

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



Senate
Office of the Secretary

'22 JUL 18 P1 58

SENATE
S. No. 719

RECEIVED BY:

Introduced by Senator Grace Poe

AN ACT
AMENDING THE GROUNDS FOR LEGAL SEPARATION UNDER ARTICLE 55
OF THE FAMILY CODE OF THE PHILIPPINES

EXPLANATORY NOTE

One of the commitments which the Philippines signed and ratified under the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) is the legislation of appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations. Further, CEDAW General Recommendation No. 19 suggests that State Parties review their laws and policies relating to gender-based violence.

To this end, we seek to update the current enumeration of grounds for legal separation under Article 55 of the Family Code of the Philippines. As it stands now, the provision requires repeated physical violence or grossly abusive conduct in order to justify a legal separation. The wording is problematic because (1) the physical violence must be repeated or the abusive conduct should be gross, putting the life of the victim at risk; and (2) it does not recognize sexual abuse which is what usually happens in the privacy of homes.

The seemingly innocuous wording of this ground has put undue burden on victim spouses who would have wanted to legally separate from their abusers but could not do so until they are physically and emotionally battered due to multiple instances of or the severity of the abuse.² Why should we wait until abuse has become repetitive or gross? We should stop abuse at the first instance and we should not allow abusers take refuge behind gaps in the law.

While the proposed amendment will apply to both spouses regardless of gender, the updating of the grounds for legal separation will undoubtedly benefit women more as they are more vulnerable to these kinds of abuse, especially at the

²Philippine Commission on Women. (n.d.). "Recognizing Sexual Abuse and Focusing on the Violence and Abusive Conduct as Grounds for Legal Separation". Date accessed: 03 March 2022. Accessed from: <https://pcw.gov.ph/assets/files/2019/10/PCW-WPLA-PB-04-Amending-the-Family-Code-Provision-on-Legal-Separation-AEB-1.pdf?x25110>;

wake of the pandemic.³

In view of the foregoing, the immediate passage of this bill is earnestly sought.



GRACE POE

³ Baron, Gabriela. (19 November 2021). "COVID-19 Pandemic Worsens Violence Against Women, Girls—GABRIELA". Manila Bulletin. Accessed from: <https://mb.com.ph/2021/11/19/covid-19-pandemic-worsens-violence-against-women-girls-gabriela/>

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

1 Section 1. Article 55 of the Family Code of the Philippines is hereby amended to
2 read as follows:

3 "Article 55. A petition for legal separation may be filed on any of
4 the following grounds;

5 (1) [Repeated] physical **AND/OR SEXUAL** violence, or [grossly]
6 **ABUSIVE CONDUCT** directed against the petitioner, a
7 common child, or a child of the petitioner;
8 x x x."

9 Sec. 2. *Repealing Clause.* – All laws, decrees, orders, and issuances, or portions
10 thereof, which are inconsistent with the provisions of this Act, are hereby repealed,
11 amended or modified accordingly.

12 Sec. 3. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its
13 publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,