



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

22 JUL 13 P5:21

SENATE
S. No. 554

RECEIVED BY:

Introduced by Senator **PIA S. CAYETANO**

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

EXPLANATORY NOTE

Articles 13 and 26 of Executive Order No. 209, otherwise known as the Family Code of the Philippines, provide that if a Filipino citizen who marries a foreign spouse is divorced by their spouse, they may only remarry if the foreign spouse is capacitated to remarry.

In 2019, the Supreme Court decided in *Nullada v. Civil Registrar of Manila* that these provisions apply regardless if it is the Filipino spouse who initiated the foreign proceedings or not since, in either circumstance, the Family Code intends to recognize the residual effect of the foreign divorce decree.¹

This bill, which was sponsored by the undersigned and first passed on third reading in the House of Representatives in the 17th Congress, reflects this Supreme Court decision by capacitating Filipinos to re-marry upon acquisition of a foreign judicial decree of foreign divorce duly authenticated by the Philippine consul in the country where the decree was obtained. It further allows the registration of the decree by the civil registrar without the need for judicial recognition or enforcement.

¹ *Nullada v. Civil Registrar of Manila*, GR No. 224548, 23 Jan 2019

The Philippine Commission on Women supports this bill believing that this measure is a tool for the empowerment of women, as it will primarily benefit Filipinas. Citing statistics from the Philippine Statistics Authority (PSA), they reported that 93 percent of spouses of foreign nationals are women.² The PSA has also endorsed, in previous Congresses, the passage of this measure.

It is for these reasons that the urgent passage of the bill is recommended.


PIA S. CAYETANO

² Philippine Statistics Authority. (2022, January 6). *Registered marriages in the Philippines, 2020*. <https://psa.gov.ph/vital-statistics/id/165610>



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209, OTHERWISE KNOWN AS THE FAMILY CODE OF THE PHILIPPINES

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

1 Section 1. Article 13 of Executive Order No. 209, otherwise known as the Family
2 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, instead of
5 the birth or baptismal certificate required in the last preceding article,
6 the death certificate of the deceased spouse [or the judicial decree of
7 the absolute divorce, or], the judicial decree of annulment or declaration
8 of nullity of [his or her] THE previous marriage[.], **OR A FOREIGN**
9 **DECREE OF TERMINATION OF MARRIAGE DULY**
10 **AUTHENTICATED BY THE PHILIPPINE EMBASSY OR CONSULAR**
11 **OFFICE WHERE THE FOREIGN DECREE WAS ISSUED.**

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

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

4 Sec. 2. Article 26 of Executive Order No. 209 is hereby amended to read as
5 follows:

6 "Art. 26. All marriages solemnized outside the Philippines, in
7 accordance with the laws in force in the country where they were
8 solemnized, and valid there as such, shall also be valid in this country,
9 except those prohibited under Articles 35 (1), (4), (5) and (6), 36, 37 and
10 38.

11 Where a marriage between a Filipino citizen and a foreigner is
12 [validly] celebrated and a [divorce] **DECREE OF TERMINATION OF**
13 **MARRIAGE** is thereafter [validly] obtained abroad by [the alien]
14 **EITHER** spouse [capacitating him or her to remarry,] **AND**
15 **SUBSEQUENTLY REGISTERED IN THE PHILIPPINE CIVIL**
16 **REGISTRY AS PROVIDED IN ARTICLE 13 HEREOF,** the Filipino
17 spouse shall likewise have capacity to remarry under Philippine law."

18 **ARTICLE 412 OF THE CIVIL CODE SHALL NOT APPLY IN**
19 **RECOGNIZING THE TERMINATION OF MARRIAGES REFERRED**
20 **HEREIN.**

21 **ANY AGREEMENT ON THE LIQUIDATION, PARTITION AND**
22 **DISTRIBUTION OF THE PROPERTIES OF THE SPOUSES, THE**
23 **CUSTODY AND SUPPORT OF COMMON CHILDREN, THE DELIVERY**
24 **OF THEIR PRESUMPTIVE LEGITIMES INCLUDED IN THE DECREE**
25 **OF TERMINATION OF MARRIAGE SHALL BE RECOGNIZED. IN THE**
26 **ABSENCE THEREOF, THE PROVISIONS OF THE FAMILY CODE**
27 **SHALL BE IN FORCE.**

28 **THE PROVISIONS OF THIS ACT CAN BE AVAILED BY A**
29 **FILIPINO:**

30 **(A) WHO WAS MARRIED TO A FOREIGNER AND WHOSE**
31 **MARRIAGE HAS SUBSEQUENTLY BEEN TERMINATED ABROAD BY**
32 **EITHER SPOUSE, INCLUDING THOSE WHOSE MARRIAGE HAS**

1 **BEEN TERMINATED ABROAD PRIOR TO THE EFFECTIVITY OF**
2 **THIS ACT;**

3 **(B) WHO HAS BEEN DIVORCED FROM A SPOUSE WHO**
4 **HAD SUBSEQUENTLY ACQUIRED FOREIGN CITIZENSHIP; AND**

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

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

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

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

Approved,