



Republic of the Philippines  
House of Representatives



**EIGHTEENTH CONGRESS**

*First Regular Session*

**HOUSE BILL NO. 5487**

---

**Introduced by Rep. Luisa Lloren Cuaresma**  
**Lone District of Nueva Vizcaya**

---

**AN ACT**

**ALLOWING THE FOREIGN DECREE OF DISSOLUTION OF MARRIAGE TO BE REGISTERED WITH THE PHILIPPINE CIVIL REGISTRY EVEN IN THE ABSENCE OF A JUDICIAL RECOGNITION TO THAT EFFECT, 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 his/her spouse, he/she may only re-marry if the foreign spouse is capacitated to re-marry. In addition, the law requires the Filipino spouse to first seek a judicial recognition for the enforcement of the foreign decree of dissolution of marriage obtained by the foreign spouse.

While the aforesaid provisions allow the Filipino spouse to re-marry, his or her capacity to do so is still conditioned to the issuance of a judicial order acknowledging the foreign judgment of the dissolution of marriage. Thus, there is still a need for the Filipino spouse to undergo the tedious, expensive and time-consuming process of filing a petition before the court before he or she could re-marry.

It was noted by the Philippine Statistics Authority that NINETY ONE PERCENT (91%) of the spouses of foreign nationals are women, and that most of them are still considered to have been validly married with their foreign spouses notwithstanding the fact that a foreign decree of dissolution of marriage was already issued because of their failure to obtain a judicial order for its enforcement.

This bill, which was passed on third reading in the House of Representatives but failed to pass in the Senate during the 17<sup>th</sup> Congress, seeks to eliminate this undue prejudice against our own citizens by capacitating them 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 and the subsequent registration of the decree by the civil registrar without the need for judicial recognition or enforcement.

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

*Luisa Lloren Cuaresma*  
**LUISA LLOREN CUARESMA**





Republic of the Philippines  
**House of Representatives**

**EIGHTEENTH CONGRESS**

*First Regular Session*

**HOUSE BILL NO. 5487**

---

**Introduced by Rep. Luisa Lloren Cuaresma**  
**Lone District of Nueva Vizcaya**

---

**AN ACT**

**ALLOWING THE FOREIGN DECREE OF DISSOLUTION OF MARRIAGE TO BE REGISTERED WITH THE PHILIPPINE CIVIL REGISTRY EVEN IN THE ABSENCE OF A JUDICIAL RECOGNITION TO THAT EFFECT, 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:*

**Section 1.** *Article 13 of Executive Order No. 209, otherwise known as the Family Code of the Philippines, is hereby amended as follows:*

“Art. 13. In case either of the contracting parties has been previously married, the applicant shall be required to furnish, instead of the birth or baptismal certificate required in the last preceding article, the death certificate of the deceased spouse [or the judicial decree of the absolute divorce, or], the judicial decree of annulment or declaration of nullity of [his or her] THE previous marriage[.], **OR A FOREIGN DECREE OF TERMINATION OF MARRIAGE DULY AUTHENTICATED BY THE PHILIPPINE EMBASSY OR CONSULAR OFFICE WHERE THE FOREIGN DECREE WAS ISSUED.**”

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

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



**Section 2.** *Article 26 of Executive Order No. 209 is hereby amended to read as follows:*

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

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

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

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

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

- (A) WHO IS MARRIED TO A FOREIGNER WHOSE MARRIAGE HAS BEEN TERMINATED ABROAD BY EITHER SPOUSE, INCLUDING A FILIPINO WHOSE MARRIAGE HAS BEEN TERMINATED ABROAD PRIOR TO THE EFFECTIVITY OF THIS ACT;
- (B) WHO HAS BEEN DIVORCED FROM A SPOUSE WHO HAD SUBSEQUENTLY ACQUIRED FOREIGN CITIZENSHIP; AND
- (C) WHO HAS SUBSEQUENTLY ACQUIRED FOREIGN CITIZENSHIP AND WHO HAS DIVORCED FROM THE FILIPINO SPOUSE ABROAD.”

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

**Section 4. *Repealing Clause.*** – All other laws, decrees, executive orders, rules and regulations, or parts thereof contrary to or inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

**Section 5. *Effectivity Clause.*** – This Act shall take effect fifteen (15) days from its publication in the *Official Gazette* or in at least two (2) national newspapers of general circulation.

**Annroved**