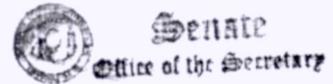


SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Third Regular Session)



'19 MAY 20 P 4:53

SENATE

S. B. No. 2224

RECEIVED

Introduced By **Senator Ana Theresia "Risa" Hontiveros-Baraquel**

**AN ACT PROTECTING CHILDREN BY PROHIBITING AND DECLARING
CHILD MARRIAGE AS ILLEGAL, AND IMPOSING PENALTIES THEREOF**

EXPLANATORY NOTE

The issue of child marriage has been addressed in numerous international conventions and agreements. For instance, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), states that 'the betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age of marriage'. The Philippines' signing and subsequent ratification of CEDAW underlines its commitment to the country's women and girls.

A 2017 UNICEF report on the State of the World's Children disclosed that 15% of Filipino girls were married before their 18th birthday and 2% of girls before the age of 15 are married. More worrying is the fact that the country has the 12th highest absolute number of child brides around the world, which is estimated to be at 726,000¹. Some of these brides were discovered to have entered marriage through commercial sex and sex trafficking as well as the infamous mail-order bride industry (ibid). The intergenerational nature of poverty exacerbates the problem of child marriage and renders it necessary for these problems to be addressed at its roots.

The problem of child marriage is complicated but not unsolvable. Clear legislation, pro-children policies and multi-sectoral programs could address the problem and render the practice of child marriage obsolete. As such, the passage of this bill is earnestly sought.

Ana Theresia "Risa" Hontiveros-Baraquel

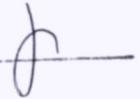
¹ <https://www.girlsnotbrides.org/child-marriage/philippines/>

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

1 **Section 1. Short title.** This Act shall be known as the "*Girls Not Brides Act of 2019*".

2 **Section 2. Declaration of State Policy.** The State recognizes the role of women and
3 children in nation building and shall therefore protect and promote their empowerment
4 which entails the abolition of the unequal structures and practices that perpetuate
5 discrimination and inequality.

6 The State affirms children's rights as part of women's rights and human rights and shall
7 intensify its efforts to fulfill its duties under the UN Convention on the Rights of Child
8 and the Special Protection of Children Against Child Abuse, Exploitation and
9 Discrimination Act to recognize, respect, protect, fulfill, and promote all human rights
10 and fundamental freedoms of women and children, especially the girls, in the economic,
11 social, political, cultural, and other fields.

12 **Section 3. Affirmation of the Principles of Human Rights of Women and**
13 **children.** - Human rights are universal and inalienable. Human rights are indivisible.
14 Human rights are inherent to the dignity of every human being regardless of age and
15 gender whether they relate to civil, cultural, economic, political, or social issues.
16

17 Child Marriage is an act of child abuse as it debases, degrades and demeans the intrinsic
18 worth and dignity of children under the Special Protection of Children Against Child
19 Abuse, Exploitation and Discrimination Act (RA 7610) It is likewise considered
20 discrimination relating to marriage and family relations sought to be eliminated by the
21 Convention on the Elimination of Discrimination Against Women (CEDAW).
22

23 The state affirms that marriage shall be entered into only with the free and full consent
24 of the intending spouses and that betrothal and child marriages shall have no legal
25 effect.
26

27 The state, through this law now eliminates child marriage to strictly enforce Articles 2-5
28 of the Family Code providing that marriage is entered into only with the free and full
29 consent of intending spouses who should be at least 18 years of age at the time of
30 marriage.
31

32 **Section 3. DEFINITION OF TERMS:**

33
34 **a. Children** - refers to persons below 18 years of age, or those unable to fully take
35 care of themselves or protect themselves from abuse, exploitation or

1 discrimination because of a physical or mental disability or condition as defined
2 by the Special Protection of Children Against Child Abuse, Exploitation and
3 Discrimination Act.

4 **b. Child Abuse** – refers to any act by deeds or words which debases, degrades or
5 demeans the intrinsic worth and dignity of a child as a human being; or any
6 circumstance which gravely threatens or endangers the life, survival, safety and
7 normal development of children as defined by the Special Protection of children
8 Against Child Abuse, Exploitation and Discrimination Act.

9 **c. Child Marriage** - any marriage entered into where one or both parties are
10 below 18 years of age or unable to fully take care or protect themselves because of
11 a physical or mental disability or condition, solemnized in civil, church or in any
12 recognized traditional, cultural or customary manner.

13 **d. Solemnizing officer** - any person authorized by law as defined in Article 7 of
14 the Family Code or recognized by reason of religion, tradition, culture or
15 customs, to solemnize marriage.

16 **e. Parents and guardians** - refer to biological parents or those legally adopting
17 parents. Guardians refer to relatives taking custody of the child or minor in the
18 absence of the parents; or anyone to whom a child or minor was given or left for
19 care or custody.

20 **Section 4. Facilitation of child marriage.** Any person, who causes, fixes, facilitates
21 or arranges a child marriage shall be considered as responsible for “Acts of neglect,
22 abuse, cruelty or exploitation, and other conditions prejudicial to the child’s
23 development”, as punishable under Section 10 of Republic Act No. 7610. This penalty
24 shall also attach to an adult party in a child marriage, who has knowledge of the minor
25 status of the child-spouse.

