

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Batasan Hills, Quezon City

EIGHTEENTH CONGRESS
First Regular Session

House Bill No. 1157



Introduced by
HON. YEDDA MARIE K. ROMUALDEZ
and

HON. FERDINAND MARTIN G. ROMUALDEZ

EXPLANATORY NOTE

The 1987 Constitution of the Philippines recognizes marriage to be the foundation of the State. Furthermore, it mandates the State to protect marriage as an inviolable social institution (cf. Article XV, Section 2). For the same reason, it recognizes the sacrosanct and binding effect of marriages celebrated by the Church, considering that the right to contract marriage in a religious right is an element in the exercise of religious freedom. In fact, the dominant Catholic population of our country, marriage is viewed as a sacrament and can be validly contracted only under the approved rites of the Church. On the other hand, persons married under the laws of the Church, must likewise be recognized as married under the laws of the State. A marriage solemnized by the Church therefore should have not only canonical but civil effects as well. Priests, pastors, imams and rabbis who solemnize marriage must have the authority to solemnize granted by the State. Therefore, if a marriage can be legitimately contracted under the laws of the Church, then it follows that under the same laws, such marriage can also be nullified or annulled.

Recently, significant reforms in the canonical procedure in marriage nullity cases has been introduced in the Catholic Church by Pope Francis in the document "Mitis Iudex Dominus Iesus" which streamlined many of the steps involved in the nullity process such as the elimination of an automatic second review by an appellate tribunal, concession to the diocesan bishops in granting the annulment themselves in certain circumstances, such as spousal abuse or when extramarital affairs has occurred and ensuring that the process should be free except a minimal administrative cost. Same procedures are also available in other religious denominations subject to their own rules and traditions.

1 The Family Code of the Philippines recognizes as valid a marriage
2 solemnized under the laws of the Church. If marriages so solemnized are
3 recognized by the State, it is only proper that the very church that solemnized
4 the marriage should also have the power to rule that attendant infirmity that
5 rendered a marriage null, and its effects binding on the State. This is also same
6 to all other established churches and religions.
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8 In fact, it is noteworthy, Presidential Decree 1083 has incorporated
9 aspects of the Shari'ah as part of Philippine law, therefore, nullity as well as
10 divorce, according to the Qur'an have effects for the State as well. Under the
11 principle of equality before the law, if a Muslim divorce is recognized, there can
12 be no serious objections towards the recognition of the civil effects of a
13 marriage by an established and duly recognized religious denomination.
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15 In view of the foregoing, the passage of this bill is earnestly sought.
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22 **Rep. YEDDA MARIE K. ROMUALDEZ**
23 Representative, Tingog Sinirangan
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30 **Rep. FERDINAND MARTIN G. ROMUALDEZ**
31 Representative, First District of Leyte
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Republic of the Philippines
HOUSE OF REPRESENTATIVES
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EIGHTEENTH CONGRESS
First Regular Session

House Bill No. **1157**

Introduced by
HON. YEDDA MARIE K. ROMUALDEZ
and
HON. FERDINAND MARTIN G. ROMUALDEZ

**AN ACT RECOGNIZING THE CIVIL EFFECTS OF CHURCH ANNULMENT,
DECLARATION OF NULLITY, AND DISSOLUTION OF MARRIAGES AND
FOR OTHER PURPOSES**

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

Section 1. - This Act shall be known as the "Church Nullity Act of 2019".

Section 2. Whenever a marriage, duly and legally solemnized by a priest, imam, rabbi or presiding elder of an established church or religion in the Philippines is subsequently annulled, dissolved or declared a nullity in a final judgment or decree in accordance with the canons and precepts of the church or religious sect, the said annulment, dissolution or declaration of nullity shall have the same effect as a decree of annulment, dissolution or declaration of nullity issued by a competent court.

1 **Section 3.** The status of children of marriages subject of a decree of
2 annulment or declaration of nullity by the church or religious sect shall be
3 determined in accordance with the provisions of Executive Order No. 209,
4 otherwise known as the "Family Code of the Philippines". In case the grounds
5 for the church annulment or declaration of nullity is not similar to any of the
6 grounds provided in the Family Code of the Philippines, their common children
7 born or conceived before the issuance of the decree of annulment or
8 declaration of nullity shall be considered legitimate.

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10 **Section 4.** The liquidation, partition and distribution of the properties of
11 the spouses, the custody and support of the common children, and the delivery
12 of their presumptive legitimes shall be agreed upon by the spouses and
13 embodied in a public document. In case no agreement is met, the provisions of
14 the Family Code of the Philippines shall be in force.

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16 **Section 5.** The decree of annulment or declaration of nullity issued by
17 the church or religious sect shall be recorded in the appropriate civil registry,
18 together with the agreement of the spouses required in the preceding section
19 within thirty (30) days from issuance of the said final judgment or decree of
20 annulment or declaration of nullity, subject to the conditions that may be
21 imposed by the church or religious sect.

22
23 **Section 5.** Without prejudice to the conditions set forth by the church or
24 religious sect, either of the former spouses may marry again after complying
25 with the requirements of the preceding paragraph and Article 52 of the Family
26 Code of the Philippines; otherwise the subsequent marriage shall be null and
27 void.

28
29 In securing a marriage license, the spouse involved must present a true
30 certified copy of the decree of annulment or declaration of nullity issued by the
31 church or religious sect and registered with the appropriate civil registry.

1 **Section 7.** If any part or provision of this Act is held unconstitutional or
2 invalid, other parts for provisions hereof which are not affected shall continue
3 to remain in full force and effect.

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5 **Section 8.** All laws, decrees, executive orders, rules and regulations or
6 parts thereof inconsistent with or contrary to the provisions of this Act are
7 deemed amended, repealed or modified accordingly.

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9 **Section 9.** This Act shall take effect fifteen (15) days following
10 completion of its publication in the Official Gazette and in at least two (2)
11 newspapers of general circulation.