

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

**SEVENTEENTH CONGRESS**  
First Regular Session

House Bill No. 3705



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Introduced by  
**HON. YEDDA MARIE K. ROMUALDEZ**

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### 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.

The Family Code of the Philippines recognizes as valid a marriage solemnized under the laws of the Church. If marriages so solemnized are recognized by the State, it is only proper that the very church that solemnized the marriage should also have the power to rule that attendant infirmity that rendered a marriage null, and its effects binding on the State. This is also same to all other established churches and religions.

In fact, it is noteworthy that Presidential Decree 1083 has incorporated aspects of the Shari'ah as part of Philippine law, therefore, nullity as well as divorce, according to the Qur'an have effects for the State as well. Under the principle of equality before the law, if a Muslim divorce is recognized, there can be no serious objections towards the recognition of the civil effects of a marriage by an established and duly recognized religious denomination.

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



**Rep. YEDDA MARIE K. ROMUALDEZ**  
Representative, First District of Leyte

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16 AN ACT RECOGNIZING THE CIVIL EFFECTS OF CHURCH  
17 DECLARATION OF NULLITY, ANNULMENT AND DISSOLUTION OF  
18 MARRIAGES AND FOR OTHER PURPOSES  
19

20  
21 *Be it enacted by the Senate and the House of the Representatives of*  
22 *the Philippines in Congress assembled:*  
23

24 **Section 1.**— This Act shall be known as the "Church Annulments Act of  
25 2016".  
26

27 **Section 2.** Whenever a marriage, duly and legally solemnized by a  
28 priest, minister, imam, rabbi or presiding elder of an established church or  
29 religion in the Philippines is subsequently annulled or dissolved in a final  
30 judgment or decree by the said church or religion, in accordance with the  
31 canons and precepts of the latter, the said declaration of nullity, annulment or  
32 dissolution shall be recognized and given full force and effect in the  
33 Philippines.  
34

35 **Section 3.** The final judgment or decree of declaration of nullity,  
36 annulment or dissolution referred to in the next-preceding section shall be  
37 recognized and recorded in the appropriate civil registry, within thirty (30)  
38 days from issuance of the said final judgment or decree of declaration of  
39 nullity, annulment or dissolution.

1           **Section 4.** Once a final judgment or decree of declaration of nullity,  
2 annulment or dissolution is obtained from an established church or religion  
3 and duly recognized and recorded in the appropriate civil registry, thereupon  
4 either of the spouses shall acquire the capacity to marry under Philippine law.  
5

6           For purposes of securing a marriage license, the spouse involved must  
7 present a certified true copy of the said final judgment or decree of declaration  
8 of nullity, annulment or dissolution registered with the appropriate civil  
9 registry.  
10

11           **Section 5.** The full effects of the annulment of marriage provided for by  
12 the Family Code of the Philippines shall apply after the final judgment or  
13 decree of declaration of nullity, annulment or dissolution of a previous  
14 marriage by an established church or religion has been registered with the  
15 appropriate civil registry: *Provided*, when not detailed or specified in the said  
16 final judgment or decree of declaration of nullity, annulment or dissolution, the  
17 spouses may likewise submit for adjudication before the court the dissolution  
18 of the conjugal partnership and division of assets among the spouses and  
19 their children, the rights to receive support as well as custody of and visitation  
20 to as well as the legitimate status of their children.  
21

22           **Section 6.** All laws, decrees, executive orders, rules and regulations  
23 or parts thereof inconsistent with or contrary to the provisions of this Act are  
24 hereby repealed or modified accordingly.  
25

26           **Section 7.** If any part or provision of this Act is held unconstitutional or  
27 invalid, other parts or provisions hereof which are not affected shall continue  
28 to remain in full force and effect.  
29

30           **Section 8.** This Act shall take effect fifteen (15) days following  
31 completion of its publication in the Official Gazette and in at least two (2)  
32 newspapers of general circulation.