26 **Section 5. Solemnization of child marriage.** Any person who officiated and
27 performed the formal rites of child marriage shall be considered as responsible for “Acts
28 of neglect, abuse, cruelty or exploitation, and other conditions prejudicial to the child’s
29 development”, as punishable under Section 10 of Republic Act No. 7610.

30 **Section 6. Child marriage as public crime.** The prohibited act of child marriage,
31 its facilitation and solemnization, are considered public crimes. These acts gravely
32 threaten and endanger the survival and normal development of children and can be
33 initiated by any concerned individual.

34 **Section 7. Legal Effect of Child Marriage.** Child Marriage is considered as void ab
35 initio, hence, the action for annulment of child marriage does not prescribe. The legal
36 effect of Child Marriage insofar as Support, Property Relations and Custody shall be
37 governed by Articles 50-55 of the Family Code.

38 **Section 8. Protective Custody.** A child-party to a child marriage shall be given
39 protective custody in accordance with the provisions of Republic Act No. 7610. The
40 court may likewise issue a protection order to protect her from the facilitators of child
41 marriage, which may include her parents or legal guardians.

42 **Section 9. Culture-sensitive programs and Services.** There shall be a
43 comprehensive care and welfare program to be formulated by the Department of Social
44 Welfare and Development in coordination with other government agencies identified
45 herein as duty-bearers and with the concerned CSOs and NGOs. This shall be made and
46 initiated by the DSWD within six (6) months from the effectivity of this Code to ensure
47 the over-all support, health and development of the children. The said program shall be
48 culturally-sensitive and shall take into account the specific needs of children of
49 indigenous cultural communities and children in Muslim communities.

50
51 **Section 10. Duty-Bearers and Responsibilities.** In order to prevent and
52 eventually end child marriages and protect the children from this form of abuse and

1 exploitation, the following government offices shall be responsible to take the necessary
2 actions:

3 **a. Department of Social Welfare and Development (DSWD)** - Shall take
4 the lead in the implementation of this Act and create programs that will address
5 the prevalence of child marriage and provide appropriate services to children
6 who were forced to enter into

7 child marriage. It shall ensure the information drive in the marriage as a form of abuse
8 and violence, its impacts and effects, there

9 and guardians; and include the same in its existing programs such as pre-marriage
10 counseling sessions, family development sessions, and parenting effectiveness seminar.

11 **b. Council for the Welfare of Children (CWC)** - Shall work closely with the
12 DSWD in strengthening policies to prohibit and end child marriage. It shall
13 include the advocacy to prevent child marriage in the Philippine plan of action to
14 end violence against children.

15 **c. Department of Justice (DOJ)** - Shall assume responsibility in ensuring that
16 the penal provisions of this Act are carried out and provide access to justice and
17 legal services to those who suffered the consequence of child marriage.

18 **d. Department of the Interior and Local Government (DILG)** - Shall
19 ensure that LGUS are monitoring the implementation of the law by maintaining a
20 Children's Desk in all PNP headquarters and Barangay offices through the
21 Local/Barangay Council for the Protection of Children.

22 **e. Department of Education (DepEd)** - Shall include the discussion on the
23 impact and effects of child marriage in the comprehensive sexuality education
24 curriculum.

25 **f. Department of Health (DOH)** - shall ensure access to health services for the
26 prevention of child marriage and services for boys and girls who experienced
27 child marriage.

28 **g. Family And Executive Courts' Judges** - must undergo trainings on the
29 impacts and effects of child marriage to the over-all health and development of
30 children and shall ensure strict application and implementation of the law

31 **h. Philippine Commission on Women (PCW)** - Shall integrate dissemination
32 of the provisions of this Act in programs on public awareness and behavior-
33 change communications.

34 **i. Commission on Human Rights (CHR)** - Shall monitor the implementation
35 of this Act as Gender Ombud and through its Child Rights Center/Desk.

36 **j. National Commission on Muslim Filipinos (NCMF)** - Shall include in its
37 program of action the awareness of Muslim communities on the impacts and
38 effects of child marriage in the over-all health and development of children,
39 ensure the implementation of this Act, and monitor and report cases of child
40 marriages in communities of jurisdiction.

41 **k. National Commission for Indigenous People (NCIP)** - Shall include in its
42 program of action, national conferences and gatherings the awareness of the
43 indigenous people communities on the impacts and effects of child marriage in
44 the over-all health and development of children, the provisions of this law;
45 ensure the implementation of this Act; monitor and report cases of child
46 marriages in the communities of jurisdiction,

47 **Sec. 11. Implementing Rules and Regulations.** Within ninety (90) days from the
48 effectivity of this Act, the Department of Social Welfare, The Department of Education
49 and the Department of Health in coordination with other concerned government
50 agencies and women and children organizations, shall promulgate the necessary rules
51 and regulations for the effective implementation of this Act. They shall likewise
52 incorporate the resources for programs and services in their Annual Budget.

1 **Sec. 12. Repealing Clause.** All other laws, decrees, executive orders, issuances, rules
2 and regulations or parts thereof inconsistent with the provisions of this Act are hereby
3 repealed or modified accordingly.

4 **Sec. 13. Effectivity.** This Act shall take effect fifteen (15) days after is complete
5 publication in the Official Gazette or in at least two (2) national papers of general
6 circulation.

7 **Approved,**
8