

SEVENTEENTH CONGRESS  
CONGRESS OF THE PHILIPPINES  
Second Regular Session  
HOUSE OF REPRESENTATIVES



**6446**

House Bill No. \_\_\_\_\_

---

Introduced by REPRESENTATIVE PIA S. CAYETANO

---

**EXPLANATORY NOTE**

Articles 13 and 26 of Executive Order No. 209, otherwise known as the Family Code of the Philippines, provide that if a Filipino citizen who marries a foreign spouse is divorced by his/her spouse, he/she may only re-marry if the foreign spouse is capacitated to re-marry.

This bill seeks to eliminate this undue prejudice against our own citizens by eliminating the need for judicial recognition and enforcement and capacitating them to re-marry upon acquisition of a foreign judicial decree of foreign divorce duly authenticated by the Philippine consul in the country where the decree was obtained.

During the hearing of the Senate Committee on Children, Women, Family Relations, and Gender Equality in the 16<sup>th</sup> Congress on this bill, which the undersigned has chaired, the Philippine Commission on Women argued that this measure is a tool for women empowerment as it will primarily benefit Filipinas. Citing statistics from the Commission on Filipino Overseas, they reported that 91 per cent of spouses of foreign nationals are women. In the same hearing, the Philippine Statistics Authority manifested its support for the passage of this bill noting that this will solve the problem of many Filipinas who, under our law are still considered married to their alien husbands even after the latter have already filed a divorce under their own law and perhaps, have already re-married.

It is for these reasons that the urgent passage of the bill is recommended.

  
**PIA S. CAYETANO**  
2<sup>nd</sup> District, City of Taguig

SEVENTEENTH CONGRESS  
CONGRESS OF THE PHILIPPINES  
Second Regular Session  
HOUSE OF REPRESENTATIVES

House Bill No. 6446

---

Introduced by REPRESENTATIVE PIA S. CAYETANO

---

AN ACT  
RECOGNIZING THE CAPACITY OF THE FILIPINO SPOUSE TO REMARRY  
WHEN THE ALIEN SPOUSE HAS OBTAINED A FOREIGN JUDICIAL  
DECREE OF ABSOLUTE DIVORCE, AMENDING FOR THE PURPOSE  
EXECUTIVE ORDER NO. 209, OTHERWISE KNOWN AS THE FAMILY CODE  
OF THE PHILIPPINES

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

1 **SECTION 1.** Article 13 of Executive Order No. 209, otherwise known as the  
2 Family Code of the Philippines, is hereby amended to read as follows:

3 **Art. 13.** In case either of the contracting parties has been previously  
4 married, the applicant shall be required to furnish, instead of the birth  
5 or baptismal certificate required in the last preceding article, the  
6 death certificate of the deceased spouse or the judicial decree of the  
7 absolute divorce **OBTAINED BY THE ALIEN SPOUSE DULY**  
8 **AUTHENTICATED BY THE PHILIPPINE CONSUL IN THE**  
9 **COUNTRY WHERE THE DECREE WAS OBTAINED,** or the judicial  
10 decree of annulment or declaration of nullity of his or her previous  
11 marriage.

12 **THE FILIPINO SPOUSE NEED NOT SEEK JUDICIAL**  
13 **RECOGNITION OR ENFORCEMENT OF THE FOREIGN JUDICIAL**  
14 **DECREE OF ABSOLUTE DIVORCE AND ITS REGISTRATION BY**  
15 **THE CIVIL REGISTRAR SHALL BE SUFFICIENT FOR THE**  
16 **ISSUANCE OF A MARRIAGE LICENSE.**

17 In case the death certificate cannot be secured, the party shall make  
18 an affidavit setting forth this circumstance and his or her actual civil  
19 status and the name and date of death of the deceased spouse.

1 SEC. 2. Article 26 of Executive Order No. 209 is hereby amended to read as  
2 follows:

3 **Art. 26.** All marriages solemnized outside the Philippines, in  
4 accordance with the laws in force in the country where they were  
5 solemnized, and valid there as such, shall also be valid in this country,  
6 except those prohibited under Articles 35 (1), (4), (5) and (6), 36, 37  
7 and 38,. (17a)

8 Where a marriage between a Filipino citizen and a foreigner is validly  
9 celebrated and a divorce is thereafter validly obtained abroad by the  
10 alien spouse [**capacitating him or her to remarry**], the Filipino  
11 spouse shall have capacity to remarry under Philippine law.

12 **SEC. 3.** Repealing Clause. - All laws, orders, decrees, rules and regulations, and  
13 other parts thereof inconsistent with the provisions of this Act are hereby  
14 repealed, amended or modified accordingly.

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

*Approved,*