

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



'22 AUG 16 P 6 :24

SENATE
S.B. No. 1198

RECEIVED BY: _____

Introduced by **SENATOR IMEE R. MARCOS**

AN ACT
EXPANDING THE GROUNDS FOR LEGAL SEPARATION, AMENDING FOR
THIS PURPOSE CERTAIN PROVISIONS OF EXECUTIVE ORDER NO. 209 OR
THE "FAMILY CODE OF THE PHILIPPINES" AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Despite the lack of a divorce law in the Philippines and the difficulties of obtaining a civil or religious annulment, the modern reality is that growing number of Filipinos have effectively severed their marital ties and live outside of officially sanctioned conjugal unions.

This bill seeks to encompass this truth by expanding the grounds for the filing of a petition for legal separation under E.O. No. 209 otherwise known as *the "Family Code of the Philippines"*, such as the deprivation of financial support and causing of mental or emotional anguish, and ridicule or public humiliation to the petitioner or their common child, among others. Further, the unrealistic obligation to observe mutual love and support between spouses shall also be severed once separation is finalized. However, the obligation to the common children is explicitly stated, to be charged against the offending spouse.

For the welfare of the common children, justice for the aggrieved spouse, and future prospects of all family members, the passage of this bill is earnestly sought.

IMEE R. MARCOS

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

1 **SECTION 1.** *Declaration of Policy.* – It is the policy of the State to protect
2 the sanctity of marriage and, also, to promote the well-being of its citizens. In cases
3 where marriage becomes burdensome, abusive, or unhealthy, the State shall
4 endeavor to give viable options to individuals and the opportunity for them to start
5 over. The State, acting as *parens patriae*, likewise puts primordial importance to the
6 best interest of the children, who shall be saved from having to witness countless
7 disagreements, and from possible abusive conduct and emotional abuse from the
8 same people who should be taking care of the children.

9
10 **SEC 2.** *Grounds for Legal Separation.* – Article 55 of E.O. No. 209, otherwise
11 known as the "Family Code of the Philippines", is hereby amended to read, as
12 follows:

13
14 "Art. 55. A petition for legal separation may be filed on any of the
15 following

16 grounds:

17 (1) ~~[Repeated]~~ **ACTUAL OR THREATENED P**[p]hysical violence or
18 grossly abusive conduct directed against the petitioner, a common child,
19 or a child of the petitioner:

20 (2) xxx

21 (3) xxx

22 (4) xxx

23 (5) Drug addiction or ~~[habitual]~~ alcoholism of the respondent;

24 (6) xxx

1 (7) xxx
2 (8) xxx
3 (9) xxx; or
4 (10) Abandonment of petitioner by respondent without justifiable cause
5 than one year [.];

6 **(11) DEPRIVING OR THREATENING TO DEPRIVE THE**
7 **PETITIONER OR THEIR COMMON CHILDREN OF FINANCIAL**
8 **SUPPORT LEGALLY DUE HIM/HER FAMILY, OR DELIBERATELY**
9 **PROVIDING THE PETITIONER'S CHILDREN INSUFFICIENT**
10 **FINANCIAL SUPPORT;**

11 **(12) DEPRIVING OR THREATENING TO DEPRIVE THE**
12 **PETITIONER OR HIS/HER CHILD OF A LEGAL RIGHT;**

13 **(13) INFLICTING OR THREATENING TO INFLICT PHYSICAL HARM**
14 **ON ONESELF FOR THE PURPOSE OF CONTROLLING THE**
15 **PETITIONER'S ACTIONS OR DECISIONS;**

16 **(14) ENGAGING IN PURPOSEFUL, KNOWING, OR RECKLESS**
17 **CONDUCT, PERSONALLY OR THROUGH ANOTHER, THAT ALARMS**
18 **OR CAUSES SUBSTANTIAL EMOTIONAL OR PSYCHOLOGICAL**
19 **DISTRESS TO THE PETITIONER OR HIS/HER CHILD; AND**

