

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City
Eighteenth Congress
First Regular Session

HOUSE BILL NO. 96



Introduced by Representative Maria Lourdes O. Acosta-Alba

EXPLANATORY NOTE

Article 26 of Executive Order No. 209, as amended, also known as the "*Family Code of the Philippines*," provides that:

Art. 26. xxx

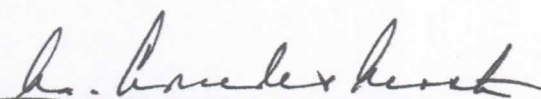
Where a marriage between a Filipino citizen and a foreigner is validly celebrated and a divorce is thereafter validly obtained abroad by the alien spouse capacitating him or her to remarry, the Filipino spouse shall have capacity to remarry under Philippine law.

There is no divorce in the Philippines. But when a divorce is validly obtained abroad by a foreign spouse terminating his or her marriage to the Filipino spouse, the Filipino spouse shall have the capacity to remarry under Philippine law. However, this foreign judgment must be passed upon judicially by a Philippine court to prove its validity. The decision of the court then becomes the basis for the annotation of the divorce in the civil registry documents.

This bill aims to do away with this long and tedious judicial process by expanding further the authority of the city or municipal civil registrar or the consul general to administratively update the civil status of a person appearing in the Civil Register without need of a judicial order.

As the foreign spouse is already freed from his or her marital obligation, the same right must also be accorded to the Filipino spouse without the costs and burden of a tedious judicial process.

Hence, the passage of this bill is urgently sought.


MARIA LOURDES O. ACOSTA-ALBA

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EIGHTEENTH CONGRESS

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HOUSE BILL NO. _____

Introduced by Representative Maria O. Lourdes Acosta-Alba

AN ACT

**AUTHORIZING THE CITY OR MUNICIPAL CIVIL REGISTRAR, OR THE
CONSUL GENERAL, TO UPDATE IN THE CIVIL REGISTER THE CIVIL
STATUS OF A FILIPINO SPOUSE WHO WAS VALIDLY DIVORCED BY A
FOREIGN SPOUSE, WITHOUT THE NEED OF A JUDICIAL ORDER**

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

1 **SECTION 1. Short Title.** — This Act shall be known as the "Foreign
2 Divorce Recognition Act."

3 **SEC. 2. Authority to Update Civil Status in the Civil Register.** -
4 Notwithstanding the prohibition in Article 412 of Republic Act No. 386, as
5 amended, otherwise known as the "Civil Code of the Philippines," the city or
6 municipal civil registrar, or the consul general, is hereby authorized to update
7 in accordance with the provisions of this Act, an entry in the civil register
8 involving the civil status of a Filipino spouse whose marriage with a foreign
9 spouse was annulled by way of foreign judgment, decree or record.

10 **SEC. 3. Who May File the Petition and Where.** — The Filipino spouse
11 of a foreign national whose marriage was dissolved through a divorce validly
12 obtained abroad by the foreign spouse capacitating the latter to remarry may,
13 in person, file a petition to update civil status with the local civil registry office
14 of the city or municipality where the record being sought to be changed is kept.

1 Filipinos residing abroad may file the petition before the consul general who has
2 jurisdiction over their person.

3 **SEC. 4. Form and Contents of the Petition.** — No petition shall be
4 accepted and granted by the city or municipal civil registrar, or the consul
5 general, unless it complies with the following requirements:

6 a) The petition is in the form of an affidavit, subscribed and sworn to
7 before any person authorized by law to administer oaths, and setting forth facts
8 necessary to establish its merits;

9 b) It includes as annexes an official copy of the foreign divorce law and
10 an official copy of the foreign decree or record of divorce, attested by the officer
11 having its legal custody, or by the officer's deputy, and accompanied with a
12 certificate that such officer has the custody, which certificate may be made by
13 a secretary of the embassy or legation, consul general, consul, vice consul, or
14 consular agent or by any officer in the foreign service of the Philippines stationed
15 in the foreign country in which the record is kept, and authenticated by the seal
16 of such office. The attestation must state, in substance, that the copy is a correct
17 copy of the original, or a specific part thereof, as the case may be. The attestation
18 must be under the official seal of the attesting officer, if there be any, or if the
19 officer be the clerk of a court having a seal, under the seal of such court. The
20 petition shall be filed in three (3) copies to be distributed as follows: first copy
21 to the concerned city or municipal civil registrar, or the consul general; second
22 copy to the Office of the Civil Registrar General; and a third copy for the
23 petitioner.

24 **SEC. 5. Payment of Fees.** — The city or municipal civil registrar or the
25 consul general shall collect reasonable fees as a condition for accepting the
26 petition. An indigent petitioner, upon certification issued by the Department of
27 Social Welfare and Development, is exempted from the payment of the said fee.

28 **SEC. 6. Penalty.** — Any person who states any falsehood or falsifies any
29 document to misrepresent compliance with the provisions of this Act shall, upon
30 conviction, be punished by imprisonment of not less than six (6) years but not
31 more than twelve (12) years, or a fine of not less than Ten thousand pesos

1 (P 10,000.00) but not more than One hundred thousand pesos (P100,000.00),
2 or both, at the discretion of the court.

3 In addition, if the offender is a government official or employee, he shall
4 suffer the penalties provided under civil service laws, rules and regulations.

5 **SEC. 7. Implementing Rules and Regulations.** — The Civil Registrar
6 General shall, in consultation with the Secretary of Justice, the Secretary of
7 Foreign Affairs, the Office of the Supreme Court Administrator, the University
8 of the Philippines Law Center and the Philippine Association of Civil Registrars,
9 issue the necessary rules and regulations for the effective implementation of
10 this Act not later than three (3) months from the approval of this Act.

11 **SEC. 8. Repealing Clause.** — Article 412 of Republic Act No. 386, as
12 amended, also known as the "Civil Code of the Philippines, " and all other laws,
13 decrees, orders, rules and regulations, other issuances, or parts thereof
14 inconsistent with the provisions of this Act are hereby repealed or modified
15 accordingly.

16 **SEC. 9. Effectivity.** — This Act shall take effect fifteen (15) days after its
17 publication in the Official Gazette or in a newspaper of general circulation.

18 Approved,