsed since the filing of the petition.”

5 *SECTION 6.* Article 59 of Executive Order 209 or the Family Code is hereby amended
6 as follows –

7 “Article 59. No divorce shall be decreed unless the Court has directed the parties
8 thereto to any form of Alternate Dispute Resolution and such method has failed.”

9 *SECTION 7.* Article 60 of Executive Order 209 or the Family Code is hereby amended
10 as follows –

11 “Article 60. No decree of divorce shall be based upon a stipulation of facts or a
12 confession of judgment.”

13 *SECTION 8.* Article 61 of Executive Order 209 or the Family Code is hereby amended
14 as follows –

15 “Article 61. After the filling of the action for divorce, the spouses shall be entitled to
16 live separately from each other.

17 In the absence of a written agreement, the court shall designate either of the spouses
18 or a qualified third person to administer the absolute community or conjugal
19 partnership property. The administrator appointed y the court shall have the same
20 powers and duties as those of a guardian under the Rules of Court.”

21 *SECTION 9.* Article 62 of Executive Order 209 or the Family Code is hereby amended
22 as follows –

23 “Article 62. During the pendency of the action for divorce the provisions of Article 49
24 shall likewise apply to the support of the spouses and the custody and support of the
25 common children.”

26 *SECTION 10.* Article 63 of Executive Order 209 or the Family Code is hereby amended
27 as follows –

28 “Article 63. The decree of divorce shall have the following effects:

- 29 (1) The spouses in the divorce shall have their marriage bonds severed returning
30 them to the civil status of single allowing either to contract marriage anew.
31 (2) The absolute community or conjugal partnership shall be dissolved and
32 liquidated.
33 (3) The custody of the minor children shall be awarded to the innocent spouse
34 subject to the provisions of Article 213 of this code; and
35 (4) The offending spouse shall be disqualified from inheriting from the innocent
36 spouse by intestate succession. Moreover provisions in favor of the offending
37 spouse made in the will of the offended spouse shall be revoked by operation
38 of law.

1 *SECTION 11.* Article 64 of Executive Order 209 or the Family Code is hereby amended
2 as follows –

3 “Article 64. After the finality of the decree of divorce, the innocent spouse may revoke
4 donations made by him or her in favor of the offending spouse as well as the
5 designation of the latter as beneficiary in any insurance policy, even if such designation
6 be stipulated as irrevocable. The revocation of the donations shall be recorded in the
7 registries of property in the places where the properties are located. Alienations liens
8 and encumbrances registered in good faith before the recording of the complaint for
9 revocation in the registries of property shall be respected. The revocation of or change
10 in the designation of the insurance beneficiary shall take effect upon written
11 notification thereof to the insured.”

12 *SECTION 12.* Article 65 of Executive Order 209 or the Family Code is hereby amended
13 as follows –

14 “Article 65. Upon finality of a divorce decree, reconciliation between the parties shall
15 have no legal effect and the marital relation shall remain severed. Parties to a divorce
16 that has reached finality are not barred to enter into marriage with each other after
17 obtaining a decree of divorce.”

18 *SECTION 13.* Article 66 and Article 67 of Executive Order 209 or the Family Code is
19 hereby repealed.

20 *SECTION 14. Separability Clause.* – If any section or provision of this Act is held
21 unconstitutional or invalid, the other sections or provisions shall not be affected.

22 *SECTION 15. Repealing Clause* – All laws, Presidential decrees, executive orders and
23 rules and regulations, or parts thereof, inconsistent with the provisions of this Act are
24 hereby repealed or modified accordingly.

25 *SECTION 16. Effectivity* – This Act shall take effect fifteen (15) days from the date of
26 its complete publication in the Official Gazette at least two (2) newspapers of general
27 circulation.

Approved,