20 **(15) CAUSING MENTAL OR EMOTIONAL ANGUISH, PUBLIC**
21 **RIDICULE OR HUMILIATION TO THE PETITIONER OR HIS/HER**
22 **CHILD, INCLUDING, BUT NOT LIMITED TO, REPEATED VERBAL**
23 **AND EMOTIONAL ABUSE, AND DENIAL OF FINANCIAL SUPPORT**
24 **OR CUSTODY OF MINOR CHILDREN OF ACCESS TO THE**
25 **PETITIONER'S CHILD/CHILDREN."**

26
27 **SEC. 3.** A new Article shall be added in E.O. No. 209 to be read, as follows:

28
29 **"ART. 56. PREFERENCE GIVEN TO OVERSEAS FILIPINO WORKERS**
30 **(OFWS). – PETITIONERS WHO ARE OFWS SHALL BE GIVEN**
31 **PREFERENCE BY THE COMPETENT COURT WITH RESPECT TO THE**
32 **HEARING OF THEIR PETITIONS AND THE COURT SHALL SET THE**
33 **RECEPTION OF EVIDENCE, UPON THE AVAILABILITY OF THE**
34 **PETITIONERS, FOR NOT MORE THAN TWO (2) CONSECUTIVE**
35 **DAYS."**

36
37 **SEC. 4.** *Effects of Legal Separation.* – Article 63 of the E.O. No. 209, otherwise
38 known as the "Family Code of the Philippines", is hereby amended to read as follows:

39
40 "Art. 63. The decree of legal separation shall have the following effects:

41 (1) The spouses shall be entitled to live separately from each other [~~but~~
42 ~~the marriage bonds shall not be severed~~];

1 (2) The absolute community or the conjugal partnership shall be dissolved
2 and liquidated but the offending spouse shall have no right to any share of
3 the net profits earned by the absolute community or the conjugal
4 partnership, which shall be forfeited in accordance with the provisions of
5 Article 43(2);

6 (3) The custody of the minor children shall be awarded to the innocent
7 spouse, **WITHOUT PREJUDICE TO THE VISITORIAL AND OTHER**
8 **RIGHTS OF THE ERRING SPOUSE, AND** subject to the provisions of
9 Article 213 of this Code; and

10 (4) The offending spouse shall be disqualified from inheriting from the
11 innocent spouse by intestate succession **BUT SHALL NOT AFFECT THE**
12 **RIGHT OF THE COMMON CHILDREN TO INHERIT FROM THE**
13 **OFFENDING SPOUSE.** Moreover, provisions in favor of the offending
14 spouse made in the will of the innocent spouse shall be revoked by
15 operation of law. (106a)"

16
17 **FURTHER, THE RIGHTS AND OBLIGATIONS BETWEEN HUSBAND**
18 **AND WIFE UNDER TITLE III OF E.O. NO. 209 OR THE "FAMILY**
19 **CODE OF THE PHILIPPINES" SHALL BE SEVERED UPON FINALITY**
20 **OF THE PETITION FOR LEGAL SEPARATION, WITHOUT**
21 **PREJUDICE TO THE OBLIGATION OF THE ERRING SPOUSE TO**
22 **SUPPORT THE INNOCENT SPOUSE AND THEIR COMMON**
23 **CHILDREN, IN ACCORDANCE WITH ARTICLES 194 AND 195,**
24 **TITLE VIII OF THE SAME CODE."**

25
26 **SEC. 5.** All articles in E.O. No. 209 shall be renumbered accordingly.

27
28 **SEC. 6. Separability Clause.** – If, for any reason, any section or provisions
29 of this Act is declared unconstitutional or invalid, the other sections or
30 provisions not affected thereby shall remain in full force and effect.

31
32 **SEC. 7. Repealing Clause.** – All other laws, decrees, executive orders,
33 issuances, rules and regulations, or part thereof inconsistent with this Act are
34 hereby likewise repealed or amended accordingly.

35
36 **SEC. 8. Effectivity.** – This Act shall take effect after fifteen (15) days
37 following the completion of its publication either in the Official Gazette or in a
38 newspaper of general circulation in the Philippines.

Approved,