

HOUSE OF REPRESENTATIVES

H. No. 9943

BY REPRESENTATIVES HERRERA-DY, LAGMAN, VARGAS, LACSON-NOEL, TAMBUNTING, FORTUN, LIMKAICHONG, ACOSTA-ALBA, RIVERA, VILLANUEVA (E.), ROMAN, ROMUALDEZ (Y.M.), VERGARA, MARIANO-HERNANDEZ, TAN (A.S.), NAVA, ARROYO, RADAZA, BROSAS, SAULOG, ELAGO, ARAGONES, TALLADO, BARONDA, LOYOLA AND CASTELO, PER COMMITTEE REPORT NO. 1114

**AN ACT
PROHIBITING THE PRACTICE OF CHILD MARRIAGE AND IMPOSING
PENALTIES FOR VIOLATIONS THEREOF**

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

- 1 **SECTION 1.** *Declaration of State Policy.* – Consistent with Section 13,
2 Article II of the Philippine Constitution, the State recognizes the vital role of the
3 youth in nation-building and promotes and protects their physical, moral,
4 spiritual, intellectual, and social well-being. In the pursuit of this policy, the State
5 shall abolish all traditional and cultural practices and structures that perpetuate
6 discrimination, abuse, and exploitation of children such as the practice of child
7 marriage.

1 The State affirms the human rights of children and shall intensify its
2 compliance with relevant obligations under (1) International conventions of
3 which the Philippines is a State Party which include the (a) Universal
4 Declaration of Human Rights; (b) Convention on Consent to Marriage, Minimum
5 Age for Marriage and Registration of Marriages; (c) UN Convention on the
6 Rights of a Child; (d) Convention on the Elimination of All Forms of
7 Discrimination against Women (CEDAW); (e) Optional Protocol on the Sale of
8 Children, Child Prostitution and Child Pornography; and (f) Protocol to Prevent,
9 Suppress and Punish Trafficking in Persons, Especially Women and Children;
10 and (2) Domestic laws like Republic Act 7610 on “Special Protection of
11 Children Against Child Abuse, Exploitation and Discrimination.”

12 The State affirms that marriage shall be entered into only with the free
13 and full consent of capacitated parties, and child betrothal and marriage shall
14 have no legal effect.

15 Pursuant to these policies, the State thus views child marriage as a
16 practice constituting child abuse because it debases, degrades, and demeans
17 the intrinsic worth and dignity of children.

18 **SEC. 2. *Definition of Terms.*** – As used in this Act:

19 (a) *Child* refers to any human being under eighteen (18) years of age as
20 defined by the Convention on the Rights of a Child, or any person over eighteen
21 (18) years of age who is unable to fully take care and protect oneself from
22 abuse, neglect, cruelty, exploitation or discrimination because of a physical or
23 mental disability or condition as defined under Republic Act No. 7610.

24 (b) *Child marriage* refers to a formal marriage between children under
25 eighteen (18) years of age, and between an adult and a child. It is a form of

1 forced marriage, given that one or both parties have not expressed full, free,
2 and informed consent. It shall include an informal union or cohabitation outside
3 of wedlock between an adult and a child, or between children.

4 (c) *Guardians* refer to relatives taking custody of a child in the absence
5 of the parents, or anyone to whom a child is given or left for care or custody or
6 a person judicially appointed by a competent court as guardian.

7 (d) *Parents* refer to biological parents or adoptive parents.

8 (e) *Solemnizing officer* refers to any person authorized to officiate a
9 marriage under Executive Order No. 209 or the “Family Code of the Philippines”
10 or recognized to celebrate marriages by reason of religion, tradition, or
11 customs.

