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SENATE

S.B. No. 2225

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Introduced by Senator Loren Legarda

EXPLANATORY NOTE

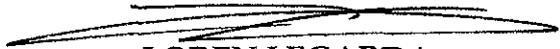
Executive Order No. 209 (E.O. No. 209), otherwise known as The Family Code of the Philippines, currently lists (1) lack of parental consent, (2) insanity, (3) fraud, (4) force, intimidation, or undue influence, (5) impotence, and (6) sexually transmissible diseases as valid causes for annulment, yet all allegations therefor are subject to court investigations. Parties seeking annulment thus require legal counsel for assistance in filing petitions and substantiating claims. Hence, annulment is widely considered a lengthy, tedious, and financially exhaustive procedure.

Despite its high cost in funds and time, many Filipinos still pursue annulment since it severs a union while allowing remarriage. The most recent records from the Office of the Solicitor General (OSG) attest to an increasing number of annulment cases in the Philippines. A total of 10,528 annulment cases were filed with the OSG last 2012, as opposed to the 9,133 filed in 2011. These figures present an opportunity to dispense with the backlog of cases and culture of delay besieging lower courts.

This bill addresses such concerns by providing an additional ground for annulment under Title I, Chapter 3 of E.O. No. 209. Given that both parties mutually seek the annulment and can furnish documents proving a separation period of at least 5 years, no judgment on the pleadings, summary judgment, or confession of judgment shall be necessary. The separation period is crucial as the ultimate expression of the couple's desire for an annulment.

This amendment likewise caters to those who cannot afford legal services by making litigation as simple and expedient as possible.

In view of the foregoing, the early passage of this bill is earnestly requested.


LOREN LEGARDA
Senator

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



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AN ACT
AMENDING TITLE I, CHAPTER 3, OF EXECUTIVE ORDER NO. 209, OTHERWISE
KNOWN AS THE FAMILY CODE OF THE PHILIPPINES, PRESCRIBING AN
ADDITIONAL GROUND FOR ANNULMENT

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

SECTION 1. Title I, Chapter 3 of Executive Order No. 209, otherwise known as The Family
Code of the Philippines, is hereby amended to read as follows:

"TITLE I. MARRIAGE—

CHAPTER 3. VOID AND VOIDABLE MARRIAGES—

Art. 45 -A. A marriage may also be annulled if the parties have been separated in fact
for at least five years.

On this ground, both parties may mutually seek for the annulment, and while no
judgment on the pleadings, summary judgment, or confession of judgment shall be
allowed, the parties shall both be required as far as practicable to present affidavits or
certifications from parents, children of legal age, and other relatives attesting to the fact
of the separation period without prejudice to whatever documents the court may
further require.

If either or both parties are indigent or cannot afford the services of lawyers, the court
shall dispense with the need for lawyers and keep the processes as simple and as
expediently as possible to avoid tedious and expensive litigation proceedings.

In cases where both parties mutually seek the annulment on this ground, the court
shall likewise find ways to expedite the proceedings to avoid protracted and expensive
trials."

SEC. 2. Separability Clause. - If any provision or part thereof is held invalid or
unconstitutional, the remainder of the law or the provisions not otherwise affected shall
remain valid and subsisting.

SEC. 3. Repealing Clause. - All laws, rules and regulations or parts thereof, inconsistent with
the provisions of this Act, are hereby repealed or modified accordingly.

SEC. 4. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,