12 **SEC. 3. Unlawful Acts.** – The following are declared unlawful and
13 prohibited acts:

14 (a) **Facilitation of Child Marriage.** – Any person who causes, fixes,
15 facilitates, or arranges a child marriage shall suffer the penalty of
16 *prision mayor* in its medium period or a fine of not less than Forty
17 thousand pesos (Php 40,000.00): *Provided, however,* That should
18 the perpetrator be an ascendant, parent, adoptive parent, step
19 parent, or guardian of the child, the penalty shall be *prision mayor* in
20 its maximum period, a fine of not less than Fifty thousand pesos (Php
21 50,000.00), and perpetual loss of parental authority;

22 (b) **Solemnization of Child Marriage.** – Any person who performs or
23 officiates a child marriage shall suffer the penalty of *prision mayor* in
24 its maximum period and a fine of not less than Fifty thousand pesos

1 (Php 50,000.00), in addition to perpetual disqualification from office
2 if the person is a public officer.

3 (c) Cohabitation of an Adult with a Child Outside Wedlock. – An adult
4 partner who cohabits with a child outside wedlock shall suffer the
5 penalty of *prision mayor* in its maximum period and a fine of not less
6 than Fifty thousand pesos (Php 50,000.00), in addition to perpetual
7 disqualification from appointive or elective office.

8 **SEC. 4. Public Crimes.** – The foregoing unlawful and prohibited acts are
9 deemed public crimes and can be initiated by any concerned person.

10 **SEC. 5. Legal Effect of a Child Marriage.** – Child marriage is void *ab*
11 *initio*, and the action or defense for the declaration of absolute nullity of a child
12 marriage shall not prescribe in accordance with Articles 35 and 39 of the Family
13 Code of the Philippines. Articles 50 to 54 of the Family Code of the Philippines
14 shall govern on matters of support, property relations, and custody of children
15 after the termination of the child marriage.

16 **SEC. 6. Enabling Social Environment.** – To reinforce the prohibition and
17 criminalization of child marriage, the government shall create an enabling social
18 environment where the practice of child marriage shall not thrive, and for such
19 purpose, the following policies shall be implemented, particularly for girls: (a)
20 empowerment of children through the provision of information, skills and
21 support networks; (b) enhancement of children’s access to and completion of
22 quality education; (c) provision of economic support and incentives to children
23 and their families; and (d) application of strategic interventions to influence and
24 empower parents and community leaders to discourage and eradicate the
25 practice of child marriage.

1 **SEC. 7. *Implementing Government Agencies.*** – The provisions of this
2 Act shall be fully and promptly implemented by the following government
3 departments and agencies within their respective jurisdictions: (a) Department
4 of Social Welfare and Development (DSWD) as lead agency; (b) Council for the
5 Welfare of Children; (c) Department of Health (DOH); (d) Department of
6 Education (DepEd); (e) Department of the Interior and Local Government; (f)
7 Department of Justice; (g) National Economic and Development Authority; (h)
8 Commission on Population and Development; (i) Philippine Commission on
9 Women; (j) Commission on Human Rights; (k) National Commission on Muslim
10 Filipinos; and (l) National Commission on Indigenous Peoples.

11 **SEC. 8. *Participation of Women, Girls, Youth Organizations, and Civil***
12 ***Society Organizations.*** – Implementing government agencies shall assure the
13 continuing consultation with and active participation of women, girls, and youth
14 organizations as well as civil society organizations in the enforcement of this
15 Act.

16 **SEC. 9. *Implementing Rules and Regulations.*** – Within sixty (60) days
17 from the effectivity of this Act, the DSWD as lead agency shall, in coordination
18 and consultation with the DOH, the DepEd and other concerned government
19 agencies, as well as women, girls, and youth organizations, and civil society
20 organizations, promulgate rules and regulations to implement this Act.

21 **SEC. 10. *Repealing Clause.*** – All laws, decrees, executive orders,
22 issuances, rules and regulations, or parts thereof inconsistent with the
23 provisions of this Act are hereby repealed or modified accordingly.

1 **SEC. 11. Effectivity.** – This Act shall take effect within fifteen (15) days
2 after its publication in the *Official Gazette* or in a newspaper of general
3 circulation.

Approved,